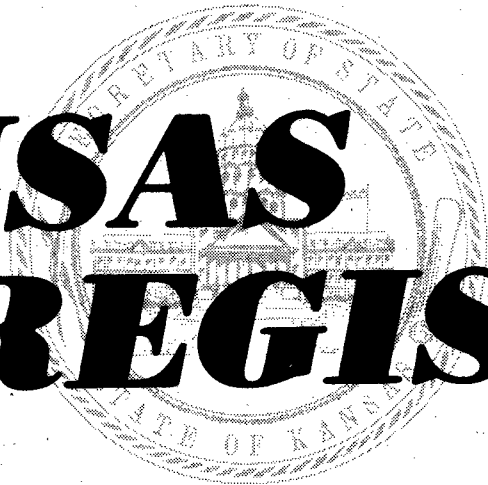


KANSAS REGISTER



State of Kansas

BILL GRAVES
Secretary of State

Vol. 6, No. 7

February 12, 1987

Pages 161-200

IN THIS ISSUE	Page
Department of Revenue	
Request for Bids for an Oil and Gas Lease	162
Notice of Bond Redemption	
City of Bennington	162
State Banking Board	
Notice of Meeting	163
State Board of Agriculture—Division of Water Resources	
Notice of Hearing	163
State Park and Resources Authority	
Notice of Meeting	163
Attorney General	
Opinions No. 87-16 through 87-18	163
Kansas Insurance Department	
Notice of Hearing	164
Department of Administration	
Notice of Commencement of Negotiations for Architectural Services	164
Department of Transportation	
Notice to Consulting Engineers	164
Department of Education	
Request for Proposals Concerning Adult Basic Education	164
Executive Appointments	165
Legislative Bills Introduced January 29-February 4	165
Supreme Court Docket	168
Northwest Kansas Groundwater Management District No. 4	
Notice of Meeting and Hearing	172
Notice to Bidders for State Purchases	172
Permanent Administrative Regulations	
State Park and Resources Authority	173
Department of Human Resources—Labor Board of Review	174
Department of Transportation	175
State Board of Accountancy	175
State Board of Pharmacy	177
State Conservation Commission	178
Department of Administration	180
Mined-Land Conservation and Reclamation Board	192
Kansas Parole Board	192
Department on Aging	194

State of Kansas

DEPARTMENT OF REVENUE

REQUEST FOR BIDS FOR
AN OIL AND GAS LEASE

The Director of Taxation will receive bids for the leasing of oil and gas rights in and to the portion of the Arkansas Riverbed, the property of the state of Kansas, described as follows:

That portion of the Arkansas River as it meanders thru Section 12, Township 27 S, Range 21 W., Ford County, Kansas; containing 64.20 acres, more or less.

The bidding will be considered upon the amount of bonus annual rental and the amount of royalty to be paid. Due to the cost of processing, no bids will be accepted for less than \$100 on small tracts of less than 100 acres.

Bids should be submitted upon forms obtained from the Director of Taxation, 3rd Floor, Docking State Office Building, Sand and Oil Lease Section, Topeka 66612.

Lease should be made on form 88—(Producers) Kansas, Oklahoma, Colorado, 1956 Rev. W. for a term of five years. The successful bidder pays publication costs.

Bids will be opened at 2 p.m. March 16 at the office of the Director of Taxation.

The Director of Taxation reserves the right to reject any and all bids and to readvertise.

CAROL B. BONEBRAKE
Director of Taxation

Doc. No. 005046

(Published in the KANSAS REGISTER, February 12, 1987.)

NOTICE OF REDEMPTION
CITY OF BENNINGTON
INDUSTRIAL REVENUE BONDS
SERIES 1977
(TRI-RIVER CABLE, INC.),
DATED SEPTEMBER 15, 1977

Notice is hereby given that pursuant to provisions of Section 3 of Ordinance No. 207 of the city of Bennington, Kansas, all bonds of the above series of bonds outstanding (Nos. 32-65 inclusive) will become due and will be redeemed and paid on March 15, 1987 at the redemption price of 101 percent of the principal amount thereof, together with accrued interest to March 15, 1987, at the office of the Bennington State Bank, 104 W. Washington, P.O. Box 308, Bennington, KS 67422. The above bonds should be presented for such redemption on that date with all coupons due March 15, 1987, to maturity attached.

As of January 1, 1984 under federal law, we are required to withhold 20 percent of any payments to holders who fail to provide a certified taxpayer identification number or social security number (as appropriate) on or before the date bonds are presented by them directly to the paying agent for redemption. Holders will also be subject to a penalty of \$50 for such failure.

From and after March 15, 1987, interest on the bonds called for redemption will cease to accrue.

Dated February 2, 1987.

By the Bennington State Bank
Bennington, Kansas, Trustee

Doc. No. 005037

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$47.50. Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS. ISSN No. 0744-2254.

Postmaster. Send change of address form to *Kansas Register*, Secretary of State, State Capitol, Topeka, KS 66612-1594.

© Kansas Secretary of State 1987. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

PUBLISHED BY
BILL GRAVES
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas

**STATE BANK COMMISSIONER
STATE BANKING BOARD**

NOTICE OF MEETING

The State Banking Board will meet at 10 a.m. Monday, February 16, in the conference room of the State Banking Department, 700 Jackson, Suite 300, Topeka. The board reviews matters relating to its supervisory authority set forth in K.S.A. 9-1801 *et seq.*

EUGENE T. BARRETT, JR.
State Bank Commissioner

Doc. No. 005027

State of Kansas

**BOARD OF AGRICULTURE
DIVISION OF WATER RESOURCES**

NOTICE OF HEARING

A public hearing will be held at 7 p.m. Wednesday, March 11, in the Little Theater at the Lyons High School, 601 E. American Road, Lyons, at which time all interested parties will have an opportunity to be heard regarding a petition by the Big Bend Groundwater Management District No. 5 to expand the district's northeastern boundary to include the following territory:

All of Sections 7, 17, 18 of Township 20 South, Range 7 West, Rice County, Kansas

All of Sections 33, 34, 35 of Township 19 South, Range 8 West, Rice County, Kansas

All of Sections 1, 2, 3, 4, 10, 11, 12, 13 of Township 20 South, Range 8 West, Rice County, Kansas.

This hearing is being held under the authority of K.S.A. 82a-1033.

All interested persons may attend the hearing and will be given an opportunity to express comments either orally or in writing, or both. Those persons unable to attend may submit written comments to the office of the Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture, 109 S.W. 9th, Suite 202, Topeka 66612-1283, by March 4. If you intend to present testimony in person at the hearing, prior notice would be helpful in arranging the agenda.

DAVID L. POPE, P.E.
Chief Engineer
Division of Water Resources

Doc. No. 005043

State of Kansas

PARK AND RESOURCES AUTHORITY

NOTICE OF MEETING

The State Park and Resources Authority will meet at 9 a.m. Tuesday, February 17, in Room 502, Landon State Office Building, 900 Jackson, Topeka. The meeting is open to the public.

LYNN BURRIS, JR.
Director

Doc. No. 005048

State of Kansas

ATTORNEY GENERAL

Opinion No. 87-16

Constitution of the State of Kansas—Miscellaneous—Multi-State Lotteries. Senator Edward F. Reilly, Jr., 3rd District, Topeka, January 29, 1987.

The constitutional provisions allowing for a state owned and operated lottery would allow the state to enter into an agreement to provide a multi-state lottery. Cited herein: Kan. Const., Art. 2, § 30; Art. 15, § 3c; L. 1986, ch. 414. BLB

Opinion No. 87-17

Cities and Municipalities—Cemeteries—Revestment of Title to Lots; Procedure. David Retter, Concordia City Attorney, Concordia, February 3, 1987.

Under the procedure prescribed in subsection (b)(5) of K.S.A. 12-1440, an action in district court is necessary in order to vest title to abandoned cemetery lots in the governing body of the cemetery. Cited herein: K.S.A. 12-1440. TRH

Opinion No. 87-18

Grain and Forage—Inspecting, Sampling, Storing, Weighing and Grading Grain; Terminal and Local Warehouses—Warehouse Bonds. Senator Jim Allen, 11th District, Ottawa, February 3, 1987.

K.S.A. 34-229 was amended by 1986 Senate Bill No. 518 to make grain warehouse bonds nonaccumulative. Thus, Kansas has joined the majority of the states and the federal government in disallowing the "stacking" of bonds. Cited herein: K.S.A. 34-229; L. 1986, ch. 153, § 1. TL

ROBERT T. STEPHAN
Attorney General

Doc. No. 005042

State of Kansas

KANSAS INSURANCE DEPARTMENT**NOTICE OF HEARING**

A formal hearing will be held at 1 p.m. Wednesday, February 25, in the offices of the Kansas Commissioner of Insurance, 420 S.W. 9th, Topeka, to determine whether the application for the proposed acquisition of control of Pioneer National Corporation and its subsidiary, Pioneer National Life Insurance Company, Overland Park, by Security Benefit Group, Inc. and Security Benefit Life Insurance Company, Topeka, should be approved by the Commissioner of Insurance in accordance with the provisions of K.S.A. 40-3301 *et seq.*

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

FLETCHER BELL
Commissioner of Insurance

Doc. No. 005041

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES****NOTICE OF COMMENCEMENT
OF NEGOTIATIONS FOR
ARCHITECTURAL SERVICES**

Notice is hereby given of the commencement of negotiations for a contract for architectural services for a development plan and an addition (Phase I) to the Law Enforcement Training Center for the University of Kansas at Hutchinson. The long-range development plan is estimated to cost \$3.6 million and to be implemented during the next seven years. The estimated construction cost for Phase I is \$400,000.

In order to be considered, individuals or firms must be on file with the Division of Architectural Services. Any architect or architectural firm not on file but having a Kansas office staffed by one or more architects licensed by the State Board of Technical Professions may contact Jack Nelson, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, to achieve eligibility. All expressions of interest must be received by February 27, and only eligible individuals or firms will be considered.

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

Doc. No. 005040

State of Kansas

DEPARTMENT OF TRANSPORTATION**NOTICE TO CONSULTING ENGINEERS**

The Kansas Department of Transportation is seeking a qualified engineering firm for plan production for the following project:

Hodgeman—283-42 K-3030-01—replace curb and gutter, sidewalks and entrances through Jetmore; mill and replace 3" of bituminous surface on the south 2,200 feet.

Firms expressing interest in this project must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already pre-qualified) by March 5.

It is the policy of the K.D.O.T. to use the following criteria as the basis for selection of engineering consultant firms:

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

HORRACE B. EDWARDS
Secretary of Transportation

Doc. No. 005036

State of Kansas

DEPARTMENT OF EDUCATION**REQUEST FOR PROPOSALS CONCERNING
ADULT BASIC EDUCATION**

Pursuant to Section 310 of the Adult Education Act (P.L. 91-230), as amended by the Educational Amendments of 1984 (P.L. 98-511), the Kansas State Department of Education/Adult Education Unit is requesting special demonstration/teacher training project proposals for adult basic education for fiscal year 1988. Proposals should address the methods of adult basic education that, as a result of their completion, will provide improved staff development programs and demonstration projects that reflect state, regional and national needs.

Special consideration will be given to project applications which emphasize teaching adult basic education skills to lower level (0-4) adults. Applications which provide for instruction in reading, writing, math, basic survival (APL) skills and the intake and assessment procedures for this population will receive first consideration. Applications will be accepted through March 24.

For further information contact Wes Pelsue, Adult Education Specialist, Kansas State Department of Education, 120 E. 10th, Topeka 66612, (913) 296-3192.

HAROLD BLACKBURN
Commissioner of Education

Doc. No. 005047

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 1 through February 9:

Butler County Commissioner

Jack W. Bunyard, Route 1, Box 139, Leon 67074. Effective February 6, 1987. Term expires when a successor is elected and qualifies according to law. Succeeds E. W. Nath, deceased.

Advisory Council on Aging

Rep. Alfred Ramirez, 913 Sheidley, Bonner Springs 66012. Effective Jan. 12, 1987. Term expires January 9, 1989. Appointed by the Speaker of the House.

Kansas Commission on Applied Remote Sensing

Rep. Ginger Barr, Route 1, Box 58, Auburn 66402. Effective January 12, 1987. Term expires January 9, 1989. Appointed by the Speaker of the House.

Capitol Area Plaza Authority

Rep. Marvin E. Smith, 123 N.E. 82nd, Topeka 66617. Effective January 12, 1987. Term expires January 14, 1989. Appointed by the Speaker of the House.

State Capitol Murals Committee

Rep. James D. Braden, 1122 S. 5th, Clay Center 67432. Effective January 12, 1987. Term expires January 9, 1989. Self appointed.

Children and Youth Advisory Committee

Rep. Elaine Hassler, Route 2, Box 220, Abilene 67410. Effective January 12, 1987. Term expires January 9, 1989. Appointed by the Speaker of the House.

Corrections Ombudsman Board

Rep. Robert S. Wunsch, 225 W. Copeland, Kingman 67068. Effective September 1, 1986. Term expires August 31, 1990. Appointed by the Speaker of the House.

Education Commission of the States

Frank J. Becker, P.O. Box 923, El Dorado 6042. Effective February 9, 1987. Appointed by the State Board of Regents.

Employee Award Board

Ben Barrett, 5842 N.W. North Hills Drive, Topeka 66617. Effective February 5, 1987. Reappointment. Appointed by the President of the Senate.

Sue Bauman, 540 N.E. Edgewood Drive, Topeka 66617. Effective February 5, 1987. Reappointment. Appointed by the President of the Senate.

Advisory Commission on Juvenile Offender Programs

Rep. Dorothy Flottman, 815 E. 9th, Winfield 67156. Effective January 12, 1987. Term expires January 9, 1989. Appointed by the Speaker of the House.

Kansas, Inc.

Rep. James D. Braden, 1122 5th St., Clay Center 67432. Effective January 12, 1987. Term expires January 9, 1989. Self appointed.

Natural and Scientific Areas Advisory Board

Rep. Ron Fox, 4216 W. 73rd Terrace, Prairie Village 66208. Effective January 12, 1987. Term expires January 9, 1989. Appointed by the Speaker of the House.

Kansas Public Disclosure Commission

Belva Ott, 821 Litchfield, Wichita 67203. Effective February 1, 1987. Term expires January 31, 1988. Appointed by the Speaker of the House.

Kansas Technology Enterprise Corporation

Rep. James D. Braden, 1122 5th St., Clay Center 67432. Effective January 12, 1987. Term expires January 9, 1989. Self appointed.

Rep. George Dean, 2646 Exchange, Wichita 67217. Effective January 12, 1987. Term expires January 9, 1989. Appointed by the House Minority Leader.

Sen. Dave Kerr, 6 Golf Green Drive, Hutchinson 67502. Effective January 12, 1987. Term expires January 9, 1989. Appointed by the President of the Senate.

Kansas Turnpike Authority

Rep. Rex Crowell, Box 288, Longton 67352. Effective January 12, 1987. Term expires January 9, 1989. Appointed by the Speaker of the House.

Kansas Wildlife Arts Council

Rep. Denise Apt, 810 Meadowbrook East, Iola 66749. Effective January 12, 1987. Term expires January 9, 1989. Appointed by the Speaker of the House.

BILL GRAVES
Secretary of State

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.

(continued)

Bills introduced January 29—February 4:

- HB 2128**, by Committee on Insurance: An act relating to insurance; concerning group life insurance policies and requirements; amending K.S.A. 40-433 and repealing the existing section.
- HB 2129**, by Committee on Insurance: An act relating to insurance; concerning risk retention and purchasing groups; formation; operation; requirements; amending K.S.A. 40-241i, 40-4101, 40-4102, 40-4103, 40-4108, 40-4109, 40-4113 and 40-4114 and repealing the existing sections; also repealing K.S.A. 40-4104, 40-4105, 40-4106, 40-4107, 40-4110, 40-4111 and 40-4112.
- HB 2130**, by Representatives Harper, Buehler, C. Campbell, Hoy and King: An act relating to taxation; concerning the rate of interest upon delinquent or unpaid taxes; amending K.S.A. 79-2968 and repealing the existing section.
- HB 2131**, by Committee on Elections: An act concerning elections; concerning write-in candidates; amending K.S.A. 25-1330, 25-2903, 25-3001 and 25-3006 and repealing the existing sections.
- HB 2132**, by Committee on Elections: An act relating to elections; concerning the use of ballot sleeves; amending K.S.A. 25-4609 and repealing the existing section.
- HB 2133**, by Committee on Elections: An act relating to elections; allowing the county or district attorney to determine the sufficiency of the grounds for recall; amending K.S.A. 25-4302 and repealing the existing section.
- HB 2134**, by Committee on Public Health and Welfare: An act concerning enforcement of support of certain persons; relating to the enforcement of orders for support by income withholding; amending K.S.A. 23-463, 23-472, 23-483, 23-486 and 23-488 and K.S.A. 1986 Supp. 23-452, 23-462, 23-473, 23-487 and 23-4107 and repealing the existing sections.
- HB 2135**, by Committee on Public Health and Welfare: An act concerning the state board of mortuary arts; relating to grounds for licensure actions; repealing K.S.A. 65-1711a and 65-1722.
- HB 2136**, by Committee on Public Health and Welfare: An act concerning the code for care of children; relating to termination of parental rights; amending K.S.A. 38-1583 and repealing the existing section.
- HB 2137**, by Committee on Public Health and Welfare: An act concerning interpreter services; relating to proceedings in which appointment required; concerning qualifications and duties of interpreters; amending K.S.A. 75-4351, 75-4352, 75-4353 and 75-4354 and repealing the existing sections.
- HB 2138**, by Representatives Jenkins and Adam (by request): An act designating United States highway 73 as the Amelia Earhart memorial highway.
- HB 2139**, by Committee on Education (by request): An act relating to school districts, area vocational-technical schools and community colleges; concerning certain employees thereof; affecting the notification date for discontinuation of contracts; amending K.S.A. 72-5411 and 72-5437, and repealing the existing sections.
- HB 2140**, by Representatives R. H. Miller and Rolfs: An act imposing a tax upon marijuana and controlled substances; prescribing authorities and duties for the director of taxation relating thereto; providing for unlawful acts and prescribing penalties therefor.
- HB 2141**, by Representatives Roenbaugh, Buehler, C. Campbell, Mead and Smith: An act concerning scholarships available to medical students; relating to the list of critically medically underserved or medically underserved areas; amending K.S.A. 1986 Supp. 76-375 and repealing the existing section.
- HB 2142**, by Committee on Commercial and Financial Institutions: An act relating to banks and banking; concerning certain powers thereof.
- HB 2143**, by Committee on Transportation: An act relating to motor vehicles; concerning the stopping at railroad grade crossings; amending K.S.A. 8-1553 and repealing the existing section.
- HB 2144**, by Representative Lowther: An act concerning workers' compensation; relating to compensation for permanent partial disabilities; repetitive use conditions occurring in opposite extremities; amending K.S.A. 44-510d and repealing the existing section.
- HB 2145**, by Representative Lowther: An act concerning the employment security law; relating to definition of certain terms; amending K.S.A. 44-703 and repealing the existing section.
- HB 2146**, by Representative Lowther: An act amending the Kansas withholding and declaration of estimated tax act; concerning the definition of employee; amending K.S.A. 79-3295 and repealing the existing section.
- HB 2147**, by Committee on Insurance: An act relating to insurance; amending the Kansas automobile injury reparations act; concerning personal injury protection benefits and tort threshold; amending K.S.A. 40-3103, 40-3104, 40-3105, 40-3109, 40-3113a, 40-3116 and 40-3117 and repealing the existing sections.
- HB 2148**, by Representative Roy: An act imposing a tax upon marijuana and controlled substances; prescribing authorities and duties for the director of taxation relating thereto; providing for unlawful acts and prescribing penalties therefor.
- HB 2149**, by Representatives Roenbaugh and Smith: An act relating to drivers' licenses; concerning farm truck tractors; amending K.S.A. 8-234b and repealing the existing section.
- HB 2150**, by Committee on Judiciary: An act relating to hospitals; concerning liens upon damages received by patients thereof; amending K.S.A. 65-406 and repealing the existing section.
- HB 2151**, by Committee on Judiciary: An act amending the Kansas revised uniform limited partnership act; amending K.S.A. 56-1a101, 56-1a102, 56-1a151, 56-1a152, 56-1a154, 56-1a155, 56-1a158, 56-1a201, 56-1a203, 56-1a251, 56-1a252, 56-1a302 and 56-1a502 and repealing the existing sections.
- HB 2152**, by Committee on Local Government: An act concerning boards of county commissioners; relating to powers and duties thereof with respect to certain public improvements; amending K.S.A. 19-216, 68-521 and 68-704, and repealing the existing sections.
- HB 2153**, by Committee on Local Government: An act concerning water districts; relating to the officers of such districts; relating to the powers and duties of such officers; amending K.S.A. 19-3519 and K.S.A. 1986 Supp. 19-3505, 19-3516 and 19-3521 and repealing the existing sections.
- HB 2154**, by Representative Crumbaker: An act concerning area vocational schools and area vocational-technical schools; relating to expenditures for scholarships for students thereof.
- HB 2155**, by Representative Douville: An act relating to income taxation; concerning the determination of adjusted gross income; amending K.S.A. 1986 Supp. 79-32,117 and repealing the existing section.
- HB 2156**, by Committee on Energy and Natural Resources: An act concerning conservation districts; relating to a tax levy to provide funds for district supervisors; amending K.S.A. 1986 Supp. 2-1907b and repealing the existing section.
- HB 2157**, by Committee on Commercial and Financial Institutions: An act relating to savings and loan associations; establishment and operation of branches within and without the state of Kansas by state chartered associations.
- HB 2158**, by Representatives Brown and Johnson: An act relating to taxation; concerning tax statements; amending K.S.A. 1986 Supp. 79-2001 and repealing the existing section.
- HB 2159**, by Representative R. H. Miller: An act concerning elections; requiring campaign finance reports; listing occupations of individual contributors; filing of campaign finance reports; providing the public disclosure commission with the authority to issue subpoenas; requiring the public disclosure commission to have an executive director; amending K.S.A. 25-4119a, 25-4146, 25-4148, 25-4150, 25-4152, 25-4157, 25-4161, 25-4167 and 25-4173 and repealing the existing sections.
- HB 2160**, by Committee on Education: An act concerning school districts; authorizing boards of education to assess and collect fees for driver training courses and courses in motorcycle safety; amending K.S.A. 72-5390 and 72-5391 and K.S.A. 1986 Supp. 72-7059, and repealing the existing sections.
- HB 2161**, by Committee on Education (by request): An act concerning teachers; relating to hearings upon nonrenewal or termination of contracts; eligibility of persons to serve as hearing committee members; amending K.S.A. 1986 Supp. 72-5438 and repealing the existing section.
- HB 2162**, by Committee on Education (by request): An act concerning community colleges; relating to the determination of out-district tuition and out-district state aid; amending K.S.A. 1986 Supp. 71-301 and 71-607, and repealing the existing sections.
- HB 2163**, by Representative Pottorff (by request): An act enacting the Kansas elderly and handicapped transportation act.
- HB 2164**, by Joint Committee on Administrative Rules and Regulations: An act amending the uniform consumer credit code; relating to dollar amount adjustments; amending K.S.A. 16a-2-401a and repealing the existing section.
- HB 2165**, by Joint Committee on Administrative Rules and Regulations: An act relating to taxation; concerning exempt sales; amending K.S.A. 1986 Supp. 79-3606 and repealing the existing section.
- HB 2166**, by Joint Committee on Administrative Rules and Regulations: An act concerning the pharmacy act of the state of Kansas; amending K.S.A. 1986 Supp. 65-1626, 65-1631, 65-1632, 65-1642 and 65-1645 and repealing the existing sections.
- HB 2167**, by Joint Committee on Administrative Rules and Regulations: An act relating to insurance; concerning the regulation thereof; amending K.S.A. 40-251, 40-2116, 40-2a01 through 40-2a24, 40-403b, 40-928, 40-929, 40-1113, 40-19a01 through 40-19a14, 40-19c06, 40-19c07, 40-19c09 and 40-3210 and K.S.A. 1986 Supp. 84-8-102 and repealing the existing sections; also repealing K.S.A. 40-2b01 through 40-2b25, 40-601 through 40-609, 40-1801 through 40-1809, 40-1811, 40-1813, 40-1816, 40-1901 through 40-1909, 40-1911, 40-1912, 40-1914, 40-1915 and 40-19b01 through 40-19b14.
- HB 2168**, by Representatives Shore and Snowbarger and Acheson, Barr and Ramirez: An act relating to antique aircraft; providing for the registration thereof and prescribing procedures and fees therefor; prescribing duties for the director of taxation relating thereto.
- HB 2169**, by Representatives Shore and Snowbarger and Acheson, Barr and Ramirez: An act relating to property taxation; exempting certain aircraft therefrom.
- HB 2170**, by Committee on Public Health and Welfare: An act concerning the Kansas code for care of children; requiring periodic review of certain placements; amending K.S.A. 38-1565 and 38-1584 and repealing the existing sections; also repealing K.S.A. 38-1584a.
- HB 2171**, by Representative Rezac: An act relating to taxation; concerning the rate of interest upon delinquent or unpaid taxes; amending K.S.A. 79-2968 and repealing the existing section.
- HB 2172**, by Representative Francisco: An act concerning municipalities; relating to residency requirements for employees thereof.
- HB 2173**, by Representatives Roenbaugh, Barr, Beauchamp, Buehler, C. Campbell, K. Campbell, Crowell, Crumbaker, Dean, Eckert, Freeman, Gatlin, Goossen, Gross, Hamm, Harper, Holmes, Jenkins, Larkin, Long, Mollenkamp, Rezac, Sallee, Shore, Shriver and Smith: An act concerning the Kansas criminal code; defining and classifying the crime of adding dockage or foreign material to grain.
- HB 2174**, by Committee on Public Health and Welfare: An act concerning the secretary of social and rehabilitation services; relating to security officers at certain state institutions; amending K.S.A. 74-5602, 76-12a16 and 76-12a17 and repealing the existing sections.
- HB 2175**, by Committee on Agriculture and Small Business: An act concerning the withdrawal of Kansas from the central interstate low-level radioactive waste compact; repealing K.S.A. 65-34a01, 65-34a02, 65-34a03 and 65-34a04.
- HB 2176**, by Representative Douville: An act prohibiting an unemancipated minor child from maintaining an action in tort against the parent or parents of such minor child to recover damages for personal injuries caused by the negligence of the parent or parents.
- HB 2177**, by Committee on Taxation: An act relating to income taxation; concerning the Kansas taxable income of a corporation; amending K.S.A. 79-32,138 and repealing the existing section.
- HB 2178**, by Representatives Baker, Schauf and Sawyer: An act concerning county treasurers; requiring treasurers to provide listings of delinquent property tax and special assessments to requesting parties; providing for fees therefor and penalties for violations.
- HB 2179**, by Representatives Baker, Schauf and Sawyer: An act relating to the distribution of certain taxes, special assessments and fees to political subdivisions by county treasurers; amending K.S.A. 1986 Supp. 12-1678a and repealing the existing section.
- HB 2180**, by Representative Guldner: An act relating to counties; concerning the issuance of no-fund warrants for certain hospitals.
- HB 2181**, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for the judicial council, state board of indigents' defense services, judicial branch and crime victims reparations board; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.
- HB 2182**, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for the state board of agriculture; Kansas animal health department, Kansas state grain inspection department, board of state fair managers, Kansas wheat commission, state conservation commission and Kansas water office; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.
- HB 2183**, by Representative Graeber: An act relating to counties; concerning certain payments to county fair associations, livestock show associations and other fairs and tax levies to fund the payments; amending K.S.A. 2-129 and repealing the existing section.
- HB 2184**, by Committee on Education: An act concerning special education services for exceptional children; affecting the definition of special teacher for certain purposes; amending K.S.A. 1986 Supp. 72-978 and repealing the existing section.
- HB 2185**, by Representative Neufeld: An act concerning township hospital districts; relating to the selection of members to the hospital boards; amending K.S.A. 80-2506 and 80-2508 and repealing the existing sections.
- HB 2186**, by Committee on Labor and Industry: An act relating to workers' compensation; concerning legislative intent; medical compensation; compensation for death and temporary and permanent disabilities; definitions; limitations on compensation and attorney fees; failure to pay compensation due; medical evidence; review of awards; citation of act; amending K.S.A. 44-501, 44-508, 44-510, 44-510b, 44-510c, 44-510d, 44-510e, 44-510f, 44-511, 44-512a, 44-519, 44-528, 44-534a, 44-536, 44-567 and 44-574 and repealing the existing sections.
- HB 2187**, by Joint Committee on Administrative Rules and Regulations: An act concerning the uniform controlled substances act; relating to the scheduling of certain substances; concerning registration requirements; amending K.S.A. 65-4115 and 65-4116 and K.S.A. 1986 Supp. 65-4105, 65-4107 and 65-4127b and repealing the existing sections.
- HB 2188**, by Representative Shore: An act relating to counties; concerning tax levies in support of hospitals; amending K.S.A. 1986 Supp. 19-4606 and repealing the existing section.
- HB 2189**, by Committee on Transportation: An act providing for construction and operation of turnpike interchanges and financing thereof; general obligation bonds of Sedgwick county; amending K.S.A. 68-2048a and 68-2048b and repealing the existing sections.
- SB 99**, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning interest payable on death proceeds; amending K.S.A. 40-447 and repealing the existing section.
- SB 100**, by Committee on Economic Development: An act establishing the commission on travel and tourism; providing for the powers, duties and functions thereof.
- SB 101**, by Committee on Financial Institutions and Insurance: An act relating to workers' compensation; concerning applications for certificates of authority to operate group-funded workers' compensation pools; amending K.S.A. 44-582 and repealing the existing section.
- SB 102**, by Committee on Transportation and Utilities: An act concerning motor vehicles; relating to handicapped parking; amending K.S.A. 1986 Supp. 8-1,124, 8-1,125 and 8-1,129 and repealing the existing sections.
- SB 103**, by Committee on Financial Institutions and Insurance: An act relating to insurance; amending the health care provider insurance availability act; eliminating the expiration date of the plan for equitable apportionment of applicants for certain professional liability insurance; amending K.S.A. 40-3413 and repealing the existing section.

SB 104, by Committee on Financial Institutions and Insurance: An act amending the uniform commercial code; concerning security interests; amending K.S.A. 1986 Supp. 84-9-302 and repealing the existing section.

SB 105, by Committee on Financial Institutions and Insurance: An act relating to insurance; defining certain acts or omissions in regard to insuring blind or partially blind individuals to be unfair or deceptive acts or practices; amending K.S.A. 40-2404 and repealing the existing section.

SB 106, by Committee on Elections: An act concerning cities; relating to the qualifications of certain city officers; amending K.S.A. 13-1707b, 13-1801, 14-109, 14-204, 14-205, 14-1301, 15-201, 15-209 and 15-1401 and K.S.A. 1986 Supp. 13-305 and repealing the existing sections.

SB 107, by Committee on Elections: An act relating to elections; concerning the filling of vacancies of district court judges; amending K.S.A. 25-312a and repealing the existing section.

SB 108, by Committee on Elections: An act relating to political parties; concerning precinct committeemen and committeewomen; amending K.S.A. 25-3801 and repealing the existing section.

SB 109, by Committee on Transportation and Utilities: An act relating to motor vehicles; creating the vehicle identification number fee fund; amending K.S.A. 1986 Supp. 8-116a and repealing the existing section.

SB 110, by Committee on Judiciary: An act concerning crimes and punishments; defining and classifying certain crimes relating to the injury or death of an unborn child.

SB 111, by Committee on Judiciary: An act concerning crimes and punishments; defining and classifying the crime of causing injury while driving under the influence of alcohol or drugs.

SB 112, by Joint Committee on State Building Construction: An act repealing K.S.A. 44-201, 44-202, 44-203, 44-204 and 44-205, relating to rate of wage payment and length of workday on public work.

SB 113, by Committee on Public Health and Welfare: An act concerning the optometry law; defining the practice of optometry; establishing continuing education requirements; amending K.S.A. 65-1501, 65-1501a, 65-1505 and 65-1509a and K.S.A. 1986 Supp. 65-1626 and repealing the existing sections.

SB 114, by Senators Martin, Anderson, Ehrlich, Feleciano, Francisco Mulich, Steineger, Strick, Winter and Yost: An act providing for the withdrawal of Kansas from the central interstate low-level radioactive waste compact; repealing K.S.A. 65-34a01 to 65-34a04, inclusive.

SB 115, by Committee on Transportation and Utilities: An act amending the vehicle dealers' and manufacturers' licensing act; concerning brokers; amending K.S.A. 8-2408 and K.S.A. 1986 Supp. 8-2404, 8-2406 and 8-2410 and repealing the existing sections.

SB 116, by Committee on Financial Institutions and Insurance: An act relating to insurance; applicants for brokers' licenses; requirements; amending K.S.A. 40-3711 and repealing the existing section.

SB 117, by Committee on Energy and Natural Resources: An act relating to water; concerning the development and operation of a water resources management information system; prescribing duties for the Kansas water office relating thereto; amending K.S.A. 82a-941 and K.S.A. 1986 Supp. 74-2608 and repealing the existing sections.

SB 118, by Senators Strick, Mulich and Steineger: An act relating to income taxation; excluding amounts received as social security benefits from adjusted gross income; amending K.S.A. 1986 Supp. 79-32.117 and repealing the existing section.

SB 119, by Senators Johnston, Feleciano, Karr and Parrish: An act relating to agriculture; providing for the appointment of the secretary of agriculture; amending K.S.A. 74-503 and repealing the existing section.

SB 120, by Committee on Financial Institutions and Insurance: An act concerning bonds; relating to notification of certain persons prior to the calling of bonds before maturity; amending K.S.A. 10-129 and repealing the existing section.

SB 121, by Committee on Financial Institutions and Insurance: An act relating to insurance; excess lines agents; errors and omissions policy requirements; amending K.S.A. 40-2461 and repealing the existing section.

SB 122, by Committee on Agriculture: An act concerning contracts to maintain stocks of farm equipment by retailers; amending K.S.A. 16-1002 and 16-1003 and repealing the existing sections.

SB 123, by Committee on Agriculture: An act concerning agriculture; pest control technician license; requirements, fees and registration renewal; amending K.S.A. 2-2446 and 2-2467a and K.S.A. 1986 Supp. 2-2438a and repealing the existing sections.

SB 124, by Senator Winter: An act concerning district attorneys; relating to the eligibility for nomination; amending K.S.A. 22a-102 and repealing the existing section.

SB 125, by Senator Winter: An act concerning the acquisition of travel services for state agencies and the officers and employees thereof; prohibiting certain contracts therefor.

SB 126, by Senators Winter and Yost: An act concerning elections; relating to campaign finance and the limitations on contributions; amending K.S.A. 25-4153 and repealing the existing section.

SB 127, by Senators Mulich and Strick: An act concerning public utilities in certain cities; relating to the composition of board of pension trustees appointed thereby; amending K.S.A. 13-1246a and repealing the existing section.

SB 128, by Joint Committee on Administrative Rules and Regulations: An act relating to the board of accountancy; concerning the regulation and review of the practice of public accountancy; authorizing a positive enforcement program and certain fees; providing for registration of professional corporations; amending K.S.A. 1-301, 1-308, 1-315 and 1-316 and repealing the existing sections.

SB 129, by Joint Committee on Administrative Rules and Regulations: An act concerning alcoholic beverages; amending K.S.A. 41-2637 and 41-2713 and repealing the existing sections.

SB 130, by Joint Committee on Administrative Rules and Regulations: An act relating to the secretary of state; concerning the publication of the session laws; amending K.S.A. 45-107 and repealing the existing section.

SB 131, by Joint Committee on Administrative Rules and Regulations: An act relating to the rules and regulations of the chief engineer of the division of water resources; amending K.S.A. 82a-303a and repealing the existing section.

SB 132, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning long-term care insurance; authorizing the commissioner of insurance to adopt rules and regulations establishing certain standards for contractual provisions; providing certain disclosure requirements.

SB 133, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning group life insurance policies and requirements; amending K.S.A. 40-433 and repealing the existing section.

SB 134, by Senator Martin: An act amending the mined-land conservation and reclamation act; concerning the application thereof to the extraction of coal in certain circumstances; amending K.S.A. 49-403 and 49-431 and repealing the existing sections.

SB 135, by Senator Hayden: An act relating to property taxation; concerning the determination of real property parcel boundaries for appraisal purposes; amending K.S.A. 1986 Supp. 79-1476 and repealing the existing section.

SB 136, by Senator Anderson: An act amending the residential landlord and tenant act; requiring the payment of interest upon certain security deposits; amending K.S.A. 58-2550 and repealing the existing section.

SB 137, by Committee on Transportation and Utilities: An act relating to roads and highways; authorizing the construction, improvement and maintenance of highways; authorizing revenue bonds for the payment of the cost of such construction, improvement and maintenance; increasing certain vehicle fuel taxes; apportionment between local units and state; amending K.S.A. 79-3408c, 79-3425, 79-3475a, 79-3487, 79-3491a, 79-34104, 79-34118, 79-34126, 79-34142 and 79-34143 and K.S.A. 1986 Supp. 79-34141 and repealing the existing sections.

SB 138, by Committee on Economic Development: An act relating to counties; concerning the sale of certain county property; amending K.S.A. 1986 Supp. 19-211 and repealing the existing section.

SB 139, by Senators Langworthy, Allen, Bogina, Bond and Burke: An act concerning school district finance; relating to increases in budgets per pupil for certain purposes; amending K.S.A. 1986 Supp. 72-7055, and repealing the existing section.

SB 140, by Senators Langworthy, Allen, Bogina, Bond and Burke: An act concerning school district finance; relating to increases in budgets per pupil for certain purposes; amending K.S.A. 1986 Supp. 72-7053, and repealing the existing section.

SB 141, by Committee on Federal and State Affairs: An act concerning alcoholic liquor; providing for and licensing and regulating the sale of alcoholic liquor in certain public places for consumption on the premises; amending K.S.A. 19-28.105, 19-28.111, 19-4477, 41-102, 41-104, 41-306, 41-307, 41-308, 41-403, 41-409, 41-410, 41-701, 41-719, 41-803, 41-1101, 41-2601, 41-2604 through 41-2615, 41-2619 through 41-2623, 41-2625 through 41-2630, 41-2632, 41-2633, 41-2633a, 41-2634, 41-2636, 41-2637, 41-2640, 41-2704, 41-2705, 41-2708, 79-41a02, 79-41a03a, 79-41a06, 79-41a07 and 79-41a08 and K.S.A. 1986 Supp. 79-3603, 79-41a01, 79-41a03 and 79-41a04 and repealing the existing sections; also repealing K.S.A. 41-2602, 41-2603, 41-2624 and 41-2801 through 41-2804.

SB 142, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for the department of transportation and Kansas highway patrol; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 143, by Committee on Agriculture: An act concerning the state board of agriculture; relating to the farm assistance, counseling and training referral program; amending K.S.A. 74-545 and repealing the existing section.

SB 144, by Senators Anderson, Francisco, Hayden, Karr, Martin, Mulich, Parrish and Strick: An act concerning social welfare; including liver transplants as a covered procedure under the state medical care plan for needy persons.

SB 145, by Committee on Education: An act concerning municipal universities; relating to the determination of state financial aid and out-district tuition; amending K.S.A. 72-8833 and K.S.A. 1986 Supp. 13-13a26, and repealing the existing sections.

SB 146, by Senator Daniels (by request): An act relating to employee benefits contribution funds of political subdivisions; amending K.S.A. 1986 Supp. 12-16.102 and repealing the existing section.

SB 147, by Committee on Federal and State Affairs: An act providing for the licensing of alcoholism and drug addiction counselors; establishing the board of alcoholism and drug addiction professionals and providing for the powers, duties and functions thereof; establishing the alcoholism and drug addiction counselors fee fund; declaring certain acts to be unlawful and prescribing penalties for violations; amending K.S.A. 1986 Supp. 73-3170a and repealing the existing section.

SB 148, by Committee on Local Government: An act concerning elections; relating to the counting of ballots; amending K.S.A. 25-4611 and repealing the existing section.

SB 149, by Committee on Local Government: An act concerning counties; authorizing the creation of a county equipment reserve fund and a multi-year capital improvement fund.

SB 150, by Committee on Local Government: An act concerning prearranged funeral agreements; relating to irrevocable agreements; amending K.S.A. 1986 Supp. 18-363 and repealing the existing section.

SB 151, by Senators Karr, Anderson, Feleciano, Francisco, Gaines, Cannon, Hayden, Johnston, Martin, Mulich, Norvell, Parrish, Steineger and Strick: An act concerning contracts for purchases by the state and local governmental subdivisions; relating to purchases of food or food products from nonresident bidders; amending K.S.A. 73-3740a and repealing the existing section.

SB 152, by Committee on Agriculture: An act concerning the state board of agriculture; relating to the farm assistance, counseling and training referral program; amending K.S.A. 74-545 and repealing the existing section.

Resolutions

HCR 5011, by Representatives Barr, Acheson, Amos, Apt, Beauchamp, Bideau, Bowden, Brown, Bryant, C. Campbell, K. Campbell, Chronister, Crowell, Crumbaker, Dillon, Eckert, Empson, Flottman, Fox, Freeman, Gatlin, Gjerstad, Goossen, Graeber, Green, Gross, Grotewiel, Guldner, Harder, Harper, Hassler, Holmes, Jenkins, Justice, King, Kline, Larkin, Long, Mead, Mollenkamp, Moomaw, Neufeld, Ott, Fottorf, Ramirez, Rezac, Roenbaugh, Roper, Rosenau, Roy, Russell, Sallee, Sand, Sawyer, Schaaf, Sebelius, Shal-lenburger, Shore, Shriver, Sifers, Smith, Snowbarger, Spaniol, Teagarden, Turquist, Wagon, Walker, Weimer, Whiteman, Wilbert and Williams: A concurrent resolution urging Congress not to use federal highway funds to reduce the federal debt.

HR 6016, by Representative Wagon: A resolution designating the first full week in June 1987, as "National Garden Week."

HR 6011, by Representative Gross: A resolution condemning the Iranian government for detaining American reporter and native Kansan, Gerald F. Seib.

HR 6012, by Representatives Branson, Barkis, Braden, Bunter, Flottman, Grotewiel, Heinemann, Knopp, Mainey, Moomaw, Reardon, Solbach and Wagon: A resolution acknowledging and endorsing the efforts of Kansas citizens, communities and officials to encourage General Secretary Mikhail Gorbachev of the Soviet Union to visit Kansas and to join President Ronald Reagan in a Meeting for Peace in Lawrence; inviting President Reagan and General Secretary Gorbachev to address a joint regular session of the Kansas Legislature.

HR 6013, by Representative Francisco: A resolution in memory of George L. White.

SR 1810, by Senator Reilly: A resolution congratulating and commending St. Paul Lutheran Church of Leavenworth, Kansas, on the celebration of its 125th anniversary.

SR 1811, by Senator Salisbury: A resolution designating the first full week in June, 1987, as "National Garden Week."

SR 1812, by Senator Talkington: A resolution honoring Judge Harry Wilford Fisher on the occasion of his 100th birthday.

SR 1813, by Senator Talkington: A resolution congratulating and commending Senator Ross O. Doyen for his unflinching efforts to preserve Kansas history throughout his legislative career.

SR 1814, by Senators Anderson, Martin and Winter: A resolution honoring the life and work of Langston Hughes on the 85th anniversary of his birth, February 1, 1902.

SR 1815, by Senators Talkington, Gaines, Hayden and Winter: A resolution honoring Bill Hambleton on his retirement from the Kansas Geological Survey.

SR 1816, by Senators Winter, Arasmith, Bond, Burke, Daniels, Ehrlich, Feleciano, Frey, Harder, Hayden, Hoferer, Johnston, D. Kerr, Langworthy, Parrish, Salisbury, Talkington, Thiessen and Vidricksen: A resolution acknowledging and endorsing the efforts of Kansas citizens, communities and officials to encourage General Secretary Mikhail Gorbachev of the Soviet Union to visit Kansas and to join President Ronald Reagan in a Meeting for Peace in Lawrence; inviting President Reagan and General Secretary Gorbachev to address a joint regular session of the Kansas Legislature.

State of Kansas

**OFFICE OF JUDICIAL ADMINISTRATION
SUPREME COURT DOCKET**

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

Tuesday, February 17, 1987
9:30 a.m.

Case No.	Case Name	Attorneys	County
59,080	State of Kansas, Appellee,	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. Thomas E. Griffen, aka Thomas E. Griffin, Appellant.	Benjamin C. Wood	
59,624	State of Kansas, Appellant,	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. Michael D. Costner, Appellee.	Garry L. Howard	
59,672	State of Kansas, Appellee,	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. Stephen Macomber, Appellant.	Benjamin C. Wood	
59,712	State of Kansas, Appellee,	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. Jon Robert Matlock, Appellant.	Benjamin C. Wood	
Consolidated with			
59,713	State of Kansas, Appellee,	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. Jon Robert Matlock, Appellant.	Benjamin C. Wood	
59,805	State of Kansas, Appellant,	Robert T. Stephan, Attorney General Nick A. Tomasic, District Attorney	Wyandotte
	v. Joan E. Hodges, Appellee.	Carl Cornwell	
1:30 p.m.			
59,601	State of Kansas, Appellee,	Robert T. Stephan, Attorney General Peggy Carr, Assistant District Attorney	Wyandotte
	v. Tyrone M. Mebane, Appellant.	Benjamin C. Wood	
58,602	State of Kansas, Appellee,	Robert T. Stephan, Attorney General Michael C. Hayes, County Attorney	Jefferson
	v. Steven B. Morgan, Appellant.	Benjamin C. Wood	

59,735)
59,738)
60,143)
60,187)

Consolidated

Shawnee
Gray
Shawnee
Shawnee

Northwest Central Pipeline Corporation, Appellant,

Mark H. Adams II
J. D. Steelman
Richard C. Byrd
Jerome E. Jones

v.

The State Corporation Commission, et al., Appellees.

Kirby A. Vernon
Steven D. Gough
Stanford J. Smith

59,566

State of Kansas, Appellee,

Robert T. Stephan, Attorney General
Francis E. Meisenheimer, Assistant County Attorney

Reno

v.

Gary Dean Paris, Jr., Appellant.

Benjamin C. Wood

Wednesday, February 18, 1987
9:30 a.m.

Case No.	Case Name	Attorneys	County
59,372	State of Kansas, Appellee,	Robert T. Stephan, Attorney General Michael B. Buser, Assistant District Attorney	Johnson
	v. Everett Holloway, Appellant.	Benjamin C. Wood	
59,711	Randy Horne, et al., Appellants,	Eugene B. Ralston	Shawnee
	v. Larned State Hospital and State of Kansas, Appellees.	Harold S. Youngentob	
59,682	Valley View State Bank, et al., Appellants,	Howard S. Levitan Barry W. McCormick Stewart M. Stein	Johnson
	v. Jean C. Owen, et al., Appellees.	Jerome V. Bales	
59,715	Debra Stremski, Appellant,	Fred A. Beaty	Sedgwick
	v. Clark V. Owens II, et al., Appellees.	Stanley Issinghoff H. E. Jones Henry H. Blase	
59,739	Bradley M. Harrison, a Minor, et al., Appellees,	Kyle L. Larson Thomas E. Sullivan	Sherman
	v. Lloyd O. Long, M.D., Appellant.	Laurin D. Quiat Jeffery A. Mason B. G. Larson Thomas L. Theis	

1:30 p.m.

59,565

State of Kansas, Appellee,

Robert T. Stephan, Attorney General
Daniel F. Meara, Assistant County Attorney

Bourbon

v.

Buckley Lynnwood Brice, Appellant.

Patrick S. Bishop

(continued)

60,072	Marilyn Flagg, <i>et al.</i> , Appellants, v. Furnal Truck Line, Inc., <i>et al.</i> , Appellees.	Fred Spigarelli John I. O'Connor Leonard Frischer	Bourbon
59,804	Richard Wortman, <i>et al.</i> , Appellees, v. Sun Oil Company, Appellant.	W. Luke Chapin Ed Moore Gerald Sawatzky	Barber

Thursday, February 19, 1987
9:30 a.m.

Case No.	Case Name	Attorneys	County
59,592	State of Kansas, Appellee, v. Jimmie Lee Johnson, Appellant.	Robert T. Stephan, Attorney General Linda S. Trigg, County Attorney Benjamin C. Wood	Seward
59,642	State of Kansas, Appellee, v. Ollie Brown, Appellant.	Robert T. Stephan, Attorney General John H. Taylor, County Attorney Benjamin C. Wood	Geary
59,527	Clarence Gigot, <i>et al.</i> , Appellees, v. Cities Service Oil Company, <i>et al.</i> , (Amoco Production Company, Appellant).	Gerald Sawatzky Gene H. Sharp Richard C. Hite Steven D. Gough	Finney
59,400	Gladys L. Allison, <i>et al.</i> , Appellees, v. The Board of County Commissioners of Johnson County, Kansas, <i>et al.</i> , Appellants.	Byron J. Beck Carl F. Krauss Jon C. Christlieb J. Larry Louk Thomas J. Ruzicka Amelia J. McIntyre Donald Jarrett	Johnson
59,277) 59,278)	Consolidated Earl B. Williams, <i>et al.</i> , Appellees, v. Amoco Production Company, Appellant.	Rex G. Beasley Leland E. Nordling Steven D. Gough	Grant
1:30 p.m.			
59,501	Omni Outdoor Advertising of Missouri, Inc., Appellant, v. City of Topeka, Appellee.	T. L. Green Dan Biles Beth Schaffer	Shawnee
59,837	In the Matter of the Appeal of Horizon Tele-Communications, Inc., Taxpayer, from an Order of the Board of Tax Appeals Relating to Assessment of Property for Ad Valorem Tax Purposes and Consolidated Cases.	David P. Troup C. Robert Bell Allen D. Weber Carol B. Bonebrake	Shawnee

59,676	Federal Deposit Insurance Corporation, as Receiver for Indian Springs State Bank, Appellant, v. William G. Lemaster, <i>et al.</i> , Appellees.	J. Emmett Logan Marc E. Elkins Donald R. Hoffman L. Franklin Taylor James F. B. Daniels Lee M. Smithyman James L. Eisenbrandt Ralph O. Wright	Johnson
--------	---	--	---------

Friday, February 20, 1987
9:30 a.m.

Case No.	Case Name	Attorneys	County
59,513	State of Kansas, Appellee, v. Ithel Lawton, Appellant.	Robert T. Stephan, Attorney General Gene M. Olander, District Attorney Benjamin C. Wood	Shawnee
59,245	State of Kansas, Appellee, v. Randy W. Bodtke, Appellant.	Robert T. Stephan, Attorney General C. William Ossman, Assistant District Attorney Benjamin C. Wood	Shawnee
59,986	Kelly E. Koplín, Appellant, v. Deck Oil Company, <i>et al.</i> , Appellees.	Michael K. Mohrman Mark S. Gunnison Steven D. Ruse	Certified Question
59,127	In the Matter of Anne Oliver Hess, Respondent.	Bruce Miller Anne Oliver, <i>pro se</i> Norman E. Beal Lloyd Bronston Thomas Brooks	Original
06902	In the Matter of Harry D. Smith.		Original Show Cause

LEWIS C. CARTER
Clerk of the Appellate Courts

Doc. No. 005028

State of Kansas

**NORTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO. 4****NOTICE OF MEETING
AND HEARING**

The Northwest Kansas Groundwater Management District No. 4 will meet at 10 a.m. M.S.T. Thursday, February 19, at the Elks Lodge in Goodland. General administrative matters and other business will be discussed.

Beginning at 1 p.m., the Board of Directors will hold its 12th annual meeting, also at the Elks Lodge. Annual meeting business will consist of the election of four board positions, presentations on the financial status of the district and the proposed 1988 operating budget.

A public hearing on the proposed revised management program will also be held during the annual meeting.

WAYNE A. BOSSERT
Manager

Doc. No. 005049

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

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

MONDAY, FEBRUARY 23, 1987

#A-5696

Department of Corrections—PROVIDE
IMPROVEMENTS OF SECURITY LIGHTING
SYSTEM, Correctional/Vocational Training Center
#27500-Supplement

Statewide—TEA/BREWING

#27565

Department of Health and Environment—
PAPANICOLAU SCREENING

#27566

Department of Social and Rehabilitation Services—
WIRE INNERSRING MATTRESS UNITS

#27568

University of Kansas Medical Center—BLOOD
CULTURE BOTTLES

#27578

University of Kansas Medical Center—
MISCELLANEOUS BEVERAGES

#27580

Statewide—CEREALS

#68218

Kansas State University—HPLC COLUMNS

#68219

Kansas State University—ELEVATOR
INSPECTION AND REPAIR

#68291

Kansas State Grain Inspection Department—
TURNKEY AUTOMATION SYSTEM

#68224

University of Kansas—LAB CENTRIFUGE

#68225

University of Kansas Medical Center—MOBILE
X-RAY REFURBISHMENT

#68226

Winfield State Hospital and Training Center—
HOSPITAL BEDS

#68227

Department of Transportation—STEEL AND
WOOD POSTS, Salina

#68271

University of Kansas—PAPER, PRINTING AND
BINDING

TUESDAY, FEBRUARY 24, 1987

#27545

University of Kansas Medical Center and other state
agencies—SUTURES AND SURGICAL SUPPLIES
(CLASS 12)

#27579

Kansas Neurological Institute—INSTANT
BREAKFAST

#27581

Kansas State School for the Deaf—DISHWASHING
SUPPLIES

#68234

University of Kansas—MICROSCOPE

#68235

Kansas Neurological Institute—FROZEN JUICE

#68238

Department of Transportation—PRESS, various
locations

WEDNESDAY, FEBRUARY 25, 1987

#A-5545

Youth Center at Topeka—REFURBISH
RESTROOM/SHOWER, Kanza Cottage

#A-5735

University of Kansas Medical Center—
INSULATION REMOVAL AND REPLACEMENT
ON PIPING AND DUCT WORK, Delp Medical
Pavilion ("F" Building)

#68171

Various state agencies—CAR SALE

#68242

University of Kansas Medical Center—GAMMA
COUNTER

#68243

University of Kansas Medical Center—LAB
RECORDER

#68244

Kansas State University—PRESENCE SENSING
LIGHTING CONTROL

#68245

University of Kansas Medical Center—REPAIR
AND TEST 350 MCM CABLE

#68246

University of Kansas Medical Center—
ELECTRICAL SUPPLIES

THURSDAY, FEBRUARY 26, 1987

#27552

University of Kansas, University of Kansas Medical
Center, and Kansas State University—ELECTRICAL
SUPPLIES

#27571

Department of Transportation—REMOVAL OF WASTE AND REFUSE FROM SAFETY REST AREAS, District 1

#27572

Department of Transportation—REMOVAL OF WASTE AND REFUSE FROM SAFETY REST AREAS, District 2

#27573

Department of Transportation—REMOVAL OF WASTE AND REFUSE FROM SAFETY REST AREAS, District 3

#68256

Kansas State Penitentiary—SOIL PIPE, FITTINGS AND DRAINS

#68257

University of Kansas Medical Center—FURNISH AND INSTALL WALL PARTITIONS

#68258

Department of Revenue—PAPER HANDLING EQUIPMENT

FRIDAY, FEBRUARY 27, 1987

#A-5428(f)

Kansas State University—ROOFING SYSTEM REPLACEMENT—PHASE II, roof areas No. 1 and 2, on campus

#A-5502

Pittsburg State University—REPLACE STEAM DISTRIBUTION LINES, on campus

#27518

Statewide—CANNED GOODS

#27574

Department of Transportation—REMOVAL OF WASTE AND REFUSE FROM SAFETY REST AREAS, District 4

#27575

Department of Transportation—REMOVAL OF WASTE AND REFUSE FROM SAFETY REST AREAS, District 5

#27576

Department of Transportation—REMOVAL OF WASTE AND REFUSE FROM SAFETY REST AREAS, District 6

#68275

Kansas State University—LAB CENTRIFUGE

#68276

University of Kansas—REFRIGERANT COMPRESSOR

#68278

University of Kansas Medical Center—COMPUTER PERIPHERALS

TUESDAY, MARCH 3, 1987

#A-5447

Pittsburg State University—PORTER BUILDING REMODELING

WEDNESDAY, MARCH 4, 1987

#27567

Statewide—TELEPHONE EQUIPMENT (single and/or multiple line)

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 005045

State of Kansas

PARK AND RESOURCES AUTHORITY

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1987)

Article 2.—MOTOR VEHICLE PERMITS

33-2-4. Schedule of motor vehicle permit fees.

One-day temporary motor vehicle permit (valid only in the park where purchased; expires at 10 a.m. on day following purchase)	\$ 3.00
Annual motor vehicle permit (for calendar year)	\$20.00
Additional motor vehicle permit (with annual motor vehicle permit; for each additional vehicle of same owner for calendar year)	\$ 5.00
Duplicate permit (to replace lost, stolen, or damaged annual motor vehicle permit)	\$ 1.00

This regulation shall take effect on January 1, 1988. (Authorized by and implementing K.S.A. 1985 Supp. 74-4509b, amended by L. 1986, Ch. 291, Sec. 1; effective, T-83-39, Nov. 23, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987.)

Article 3.—OTHER FEES AND CHARGES

33-3-3. Schedule of fees and charges.

Overnight Camping (per night-per unit)	\$ 2.00
Overnight Camping with utility charge for electricity (per night-per unit)	\$ 5.00
Overnight Camping with utility charge for electricity, water, and sewer hookup (per night-per unit)	\$ 6.00
Annual Camping Fee for calendar year (in lieu of \$2.00 Overnight Camping Fee)	\$ 30.00
Duplicate Annual Camping Fee (to replace lost, stolen, or damaged Annual Camping Fee)	\$ 1.00
Utility charge for electricity (per night-per unit) with Annual Camping Fee	\$ 3.00
Utility charge for electricity, water, and sewer hookup (per night-per unit) with Annual Camping Fee	\$ 4.00
Annual charge for private boat dock	\$ 10.00
Towing fee for towing boat docks and other watercraft	\$ 10.00
Daily rental for group shelters	\$ 25.00
Annual rental for private cabin sites	\$100.00
Annual rental for club and organization cabin sites	\$150.00

This regulation shall take effect on January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 74-4510, as amended by L. 1986, Ch. 292, Sec. 1; effective Jan. 1, 1966; amended, E-77-26, May 1, 1976; amended Feb. 15, 1977; amended May 1, 1980; amended, T-83-13, July 1, 1982; amended T-83-39, Nov. 23, 1982; amended May 1, 1983; amended T-87-45, December 19, 1986; amended May 1, 1987.)

LYNN BURRIS, JR.
Director

Doc. No. 005033

State of Kansas

DEPARTMENT OF HUMAN RESOURCES
LABOR BOARD OF REVIEWPERMANENT ADMINISTRATIVE
REGULATIONS

(Effective May 1, 1987)

Article 1.—APPELLATE PROCEDURE

48-1-4. Conduct of hearing. (a) Each hearing shall be conducted informally and in such a manner as to ascertain all the facts and the full rights of the parties. The claimant and any other party to an appeal before a referee shall present pertinent evidence regarding the issues involved. The referee shall receive evidence logically tending to prove or disprove a given fact in issue, including hearsay evidence and irrespective of common law rules of evidence. The referee, when any evidence is unnecessarily cumulative in effect or where the evidence neither proves nor disproves relevant facts in issue, shall, on objection of appellant, claimant, or interested party, or on his or her own motion, exclude or prohibit any such evidence from being received.

(b) When a party appears in person, the referee shall examine the party and the party's witnesses, if any, to the extent necessary. During the hearing of any appeal, the referee shall, with or without notice to either of the parties, take such additional evidence deemed necessary to determine the issues involved.

(c) Stipulations. The parties to an appeal, with the consent of the referee, may stipulate in writing or under oath at the hearing as to the facts involved.

(d) Recording of hearing. The referee shall record the hearing by use of a mechanical recording device. The recording shall constitute the official record. Other mechanical recording devices shall not be allowed in the hearing.

(e) Hearing by telephone. When reasonably possible, all parties and witnesses shall appear in person before the referee except as provided below:

(1) The referee may allow a party or witness to appear by telephone if:

(A) Due to geographic distance, incarceration, hospitalization, or inclement weather, it is not reasonable for the party or witness to appear in person before the hearing officer;

(B) to do so permits confrontation and cross-examination of the party or witness not otherwise possible; and

(C) the telephone equipment permits simultaneous participation of all parties.

(2) The chief of appeals may determine that participation by telephone is necessary for the fair disposition of the appeal.

(3) A duly authorized representative shall not appear by telephone at a geographic location different than the party represented, except when appearing as a witness only.

(4) Documentary evidence shall be submitted in advance of the hearing whenever possible by mailing copies to the referee and opposing party. However,

the referee shall allow the submission of documentary evidence at the hearing or after the hearing if to do so is necessary for the fair disposition of the appeal. (Authorized by and implementing K.S.A. 1985 Supp. 44-709(g) as amended by L. 1986, ch. 318, § 59; effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1980; amended, May 1, 1987.)

Article 3.—APPEALS

48-3-2. Representation before referee and board of review. (a) Appearance in person. The parties may appear in person and by an attorney or by a duly authorized representative.

(b) Representation by attorney. A party to the proceeding may be represented by an attorney who is regularly admitted to practice before the supreme court of Kansas, or by any attorney from without the state who complies with the provisions of K.S.A. 7-104.

(c) Representation by a duly authorized representative.

(1) The parties may be represented by a duly authorized representative who shall serve without fee except as provided in K.S.A. 1985 Supp. 44-718(b). For the purpose of this article, a duly authorized representative is defined as:

(A) A union representative;

(B) an employee of an unemployment compensation cost control management firm;

(C) an employee of a corporate party; or

(D) a legal intern authorized to represent clients pursuant to the provisions of Rule 708 of K.S.A. 7-126.

(2) A referee or the board of review may limit or disallow participation in a hearing by a duly authorized representative if:

(A) the representative does not effectively aid in the presentation of the represented party's case; or

(B) the representative delays the orderly progression of the hearing.

(d) Standards of conduct. A referee or the board of review may terminate the hearing and issue a decision based upon the available evidence that a party or a party's representative intentionally and repeatedly fails to observe the provisions of the Kansas employment security law, the rules and regulations of the secretary of human resources or the instructions of a referee or the board of review. (Authorized by and implementing K.S.A. 1985 Supp. 44-709(g) as amended by L. 1986, Ch. 318, § 59; effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1980; amended, May 1, 1987.)

SHELBY SMITH

Acting Secretary of Human Resources

Doc. No. 005031

State of Kansas

DEPARTMENT OF TRANSPORTATION

PERMANENT ADMINISTRATIVE
REGULATIONS
(Effective May 1, 1987)

Article 7.—STUD TIRES

36-7-2. Use of Studded Traction Equipment Permitted; Definitions; Limitations on Use. (a) Definitions. (1) "Vehicles" shall have the meaning set forth at K.S.A. 8-1485.

(2) "Highway" shall have the meaning set forth at K.S.A. 8-1424.

(3) "Studded traction equipment" means any device designed to be attached or placed on an automobile tire or small truck tire for the purpose of increasing traction in snow, ice or other conditions tending to cause a vehicle to skid. For purposes of this regulation "truck" shall mean a vehicle registered with the Kansas department of revenue of a gross vehicle weight of 12,000 lbs. or less. Depending on the design and application, the device may cover all of the tire tread or a portion of the tire tread at frequent intervals from the perimeter of the tire.

(b) Stud-type protrusions consisting of tungsten carbide or other material of similar substances that will not sliver or shatter upon striking concrete or other hard material may extend outward from the periphery of the studded traction device. When installed the tungsten tip of the stud shall project not less than .040 inch nor more than .090 inch above the surface. The device to which the studs or protrusions are attached shall extend across the tread of the tire at intervals of not less than twelve inches when measured along the circumference of the tire. Studs shall be securely attached to the device in such manner that they will not become dislodged from the device by striking some object or from centrifugal force.

(c) The number of studs per device shall be controlled by the size of tire and shall be a minimum of 32 studs.

(d) Studded traction equipment shall be permissible for use on highways within this state on and after November 1 of each year to and including April 1 of the succeeding year.

(e) The manufacturer of studded traction equipment shall be responsible for the proper installation of studs when inserted at the factory and when inserted by dealers who operate factory-owned stores.

(f) A manufacturer of studded traction equipment seeking prior approval of such equipment for legal sale or use in Kansas shall make written application to the secretary of the Kansas department of transportation. The application shall state that the device meets all of the requirements for studded traction equipment as specified in this regulation. The secretary reserves the right to require additional proof of equipment or stud conformity. The additional requirements may include submission to the secretary of one or more pairs of studded traction equipment for which approval is requested.

(g) The secretary of the Kansas department of

transportation reserves the right to deny a certificate of approval for studded traction equipment that does not meet the standards and specifications of this regulation. (Authorized by and implementing K.S.A. 1985 Supp. 8-1742; as amended by L. 1986, Ch. 42; effective May 1, 1987.)

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 005032

State of Kansas

BOARD OF ACCOUNTANCY

PERMANENT ADMINISTRATIVE
REGULATIONS
(Effective May 1, 1987)

Article 5.—CODE OF PROFESSIONAL CONDUCT

74-5-202. Auditing standards. A certified public accountant or a licensed municipal public accountant shall not permit his or her name to be associated with financial statements in such a way as to imply that the accountant is acting as an independent certified public accountant or licensed municipal public accountant with respect to the financial statements unless the accountant has complied with the applicable, generally accepted auditing standards.

Statements on auditing standards issued by the American institute of certified public accountants in Volumes A and B, dated June 1, 1986, and the minimum standard audit program of the Kansas state municipal accounting board, shall be considered to be interpretations of the generally accepted auditing standards. Any accountant who does not conform to those standards shall provide justification for such a departure. (Authorized by and implementing K.S.A. 1-202(c)(1), K.S.A. 75-1119(a); effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987.)

74-5-203. Accounting principles. A certified public accountant or a licensed municipal public accountant shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if the financial statements contain any departure from those accounting principles that has a material effect on the financial statements taken as a whole. However, any certified public accountant or licensed municipal public accountant may express such an opinion if the accountant can demonstrate that, due to unusual circumstances, the financial statements would otherwise have been misleading. In those cases, the accountant's report shall describe the departure, the approximate effects, if practicable, and the reasons why compliance with the principle would result in a misleading statement. For purposes of this rule, "generally accepted accounting principles" are considered to be pronouncements issued by the financial accounting stan-

(continued)

dards board in its general and industry standards publications, dated June 1, 1986. (Authorized by and implementing K.S.A. 1-202(c)(1), K.S.A. 75-1119(a); effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987.)

Article 11.—POSITIVE ENFORCEMENT PROGRAM

74-11-1. Definitions. (a) "Office" means each place of business of a Kansas practice unit which constitutes a separate geographical location where the practice unit engages in the practice of public accountancy.

(b) "Issuer" means individuals, partnerships, professional associations or corporations.

(c) "Practice unit" means: (1) Each permit holding certified public accountant engaged in the practice of public accountancy as a sole proprietor;

(2) each partnership, professional association or corporation engaged in the practice of public accountancy in Kansas and registered with the board; and,

(3) each out-of-state certified public accountant holding a Kansas permit to practice, or each out-of-state firm of certified public accountants performing public accounting services in Kansas.

(d) "Report review" means a review tantamount to a peer review. (Authorized by K.S.A. 1-202(a) and implementing K.S.A. 1-401(c); effective May 1, 1987.)

74-11-2. Reports required of practice units. (a) All offices shall be required to provide the board, at their request, with legible copies of an audit, a review, a compilation, a projection or a forecast, at least once every three years.

(b) Out-of-state practice units shall be required to provide the board with legible copies of an audit, a review, a compilation, a projection or a forecast, at least once every three years.

(c) If a practice unit does not issue a particular level of report, as mentioned above, a notice to that effect may be filed with the Board and that practice unit will be exempted from submitting that level of report for that three-year period. Exemptions granted under this subsection are valid for only one three-year period.

(d) Practice units which are members in good standing of the division of CPA firms of the American institute of certified public accountants, or which have had reports reviewed by a state society of certified public accountants' positive report review program acceptable to the board shall be exempt from this requirement. Such practice units shall submit evidence, satisfactory to the board, of meeting the requirements of this subsection for exemption.

(e) The reports to be submitted are to be selected by the practice unit. Client identification information shall be obscured or deleted from the reports prior to submission to the board.

(f) Reports must be submitted with a transmittal form approved by the board. (Authorized by and implementing K.S.A. 1-202(a); effective May 1, 1987.)

74-11-3. Selection of reports. (a) Upon receipt of the reports by the board, file numbers will be assigned to the reports. The identity of the issuer may be obscured or deleted at the issuer's request.

(b) All reports, or a percentage thereof, shall receive an initial review by a program coordinator, who shall be a certified public accountant skilled in accounting and auditing.

(c) The initial review and all subsequent reviews shall seek to determine whether the reports comply with applicable standards of reporting.

(d) Reports reviewed by the program coordinator will be assigned to volunteer reviewers for desk reviews. (Authorized by K.S.A. 1-202(a) and implementing K.S.A. 1-401(c); effective May 1, 1987.)

74-11-4. Review process. (a) A desk review will consist of an indepth review of the report by a volunteer reviewer, who shall be skilled in accounting and auditing.

(b) Upon completion of the desk review, the volunteer reviewer shall submit his comments to the program coordinator and to the board.

(c) These comments shall be reviewed for materiality and substance and to determine what, if any, comments will be forwarded to the issuer.

(d) Following approval by the board, letters of constructive comment shall be mailed to issuers regarding the perceived departures from standards detected in the reports. Such correspondence shall include authoritative citations to support the conclusions drawn and forwarded to the issuer.

(e) The issuer shall be required to respond to the findings of the board within 60 days and provide rationale for areas of disagreement.

(f) Responses from the issuers shall be reviewed with a determination made as to whether or not the areas of disagreement warrant a field review of the supporting work papers and documentation. (Authorized by K.S.A. 1-202 and implementing K.S.A. 1-401(c); effective May 1, 1987.)

74-11-5. Disposition of problem reports. (a) The board, or a representative thereof, may conduct the field reviews of work papers and documentation in specific areas.

(b) The results of the field review of the work papers and documentation shall be reported to the issuer and the board, and shall be the basis for discussions concerning remedies to upgrade the reporting, in accordance with the provisions of the Kansas administrative procedures act and the act for judicial review and civil enforcement of agency actions.

(c) Failure of a practice unit to submit the reports required by these regulations will result in the initiation of an investigation by the board. (Authorized by K.S.A. 1-202 and implementing K.S.A. 1-311(h) and K.S.A. 1-401(c); effective May 1, 1987.)

GLENDIA SHERMAN
Executive Secretary

Doc. No. 005039

State of Kansas

BOARD OF PHARMACY

PERMANENT ADMINISTRATIVE
REGULATIONS

(Effective May 1, 1987)

Article 1.—REGISTRATION AND
EXAMINATION OF PHARMACISTS

68-1-1b. Continuing educational unit. (a) Ten clock hours of continuing education approved by the board shall constitute one continuing educational unit (C.E.U.).

(b) One and one-half C.E.U.(s) shall be required for renewal.

(c) All continuing education programs recognized by the American council on pharmaceutical education shall be approved by the board. The board may approve continuing education credit received from other providers after review and consideration of the following documentation submitted to the board by the licensee:

(1) A copy of the certification of attendance or completion for the program which shall include the program title, type of course or program, name of provider, and the number of continuing education units completed; and

(2) a brief summary of the program which states the program's objectives and describes the relevance of the program to the practice of pharmacy.

(d) A maximum of 10 clock hours earned by a licensee during one annual licensure in excess of the requirement may be carried forward to the next annual licensure period.

(e) A licensee shall not be authorized to carry forward excess hours earned in one licensure period beyond the next annual licensure period. (Authorized by and implementing K.S.A. 65-1630; effective, E-76-31, Aug. 11, 1975; effective May 1, 1976; amended May 1, 1978; amended May 1, 1983; amended May 1, 1986; amended May 1, 1987.)

68-1-1c. (Authorized by and implementing K.S.A. 1982 Supp. 65-1631; effective May 1, 1983; revoked May 1, 1987.)

68-1-1d. Approved schools. The board may recognize and approve all schools or colleges of pharmacy or departments of universities accredited by the American council on pharmaceutical education and all other schools or colleges of pharmacy or departments of universities which, as determined by the board, have a standard of education not below that of the university of Kansas school of pharmacy. (Authorized by and implementing K.S.A. 65-1631; effective May 1, 1983; amended May 1, 1987.)

68-1-1e. Determination and approval. (a) Graduates from a school or college of pharmacy or a department of a university not accredited by the ACPE shall submit to the board the following information, in English, under oath of affidavit:

(1) A certified copy of transcript;

(2) a list of courses completed and their respective syllabi;

(3) the time taken to complete the course;

(4) a listing and explanation of any practice course work completed, including, but not limited to, intern and extern course work; and

(5) any other course work or experience bearing on the educational training in pharmacy of the applicant.

(b) The board shall consider, but not be limited to consideration of the following in its determination of whether a school or college of pharmacy or department of a university shall be recognized and approved:

(1) All information and documents submitted by the applicant;

(2) the standards set forth by the ACPE in its accreditation manual as they existed at the time of the applicant's graduation;

(3) the course work and curriculum required by the university of Kansas school of pharmacy at the time of the applicant's graduation from a school or college of pharmacy or a department of a university not accredited by the ACPE; and

(4) the use of examinations, outside experts, and opinions and reports for advice as to the sufficiency and correctness of its approval method. (Authorized by and implementing K.S.A. 65-1631; effective May 1, 1983; amended May 1, 1987.)

68-1-5. (Authorized by K.S.A. 1975 Supp. 65-1630; effective Jan. 1, 1966; amended, E-76-31, Aug. 11, 1975; amended May 1, 1976; revoked May 1, 1987.)

Article 2.—DRUGSTORES

68-2-12a. Minimum requirements. (a) Each registered pharmacy, other than a medical care facility, shall possess and have available for use a library that includes:

(1) The United States pharmacopoeia/national formulary and the current United States pharmacopoeia-dispensing information, volumes I and II;

(2) a current copy of the Kansas pharmacy act, the Kansas uniform controlled substances act and current regulations under both acts; and

(3) one recognized text in toxicology, pharmacology, and drug interactions, and a medical dictionary.

(b) Each registered pharmacy shall also have in its possession the equipment and supplies necessary to compound, dispense, label, administer and distribute drugs. The equipment shall be in good repair and shall be available in sufficient quantities to meet the needs of the practice of pharmacy conducted therein. (Authorized by K.S.A. 65-1630; implementing K.S.A. 65-1642; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987.)

68-2-14. (Authorized by K.S.A. 1975 Supp. 65-1630; effective Jan. 1, 1966; amended, E-76-31, Aug. 11, 1975; amended May 1, 1976; revoked May 1, 1987.)

68-2-18. (Authorized by K.S.A. 65-1630; effective Jan. 1, 1966; revoked May 1, 1987.)

68-2-21. (Authorized by K.S.A. 65-1630; implementing K.S.A. 1984 Supp. 65-1642; effective May 1, 1986; revoked May 1, 1987.)

(continued)

Article 5.—GENERAL RULES

68-5-6. (Authorized by K.S.A. 1977 Supp. 65-1630; effective Jan. 1, 1966; amended, E-76-31, Aug. 11, 1975; amended May 1, 1976; amended May 1, 1978; revoked May 1, 1987.)

68-5-10. (Authorized by K.S.A. 1975 Supp. 65-1630; effective Jan. 1, 1966; amended Jan. 1, 1968; amended E-76-31, Aug. 11, 1975; amended May 1, 1976; revoked May 1, 1987.)

68-5-14. (Authorized by K.S.A. 1977 Supp. 65-1630; effective Jan. 1, 1966; amended E-76-31, Aug. 11, 1975; amended May 1, 1976; amended May 1, 1978; revoked May 1, 1987.)

Article 7.—MISCELLANEOUS PROVISIONS

68-7-9. (Authorized by K.S.A. 1977 Supp. 74-1606; effective E-76-31, Aug. 11, 1975; effective May 1, 1976; amended May 1, 1978; revoked May 1, 1987.)

Article 11.—FEES

68-11-1. Fees for examination and license as a pharmacist. The following fees shall be paid to the board by each applicant for examination and license as a pharmacist: (a) Each applicant for examination shall pay a fee of \$175.00.

(b) Each applicant for reciprocal license or for examination who graduated from a school or college of pharmacy or department of a university not accredited by the ACPE shall pay an additional fee of \$250.00 for a school evaluation.

(c) Each licensed pharmacist shall pay an annual renewal fee of \$50.00. (Authorized by and implementing K.S.A. 65-1631 and K.S.A. 65-1645; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987.)

Article 20.—CONTROLLED SUBSTANCES

68-20-12. (Authorized by K.S.A. 65-4116, 65-4117, 65-4118, 65-4119; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; revoked May 1, 1987.)

68-20-17. Order forms. Every licensee shall transfer controlled substances in conformance with the requirements prescribed in section 308 of the federal controlled substances act (21 USC 828), and in part 1305 of title 21 of the code of federal regulations in effect on April 1, 1985. All transfers of schedule I and II controlled substances shall require the use of a drug enforcement agency 222 form issued by the United States attorney general. (Authorized by and implementing K.S.A. 65-4115, 65-4122, effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended May 1, 1987.)

TOM HITCHCOCK
Executive Secretary

Doc. No. 005029

State of Kansas

STATE CONSERVATION COMMISSION

PERMANENT ADMINISTRATIVE REGULATIONS (Effective May 1, 1987)

Article 3.—WATERSHED DAM CONSTRUCTION PROGRAM

11-3-2. Application. (a) Any organized watershed district, drainage district or other special purpose district, interested in state assistance, may apply for state cost-share assistance funds appropriated for construction of detention and grade stabilization dams. Applications for state assistance shall be on forms supplied by the commission. Applications shall be due at the commission office by April first to be included in the evaluation process for possible funding during the next fiscal year.

(b) The district submitting the application shall employ or acquire the services of a person knowledgeable of watershed dam construction administrative procedures, who shall be known as the contracting officer for the proposed site. The contracting officer shall attend a pre-allocation seminar before the application will be considered for state assistance. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as amended by L. 1986, Ch. 7; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

11-3-4. Allocation of funds. (a) An evaluation team consisting of designees from state and federal water related agencies shall evaluate applications and recommend a priority order for funding. In addition, an amount will be recommended for construction of detention dams in drainage or other special purpose districts.

(b) The maximum cost-share level for construction costs including engineering and inspection shall be 80 percent. The maximum annual assistance per structure or district shall be \$90,000, except when uncommitted funds are available after all eligible structures have been funded. In which case, the funds may be used to provide additional cost-sharing above the maximum limit. Assistance funds shall not be used for land rights or administrative costs.

(c) Bid standard procedures of the department of administration shall be used in the bidding process for approved applications for state assistance.

(d) Adequate accounting and fiscal records shall be maintained by the district to reflect the receipts and expenditures of all funds of the project.

(e) The district shall submit project documents and information as required by the commission.

(f) The district shall construct or cause the project to be constructed to final completion in accordance with the plans and specifications or modifications approved by the chief engineer. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as amended by L. 1986, Ch. 7; effective,

T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

11-3-5. Contract. (a) The contract shall become a fund-obligating document and shall include contractual provisions required by the commission and the state.

(b) Contracts not completed by the end of the fiscal year in which appropriation was made shall be extended by written notice. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as amended by L. 1986, Ch. 7; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

11-3-9. Supplemental application procedures. A supplemental request of funds for costs of construction and engineering exceeding the approved funding shall be submitted on forms supplied by the commission. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as amended by L. 1986, Ch. 7; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

Article 4.—STATE GRANTS FOR CONSTRUCTION OR RENOVATION OF MULTIPURPOSE SMALL LAKES

11-4-1. Definitions. (a) "Authorized representative" means the individual designated by the sponsor to be responsible for all correspondence. The authorized representative shall be the point of contact for the proposed project.

(b) "Commission" means the state conservation commission.

(c) "Cost-share limit" means the limitation of state funds as established by statute for class I, class II, and class III projects.

(d) "Land treatment" means a structure or conservation practice which shall constitute a viable method of erosion abatement and sediment and pollution control.

(e) "Phase I letter of interest" means an initial written request from a sponsor for a determination as to whether a proposed project is eligible for the multipurpose small lakes program.

(f) "Phase II letter of intent" means a letter providing the necessary information for establishing the funds required for the proposed project. Project plans, budgets and schedules shall be developed in sufficient detail to support the funding request. An approved general plan, submitted with the letter of intent, shall supply detailed information to allow comparison with other projects. The signed letter of intent and supporting documentation shall be reviewed by the state water related agencies. An order of priority for the proposed projects shall be established from the information provided in the letter of intent and recommendations from the reviewing agencies.

(g) "Phase III application" means the application for the appropriated funds for the project. This phase shall include preparation of construction documents

including technical specifications, contract documents, bidding plans and procedures, and documentation showing that required permits, titles or options on the necessary lands and easements have been obtained.

(h) "Program" means the multipurpose small lakes program.

(i) "Project" means proposed construction or renovation of a multipurpose small lake by the sponsor including acquisition of land rights, installation of land treatment structures, dams and recreation facilities.

(j) "Renovation" means the act of restoring an existing structure to safe and efficient functioning for the original purpose or a new purpose. (Authorized by and implementing K.S.A. 1985 Supp. 82a-1602; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

11-4-3. Letter of intent. (a) The phase II letter of intent may be submitted by the sponsor following receipt of a letter from the commission that the proposed project is eligible for possible funding. The letter of intent, submitted on forms furnished by the commission, shall include an approved general plan. Proposed projects involving community development block grant funds shall include an application for these funds. The sponsor shall include an agricultural impact statement and resources inventory when five acres or more of prime agricultural land is taken under the power of eminent domain.

(b) The original letter of intent, plus one copy for each reviewing agency, shall be submitted to the commission no later than June first to be considered in the next fiscal year budget request. (Authorized by K.S.A. 1985 Supp. 82a-1602; implementing K.S.A. 1985 Supp. 82a-1602 and 82a-1607; effective, T-86-43, Dec. 18, 1986; effective May 1, 1986; amended May 1, 1987.)

11-4-4. Review process. (a) Agencies reviewing the letter of intent shall include:

- (1) Department of health and environment;
- (2) Department of economic development;
- (3) Division of water resources, state board of agriculture;
- (4) Fish and game commission;
- (5) Historical society;
- (6) Park and resource authority; and
- (7) Water office;

(b) The review comments shall be considered in the priority ranking process. The projects not recommended for funding shall be returned to the sponsor with reasons for rejection. (Authorized by K.S.A. 1985 Supp. 82a-1602; implementing K.S.A. 1985 Supp. 82a-1602 and 82a-1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

11-4-7. State contract. (a) The contract between the state and the sponsor shall become a fund-obligating document and shall include contractual provisions required by the state.

(b) Contracts not completed by the end of the fiscal year in which appropriation was made shall be ex-

(continued)

tended by written notice. (Authorized by K.S.A. 1985 Supp. 82a-1602; implementing K.S.A. 1985 Supp. 82a-1602 and 82a-1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

11-4-8. Procedures. (a) Each engineering plan submitted to the chief engineer shall consider economical design and construction and shall conform to or exceed the construction requirements of the chief engineer.

(b) Each sponsor shall have acquired fee simple title or such other estate or interest in the site of the project, including necessary easements and right-of-ways, to assure undisturbed use and possession for the purpose of construction, operation and maintenance for the life of the project.

(c) Bid standard procedures of the department of administration or applicable agency shall be used in the bidding process.

(d) The sponsor shall maintain adequate accounting and fiscal records to reflect the receipt and expenditure of all funds on the project.

(e) The sponsor shall submit documents and information as required by the commission.

(f) The sponsor shall construct the project or cause it to be constructed to final completion in accordance with the application and the plans and specifications or modifications approved by the chief engineer. (Authorized by K.S.A. 1985 Supp. 82a-1602; implementing K.S.A. 1985 Supp. 82a-1602 and 82a-1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

11-4-10. Notification of completion. (a) The sponsor shall notify the commission and the chief engineer when the project is complete and ready for final certification by the chief engineer. The notification of completion shall be on forms supplied by the commission and shall include:

(1) The date of completion of the project;

(2) An itemized list of eligible construction, engineering, geological investigations, inspections and land acquisition costs; and

(3) A request for final payment of funds for the project.

(b) Final disbursement of the funds due from appropriated state funds shall be made after receipt of certification of completion of the work from the chief engineer. (Authorized by K.S.A. 1985 Supp. 82a-1602; implementing K.S.A. 1985 Supp. 82a-1602 and 82a-1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

11-4-13. Maintenance. The sponsor shall provide maintenance of the completed structure throughout its designed life or useful life, whichever is the longer. Corrective maintenance or repair shall be implemented by the sponsor when needed. (Authorized by and implementing K.S.A. 1985 Supp. 82a-1602 effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

11-4-14. Annual inspection. An annual inspection of the completed structure shall be made and an inspection report shall be filed on forms provided by the

commission. The inspection shall be made by a person experienced in dam design and construction. A copy of the inspection report shall be distributed to the commission and chief engineer. (Authorized by and implementing K.S.A. 1985 Supp. 82a-1602; effective, T-86-43, Dec 18, 1985; effective May 1, 1986; amended May 1, 1987.)

KENNETH F. KERN
Executive Director

Doc. No. 005006

State of Kansas

DEPARTMENT OF ADMINISTRATION

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1987)

Article 2.—DEFINITIONS

1-2-25. Compensatory time credits. Compensatory time credits are: (a) 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; or

(b) leave credits for compensatory time off given pursuant to K.A.R. 1-5-24. (Authorized by K.S.A. 1985 Supp. 75-3747; effective May 1, 1979; amended, T-86-17, June 17, 1985; amended, T-86-36, December 11, 1985; amended May 1, 1986; amended, T-87-11, May 1, 1986; amended May 1, 1987.)

1-2-46. Length of service. (a) Subject to the provisions of subsection (b), length of service shall mean total time worked in the classified service or unclassified service, or both, excluding:

(1) temporary or emergency appointments other than time spent, on and after May 1, 1985, on a temporary appointment in the unclassified service pursuant to K.S.A. 1985 Supp. 75-2935(1)(i);

(2) time worked as a student employed by any board of regents institution;

(3) time worked as a resident worker in any social and rehabilitation services institution; or

(4) time worked as an inmate.

(b)(1) In crediting employment in an intermittent position, 160 hours in pay status shall be equivalent to one month of service.

(2) Accrual of service credit shall be limited to a maximum of:

(A) six months in a 12-month period, for intermittent positions restricted to less than 1,000 hours; or

(B) nine months in a 12-month period, for intermittent positions allowing 1,500 hours.

(c) Time spent on military leave, or on leave while receiving workers' compensation benefits for disability attributable to state employment, shall be considered to be time worked in the classified or unclassified service. Time on leave while receiving workers' compensation benefits for disability attributable to state employment prior to May 1, 1983 shall not be credited.

(d) Within educational institutions under the control and supervision of the state board of regents or the state board of education, time spent on leave of absence, imposed by the employer based on employment customs arising from an academic or school calendar requiring less than a full calendar year of service, shall be considered to be time worked in the classified service. However, such leave of absence service credit shall not be transferable to other state agencies. For the purposes of layoff, employees of such institutions shall be credited only for actual time worked.

(e) In computing an individual's vacation leave credits, sick leave credits and service for compensation purposes, any service performed prior to May 1, 1983, shall be credited on the basis of the individual's service credit on April 30, 1983. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 1985 Supp. 75-3746; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-52, Dec. 19, 1986; amended May 1, 1987.)

1-2-51. Pay increase date. The pay increase date shall always be on the first day of the pay period and shall be based on the time-on-step requirements of the pay plan. If an employee begins employment on a day other than the first day of a pay period, the pay increase date shall be calculated from the first day of the next pay period. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 75-2938; effective May 1, 1979; amended May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987.)

1-2-85. Temporary appointment. A temporary appointment is an appointment that does not exceed 999 hours of employment in a 12-month period. A temporary appointment does not affect the position limitation of an agency. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 1985 Supp. 75-2945; effective May 1, 1979; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987.)

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, or because of use of compensatory time credits. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 75-2938; effective May 1, 1979; amended May 1, 1981; amended, T-86-17, June 17, 1985; amended, T-86-36, December 11, 1985;

amended May 1, 1986; amended, T-87-11, May 1, 1986; amended May 1, 1987.)

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 appointing authority may request that the director of personnel services approve a starting salary for the individual at some higher step in the range. Such a 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, one or more appointing authorities may request that the director of personnel services establish some higher step in the range as the starting salary for original appointments in the class, or may request that the director 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 length of time the incumbent has spent on the previous step of the range shall count toward the time-on-step requirement for the new step.

(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. 1985 Supp. 75-3747; implementing K.S.A. 75-2938, K.S.A. 1985 Supp. 75-3746; effective May 1,

(continued)

1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987.)

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 previously paid in the class which serves as the basis for the employee's eligibility for reinstatement. Reinstatement appointments at a higher step of the range in the class to which the employee is reinstated shall be made only under the following circumstances:

(1) When the employee to be reinstated has exceptional qualifications and the agency cannot hire the person at the previous step, the agency's appointing authority may request that the director of personnel services approve a starting salary at a higher step in the range. Such a request shall include information concerning the former employee's education, training, experience, and other qualifications.

(2) When a higher step in the range has been established as the starting salary for original appointments in the class pursuant to K.A.R. 1-5-8, the agency shall appoint the employee to the step at which it makes original appointments in the class.

(3) 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 date for any person appointed by reinstatement shall be governed by the time-on-step requirement of the step to which appointed. Time-on-step on a previous appointment shall not count towards the time-on-step requirement.

(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 increase 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, or to a class with a salary range lower than that class, the length of time the employee had spent on the salary step immediately prior to the date the person was laid off shall count toward the time-on-step requirement. If the pay increase date for such a person is less than six months after the date of reemployment, the agency may use the person's last performance evaluation rating prior to layoff 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.

(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 conversion to the new pay plan for fiscal year 1986. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 75-2938 and 75-2948, K.S.A. 1985 Supp. 75-3746; 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; amended May 1, 1987.)

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 shall be determined by the same method as was

used for conversion to the new pay plan for fiscal year 1986. In determining the employee's new pay increase 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. 1985 Supp. 75-3747; implementing K.S.A. 75-2947, K.S.A. 1985 Supp. 75-3746; 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; amended May 1, 1987.)

1-5-12. Salary of employee appointed to classified service from unclassified service. (a) Any unclassified employee who has been continuously employed in the unclassified service for at least six months, and who, within 90 days of separation from the unclassified service, is appointed to a position in the classified service, may be paid the same rate (dollar amount) in the classified position as the employee had been receiving in the unclassified position, if the rate is on a step of the range for the class. If the rate is not on a step of the range, it shall be adjusted to the next higher step in the range, if that step is within the range, or to any lower step in the range.

(b) If the appointment of the person is handled as a promotion, the appointing authority may grant a one-step increase, if the step is within the range. Nothing in this regulation shall prevent the appointment being made at a step in the range which is lower than permitted by this regulation. However, the employee shall receive some increase in pay if the appointment is being handled as a promotion.

(c) If the appointment of the person is handled as a voluntary demotion, the employee may be paid at any step within the range assigned to the class to which appointed that is a decrease in rate (dollar amount) from the rate the employee was being paid in the unclassified service for the position from which demoted.

(d) The pay increase date for any person appointed to the classified service from the unclassified service shall be governed by the time-on-step requirement of the step to which appointed. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 75-2938, K.S.A. 1985 Supp. 75-3746; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1984; amended May 1, 1987.)

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.

(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. This requirement may be waived or modified by the director 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.

(g) The pay increase date for any person appointed to a higher class shall be governed by the time-on-step requirement of the step to which appointed. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 75-2938, K.S.A. 1985 Supp. 75-3746; 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; amended May 1, 1987.)

1-5-14. Salary of employee upon transfer. An employee appointed by transfer to a position in the same class, or a similar class in the same range, as provided in other sections of these regulations, may be paid at the same step as the step on which he or she was being paid before the transfer. Nothing herein shall prevent a transfer being made at a lower step within the range, if this is agreed upon by the employee and the appointing authority. Whether the same or a lower salary is paid, the length of time the incumbent has spent on the previous step shall count toward the time-on-step requirement for computing the pay increase date. If the number of months accumulated is greater than the number of months required for movement, the employee shall be granted one or more step increases and any unused months shall count toward the next pay increase. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 75-2938, K.S.A. 1985 Supp. 75-3746; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1987.)

1-5-15. Salary of employee upon demotion. (a) An employee who is demoted, in accordance with other

(continued)

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) The pay increase date for any person demoted shall be governed by the time-on-step requirement of the step to which appointed.

(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. 1985 Supp. 75-3747; implementing K.S.A. 75-2938; 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; amended May 1, 1987.)

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 length of time the incumbent has spent on the step of the previous range shall count toward the time-on-step requirement for computing the pay increase date. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 75-2938, K.S.A. 1985 Supp. 75-3746; 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; amended May 1, 1987.)

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 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. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 75-2938, K.S.A. 1985 Supp. 75-3746; effective May 1, 1983; amended T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987.)

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 being paid a dollar amount below step A of the higher 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 length of time the incumbent has spent on the step of the previous range shall count toward the time-on-step requirement for computing the next pay increase date. If the number of months accumulated is greater than the number of months required for a pay increase, the employee shall be granted one or more step increases and any unused months shall count toward the next pay increase. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 75-2938, K.S.A. 1985 Supp. 75-3746; effective May 1, 1983; amended T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987.)

1-5-20. Individual salary decreases. (a) The appointing authority may reduce the salary of any employee one step by reason of less than satisfactory performance according to a current performance evaluation. Such a decrease shall not result in a pay rate below step A of the salary range. The employee's pay increase date shall be governed by the time-on-step requirement of the new step. Approval of the director shall be required for more than one such reduction in any 12-month period. Following 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. The employee's pay increase date shall be governed by the time-on-step requirement of the new step.

(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 length of time the incumbent has spent on the step of the previous range shall count toward the time-on-step requirement for computing the pay increase 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. 1985 Supp. 75-3747; implementing K.S.A. 75-2938, K.S.A. 1985 Supp. 75-3746; 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; amended May 1, 1987.)

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)(1) In lieu of paying an eligible 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.

(2)(A) An eligible employee shall not accrue more than 120 hours of compensatory time for overtime hours worked except as provided in paragraph (B). Any eligible employee who has accrued 120 hours of compensatory time off shall, for any additional overtime hours of work, be paid overtime compensation.

(B) Upon written request by an appointing authority, the secretary of administration may approve a higher maximum accumulation of compensatory time for a class or a group of eligible employees within that agency, provided that the maximum accumulation shall not exceed 240 hours.

(3) If compensation is paid to an eligible employee for accrued compensatory time off, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives the payment.

(4) An eligible employee who has accrued compensatory time off authorized under this subsection shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than:

(A) the average regular rate received by such eligible employee during the last three years of the employee's employment; or

(B) the final regular rate received by such eligible employee, whichever is higher.

(5)(A) An eligible employee who has accrued compensatory time off authorized under this subsection, and who has requested the use of compensatory time, shall be permitted by the appointing authority to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the agency.

(B) An employee who has accrued compensatory time off under this subsection may be required by the appointing authority to use the compensatory time within a reasonable period after receiving notice of such a requirement. The notice shall state the length of time in which a specified number of hours of compensatory time are to be used.

(g) When an employee who is eligible for overtime works additional time that could result in overtime hours, 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 established a written policy stating that 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 K.S.A. 1985 Supp. 75-3747; 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 T-86-36, December 11, 1985; amended May 1, 1986; amended, T-87-11, May 1, 1986; amended May 1, 1987.)

Article 6.—RECRUITING AND STAFFING

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.

(continued)

(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, and the employee is returned to the former class, the employee's salary shall revert to whatever rate (dollar amount) it would have been had the employee not received the acting assignment. Neither the employee's pay increase date nor the employee's status in the normal position shall be affected by an 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) If the employee is promoted to a position in which the employee has served in an acting assignment, the salary shall remain at the amount paid during the acting assignment and any accumulated months shall count towards the next pay increase. The time served in the acting assignment may be credited towards the promotional probationary period. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 75-2938, K.S.A. 1985 Supp. 75-3746; effective May 1, 1979; amended May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987.)

Article 7.—PROBATIONARY PERIOD AND EMPLOYEE EVALUATION

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 permissible under K.A.R. 1-7-4; 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.

(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. 1985 Supp. 75-3747; implementing K.S.A. 75-2946 and K.S.A. 1985 Supp. 75-2943; effective May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987.)

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

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 against a state agency.

(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. 1985 Supp. 75-3747; implementing K.S.A. 1985 Supp. 75-3746; effective May 1, 1979; amended May 1, 1982;

amended May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended, T-87-17, July 1, 1986; amended May 1, 1987.)

1-9-13. Payment for accumulated vacation leave and compensatory time credits upon separation. (a) Except as provided in subsection (b), any employee who resigns or is otherwise separated from the service shall be paid for that employee's accumulated vacation leave and compensatory time credits at the same time the employee is paid for the last day at work. Pay for vacation leave or compensatory time to the employee's credit shall be calculated on the same basis as the pay for the days that the employee actually worked in the pay period that includes the last day worked, except as provided in K.A.R. 1-5-24(f). Pay for such vacation or compensatory time credit shall be a lump sum addition to the employee's last paycheck.

(b) Each employee who retires from the service shall be paid for that employee's accumulated vacation leave and compensatory time credits. For the purpose of calculating the payment to any employee for leave credit earned as provided for in this regulation, the date of the employee's retirement from the service may be the employee's last day actually worked, or if the employee chooses, the last day in pay status.

(1) If the employee elects to use the last day actually worked, pay for vacation leave, holiday pay, or compensatory time to the employee's credit as of the date of retirement shall be calculated on the same basis as the pay for the hours actually worked in the pay period that includes the last day worked, except as provided in K.A.R. 1-5-24(f).

(2) If the employee elects to use the last day in pay status, the employee shall continue to accrue leave and holidays and shall be paid in the regular manner until all vacation leave, holiday pay, or compensatory time is exhausted. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1984; amended May 1, 1985; amended, T-86-36, December 11, 1985; T-87-11, May 1, 1986; amended May 1, 1987.)

Article 16.—TRAVEL REIMBURSEMENT

1-16-3. Official station; three months. If an employee has been continuously stationed at one place for three months, or travels to a place of work where more than one-half of the work time is spent for three or more months, that place shall be immediately designated as the official station and no further allowance shall be made for subsistence expenses incurred there. Upon written application to and approval of the secretary of administration, a maximum of two extensions may be requested and approved. Each extension shall not exceed three months but in no event shall the total duration of such extensions exceed six additional months. (Authorized by and implementing K.S.A. 75-3207 and 75-3207a; effective Jan. 1, 1966; amended, E-69-18, Aug. 14, 1969; amended Jan. 1, 1970; amended May 1, 1979; amended, T-87-17, July 1, 1986; amended May 1, 1987.)

1-16-15. Reduced allowances. Except as provided in subsection (d) of K.A.R. 1-16-18, an agency that desires to pay a reduced meals allowance or lodging expense shall obtain the prior approval of the secretary of administration. Agencies desiring to obtain this approval shall submit a request therefor on a form which may be obtained from the division of accounts and reports. (Authorized by and implementing K.S.A. 75-3207; effective Jan. 1, 1966; amended, E-69-18, Aug. 14, 1969; amended Jan. 1, 1970; amended May 1, 1979; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987.)

1-16-18. Subsistence allowance; rates. (a) General provisions.

(1) Except as otherwise specifically provided by law, subsistence allowances for in-state and out-of-state travel shall be paid on the basis of a quarter-day rate for meal expenses and the actual cost of lodging expenses incurred within the lodging expense limits set forth in this regulation. The subsistence rates for meal expenses shall be paid on a per diem basis at the appropriate rate for any fraction of a quarter-day in which the official travel begins and for each full quarter-day thereafter. For purposes of this regulation, a day shall commence at 12:01 a.m. No quarter-day allowance shall be paid for any fractional quarter-day in which the traveler returns to the traveler's official station or domicile.

(2) Reimbursement for lodging shall be made on the basis of actual single-rate lodging expenses incurred, including taxes, and shall be supported by the original official receipt of the lodging place or other suitable evidential matter. Reimbursement for lodging expenses shall be limited to the lodging place's lowest available rate for normal single occupancy on the day or days the lodging expense was incurred.

(3) Subject to the approval of the secretary of administration, the director of accounts and reports may designate any city in a state bordering or near Kansas as a "border city." All meal allowances and lodging expense limitations shall be at the appropriate in-state rate for travel by state personnel to a border city.

(b) Meals allowance. The quarter-day meals allowance shall be:

In-state	\$4.00
Out-of-state	\$4.50
Designated high cost geographic area—out-of-state	\$5.50

(c) Lodging expense limitations. The lodging expense limitations shall be:

In-state exclusive of designated high cost geographic areas	\$40.00
In-state, designated high cost geographic area ..	\$50.00
Out-of-state, exclusive of designated high cost geographic areas	\$60.00
Out-of-state, designated high cost geographic area ..	\$85.00
Borough of Manhattan and the District of Columbia ..	\$98.00

Specific exceptions to the dollar limitation on lodging expenses may be made in exceptional or hardship cases involving international travel if written approval to exceed the maximum rate has been granted by the authority that appointed the head of the department of

(continued)

the traveling employee. If the head of the department is an elected state official, the department head may grant the written approval. As used in this paragraph, "international travel" means travel outside the fifty states and the District of Columbia.

(d) If the cost of meals is included within the cost of registration fees or other fees and charges paid by the agency or supplied without cost by another party, the meal expenses shall be reduced as follows:

In-State Travel:	Amount
For each breakfast provided	\$ 3.50
For each lunch provided	\$ 4.50
For each dinner provided	\$ 8.00
Out-of-State Travel:	
For each breakfast provided	\$ 4.00
For each lunch provided	\$ 5.00
For each dinner provided	\$ 9.00
Travel to High Cost Geographic Areas and International Travel:	
For each breakfast provided	\$ 5.00
For each lunch provided	\$ 6.00
For each dinner provided	\$11.00

(Authorized by and implementing K.S.A. 75-3207a; effective, E-80-10, July 11, 1979; effective May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987.)

1-16-18a. Designated high cost geographic areas.

(a) For official travel to and from, or within, any high cost geographic area designated in subsection (d) in which the traveler is required to sleep away from home, the applicable subsistence allowance rate for that designated high cost geographic area may be paid. However, reimbursement on this basis shall not be allowable when such an area is only an intermediate stopover at which no official duty is performed, or when the subsistence expenses incurred relate to relocation, travel to seek residence quarters or to report to a new permanent duty station or to temporary quarters.

(b) Reimbursement for travel in high cost geographic areas shall be at the prescribed high cost geographic rate unless the agency establishes a reduced rate as provided in K.A.R. 1985 Supp. 1-16-15. When an out-of-state trip is to two or more destination cities, and when one of these cities is designated as a high cost geographic area, the subsistence allowance rate shall change from the high cost geographic area rate to the regular rate, or from the regular rate to the high cost geographic area rate, subject to and on application of the appropriate quarter-day allowance as determined by the time of arrival at the second destination city.

(c) The boundaries of designated high cost geographic areas include all locations within the corporate limits of the cities listed, unless otherwise specified. The designated high cost geographic areas are:

IN-STATE HIGH COST GEOGRAPHIC AREAS

Kansas City (all locations within Johnson and Wyandotte County)

- Topeka (all locations within Shawnee County)
- Wichita (all locations within Sedgwick County)
- OUT-OF-STATE HIGH COST GEOGRAPHIC AREAS**
- Afton, Oklahoma (Shangri-La Resort)
- Alexandria, Virginia
- Anaheim, California
- Anchorage, Alaska
- Arlington, Virginia (all locations within Arlington County)
- Aspen, Colorado (all locations within Pitkin County)
- Atlantic City, New Jersey (all locations within Atlantic County)
- Avon, Colorado (all locations within Eagle County)
- Beaver Creek, Colorado (all locations within Eagle County)
- Bethesda, Maryland
- Boston, Massachusetts (all locations within Middlesex, Norfolk and Suffolk Counties)
- Cambridge, Massachusetts
- Carmel, California (all locations within Monterey County)
- Chicago, Illinois (all locations within Du Page, Lake and Cook Counties)
- Corpus Christi, Texas (all locations within Nueces County)
- Danvers, Massachusetts
- Fairfax, Virginia (all locations within Fairfax County)
- Hilton Head Island, South Carolina (all locations within Beaufort County)
- Jackson Hole, Wyoming (all locations within Teton County)
- Juneau, Alaska
- Kaanapali Beach, Maui, Hawaii
- Kailau-Kona, Hawaii
- Kaunakakai, Molokai, Hawaii
- Keystone, Colorado (all locations within Routt County)
- Los Angeles, California (all locations within Los Angeles, Kern, Orange and Ventura Counties)
- Manchester, New Hampshire (all locations within Hillsborough County)
- Martha's Vineyard, Massachusetts (all locations within Dukes and Nantucket Counties)
- Miami, Florida (all locations within Dade and Monroe Counties)
- Minneapolis, Minnesota (all locations within Anoka, Hennepin, Ramsey and Rosemont Counties)
- Monterey, California (all locations within Monterey County)
- Nantucket, Massachusetts (all locations within Dukes and Nantucket Counties)
- Newark, New Jersey (all locations within Bergen, Essex, Hudson, Morris, Passaic and Union Counties)
- New Haven, Connecticut (all locations within New Haven County)
- Newport, Rhode Island (all locations within Newport County)

New York, New York (except as provided in K.A.R. 1-16-18, subsection (c), all locations within the boroughs of the Bronx, Brooklyn, Manhattan, Queens, Staten Island and the counties of Nassau and Suffolk)

Norfolk, Virginia (the Cities of Norfolk, Portsmouth, Hampton, Newport News, Chesapeake and all locations within York County)

Oakland, California (all locations within San Francisco, Alameda, Contra Costa and Marin Counties)

Ocean City, Maryland (all locations within Worcester County)

Palm Springs, California (all locations within Riverside County)

Phoenix, Arizona (all locations within Maricopa County)

Princeton, New Jersey (all locations within Mercer County)

St. Paul, Minnesota (all locations within Anoka, Hennepin, Ramsey and Rosemont Counties)

St. Louis, Missouri (all locations within St. Charles and St. Louis Counties)

San Diego, California (all locations within San Diego County)

San Francisco, California (all locations within San Francisco, Alameda, Contra Costa and Marin Counties)

San Jose, California (all locations within Santa Clara County)

San Juan, Puerto Rico

San Mateo, California (all locations within San Mateo County)

Santa Barbara, California (all locations within Santa Barbara County)

Santa Cruz, California (all locations within Santa Cruz County)

Scottsdale, Arizona (all locations within Maricopa County)

Snowbird, Utah

South Padre Island, Texas

Stamford, Connecticut

Sun Valley, Idaho

Tom's River, New Jersey (all locations within Ocean County)

Trenton, New Jersey (all locations within Mercer County)

Vail, Colorado (all locations within Eagle County)

Virginia Beach, Virginia

Wailea, Maui, Hawaii

Washington, D.C. (Cities of Alexandria, and Falls Church; and the County of Loudoun in Virginia; and the Counties of Montgomery and Prince Georges in Maryland) (Washington, D.C., as provided in K.A.R. 1-16-18, subsection (c), is a special high cost area within the corporate limits of the District of Columbia)

White Plains, New York (all locations within Westchester County)

All cities in countries located outside the borders of the United States

All areas approved as high cost areas pursuant to subsection (e)

(e) State agencies may request the director of accounts and reports to conduct a study of subsistence costs in any area not designated as a high cost area in subsection (d). If the study findings of an area justify such an action, the director of accounts and reports may recommend to the secretary of administration that the area be added to the list of high cost geographic areas. If the secretary approves the addition of that area, subsistence payments for travel to the area may be made at the rate designated for high cost geographic areas. (Authorized by and implementing K.S.A. 75-3207a; effective, E-80-10, July 11, 1979; effective May 1, 1980; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987.)

1-16-18b. Sharing of lodging or travel expense reimbursement. State employees or officials who are eligible to receive reimbursement for lodging expenses incurred in connection with in-state travel shall not be required to share lodging accommodations with other state employees. (Authorized by and implementing K.S.A. 75-3207; effective T-87-26, Oct. 1, 1986; amended May 1, 1987.)

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

1-17-2a. State-owned or leased vehicles; travel from employee's residence to his or her official work station. (a) (1) State-owned or leased motor vehicles shall not be used to commute from the employee's residence to the employee's official work station, except when:

(A) parking the vehicle at the official work station overnight subjects the vehicle to a high risk of vandalism;

(B) the vehicle is used by an official or employee who is regularly called to duty after normal work hours in connection with law enforcement activities or dealing with emergencies which result from an act of God; or

(C) for trip vehicles assigned to the traveler on the evening immediately preceding the date the travel is to occur or for the night following the date on which the travel occurred.

(2) When the state-owned or leased motor vehicle is authorized under these regulations to be used for travel to an employee's place of residence under paragraphs (1)(A) and (1)(B) the "reasonable distance" one-way between the employee's official work station and residence shall not exceed 10 miles. For trip vehicles assigned to a traveler under paragraph (1)(C), "reasonable distance" shall be based on a determination that driving the vehicle home will not increase the total one-way trip mileage between the official work station and the destination by more than 10 miles.

(b) This regulation shall not apply to:

(1) an employee whose residence has been desig-

(continued)

nated as the official work station because over 50% of the employee's work time involves travel directly from his or her residence; or

(2) state-owned or leased motor vehicles acquired or assigned for use in the state vanpool program. (Authorized by and implementing K.S.A. 75-4608; effective May 1, 1981; amended, T-87-17, July 1, 1986; amended May 1, 1987.)

Article 23.—STATE VANPOOL PROGRAM

1-23-3. Passenger requirements. (a) (1) Each person desiring to participate on a month-to-month basis in the vanpool program shall complete a written application and agreement to participate. The signed agreement to participate shall be filed with the central motor pool by the driver of the appropriate vanpool.

(2) Each person desiring to terminate participation in a vanpool shall give the driver written notice of that intention not less than two weeks before the termination date. The driver shall, in turn, notify the central motor pool.

(b) (1) The fare for participating in the vanpool program shall be determined for each individual vanpool and shall be based upon the costs of operating the vans, including reasonable overhead costs, depreciation reserve requirements for vehicle replacement, public liability insurance, all operating, servicing, repair and replacement costs, and maintenance of a contingency reserve.

(2) Maximum individual passenger fares shall not exceed $\frac{1}{7}$ of the assessed monthly vanpool costs.

(3) All passengers' fares shall be proportionately reduced with the participation of each additional passenger. All passenger's fares shall be paid monthly and shall be collected by the driver on or before the fifth day of the month following the month in which the costs were incurred. Passengers who do not comply with this requirement may be prohibited from further participation in the vanpool program, and may be replaced by prospective passengers from the vanpool program waiting list. Passengers denied further participation in the vanpool program may apply for reinstatement to the waiting list. (Authorized by K.S.A. 75-46a08; implementing K.S.A. 75-46a03 through 75-46a08; effective, E-81-14, June 12, 1980; effective May 1, 1981; amended May 1, 1984; amended, T-87-4, January 27, 1986; amended May 1, 1987.)

1-23-4. Primary driver requirements. (a) Each person desiring to be a driver in the vanpool program shall apply to the central motor pool on the prescribed form. Each driver applicant shall meet the following minimum requirements:

(1) Each applicant shall possess a Kansas driver's license which is valid for the type of vehicle driven.

(2) Each applicant shall be able to provide a safe parking place for the van. The van shall not be parked on the street overnight, unless approved by the Central Motor Pool.

(3) Each applicant's driving record shall be screened according to the criteria set out in K.S.A. 40-277.

(b) All persons selected to be drivers in the vanpool program shall assume the following responsibilities:

(1) Each primary driver shall be responsible for the safe and prudent operation of the assigned vanpool in accordance with all applicable county resolutions, city ordinances and state laws pertaining to the operation of motor vehicles. Any fines or penalties arising from operation in an unlawful manner shall be the responsibility of the driver. The state of Kansas reserves the right to prohibit from further participation in the vanpool program any driver who operates a van in a manner which:

(A) interferes with the prompt pick-up and delivery of passengers in the vanpool;

(B) threatens the safety of vanpool passengers or any member of the general public; or

(C) habitually violates terms of contracts or rules and regulations and laws governing the vanpool program.

(2) Each primary driver shall be responsible for the collection of fares from passengers. Such fares shall be paid to the central motor pool by the sixth day of each month. Failure to remit those fares shall result in appropriate collection action.

(3) Each primary driver shall maintain accurate mileage and service logs for the vanpool. The mileage and service logs shall indicate beginning and ending mileage traveled in the course of normal vanpool operations, beginning and ending mileage accumulated in the course of personal use of the van and a current passenger list. A copy of the signed log, along with a list of all expenditures incurred and receipts for purchases or expenditures incurred shall be filed each month by the sixth day of the month with the central motor pool.

(c) Each person selected to be a primary or alternate driver in the vanpool program shall be eligible for reimbursement of any enrollment fee for a red cross multi-media first aid course, or the equivalent, and a national defensive driver course, or the equivalent. These fees shall be paid by the central motor pool on receipt of evidence of enrollment and successful completion of these courses. Leave with pay to attend the courses shall be allowed as authorized by K.A.R. 1-9-9.

(d) All persons selected as primary drivers in the vanpool program shall:

(1) be required to pay 25% of the individual passenger fare established for that van pool. When not functioning as primary driver for a period of more than one week, the full passenger fare shall be charged.

(2) have personal use of the van when it is not required for travel to the work place or return. However, the driver shall be required to pay for the personal use of the van at the prevailing vanpool mileage rate. Payment for such personal use shall be made on the sixth day of each month. (Authorized by K.S.A. 75-46a08; implementing K.S.A. 75-46a02 through 75-46a08; effective, E-81-14, June 12, 1980; effective May 1, 1981; amended, May 1, 1984; amended, T-87-4, January 27, 1986; amended May 1, 1987.)

Article 29.—EMPLOYEE AWARDS

1-29-1. (Authorized by and implementing K.S.A. 1980 Supp. 75-2956b; effective, E-81-14, June 12, 1980; effective May 1, 1981; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-29-2. (Authorized by and implementing K.S.A. 75-2956b; effective, E-81-14, June 12, 1980; effective May 1, 1981; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-29-3. (Authorized by and implementing K.S.A. 1982 Supp. 75-2956b; effective May 1, 1983; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

Article 30.—EMPLOYEE SUGGESTION SYSTEM

1-30-1. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-3 to 1-30-5. (Authorized by and implementing K.S.A. 75-2956b; effective E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-7 to 1-30-8. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-11. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-14. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-16. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-18 to 1-30-19. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-21. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-22. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986; revoked T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-23. (Authorized by and implementing K.S.A. 75-2956b; effective E-82-14, July 1, 1981; effective May 1, 1982; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

1-30-24. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective

May 1, 1982; amended May 1, 1986; revoked, T-87-26, Oct. 1, 1986; revoked May 1, 1987.)

Article 45.—MOTOR VEHICLE PARKING ON CERTAIN STATE-OWNED OR OPERATED PROPERTY IN SHAWNEE COUNTY

1-45-7. Fees and charges. Parking permit fees, when required by these rules and regulations, shall be fixed on a calendar month basis. The fees shall be paid in advance on or before the first day of each calendar month. The parking permit fee, where required, shall be \$10.00 per month. The fee shall not be pro-rated and no refunds shall be made for any unused portions of a month. There shall be no parking permit fee required for vehicles in the state vanpool or for car-pools which have three or more state employees as passengers. The payment of permit fees shall be a continuing obligation until terminated in writing by either party to a parking contract. (Authorized by and implementing K.S.A. 75-4507; effective May 1, 1979; amended May 1, 1981; amended, T-87-17, July 1, 1987; amended May 1, 1987.)

H. EDWARD FLENTJE
Secretary of Administration

Doc. No. 005008

State of Kansas

MINED-LAND CONSERVATION AND RECLAMATION BOARD**PERMANENT ADMINISTRATIVE REGULATIONS**

(Effective May 1, 1987)

Article 2.—MEANING OF TERMS**47-2-75. Definitions; incorporation by reference.**

The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated by reference as rules and regulations of the board, with exceptions as indicated. The incorporation by reference shall cover the parts and sections as they existed on October 1, 1985:

(a) Definitions, 30 CFR 700.5, except:

- (1) "Regulatory authority" and "state regulatory authority" are defined in K.A.R. 47-2-53;
- (2) "Surface coal mining operations" is defined in K.S.A. 49-403(s); and
- (3) "Surface coal mining and reclamation operations" is defined in K.S.A. 49-403(r).
- (4) The following shall be deleted from the definition of "anthracite":

Notices of changes made to this publication will be periodically published by the office of surface mining in the federal register. This ASTM standard is on file and available for inspection at the OSM office, U.S. department of the interior, south interior building, Washington, D.C. 20240, at each OSM regional office, district office and field office, and at the central office of the applicable state regulatory authority, if any. Copies of this publication may also be obtained by writing to the above locations. A copy of this publication will also be on file for public inspection at the federal register library, 1100 L. St., N.W. Washington, D.C. Incorporation by reference provisions approved by the director of the federal register February 7, 1979. The director's approval of this incorporation by reference expires on July 1, 1981.

(5) "Regulatory program" is defined in K.A.R. 47-2-53a.

(b) Definitions, 30 CFR 701.5, except:

- (1) "Imminent danger to the health and safety of the public" is defined in K.S.A. 49-403(n);
- (2) "Operator" is defined in K.S.A. 49-403(d);
- (3) "Permit" is defined in K.S.A. 49-403(o);
- (4) "Permit area" is defined in K.S.A. 49-403(p);
- (5) "Significant, imminent environmental harm to land, air or water resources" is defined in K.A.R. 47-2-58; and
- (6) The following federal definitions are deleted entirely:
 - (A) "Agricultural activities or farming";
 - (B) "Alluvial valley floors";
 - (C) "Arid and semiarid area";
 - (D) "Essential hydrologic functions";
 - (E) "Flood irrigation";
 - (F) "Materially damage the quality and quantity of water";

(G) "Rangeland";

(H) "Special bituminous coal mines";

(I) "Subirrigation";

(J) "Undeveloped rangeland"; and

(K) "Upland areas."

(c) Definitions, 30 CFR 705.5, except:

- (1) "Employee" is defined in K.A.R. 47-2-21; and
- (2) "State regulatory authority" is defined in K.A.R. 47-2-53. (Authorized by K.S.A. 49-404, 49-405; implementing K.S.A. 49-401 *et seq.*; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended, T-87-16, July 1, 1986; amended May 1, 1987.)

JOYCE STOVER
Executive Director

Doc. No. 005034

State of Kansas

KANSAS PAROLE BOARD**PERMANENT ADMINISTRATIVE REGULATIONS**

(Effective May 1, 1987)

Article 1.—MEANING OF TERMS

45-1-1. Definitions. (a) "Board" means the members of the Kansas parole board.

(b) "Correctional institutions" mean one or more of the following: Kansas state penitentiary (KSP) and Kansas correctional institution at Lansing (KCIL) at Lansing, Kansas; state industrial reformatory (KSIR) at Hutchinson, Kansas; correctional vocational training center (KCVTC), and State reception and diagnostic center (SRDC) at Topeka; and any other honor camps, pre-release centers, work release centers, and other facilities under the general management of the secretary of corrections.

(c) "Director" means the person in charge of the operation and management of a correctional institution.

(d) "Docket" means the board's prearranged schedule of hearings.

(e) "Good time credits" means the statutory authorized reduction in time on an inmate's sentence as specified by K.S.A. 22-3717, and amendments thereto, and department of corrections regulations.

(f) "In absentia" means the case of an inmate who is committed to the custody of the secretary of corrections and is serving the sentence out of state or in another jurisdiction.

(g) "Parole officer" means a member of the field parole staff of the department of corrections.

(h) "Public comment session" means the board's regular scheduled meeting with interested parties in the community for the purpose of receiving comments concerning the publicly announced listing of persons to be considered for parole by the board.

(i) "Unit team" means the institutional group responsible for monitoring the overall management, supervision, custody, and rehabilitation plan of an inmate, as initiated by the classification committee, and

which recommends custody changes and prepares progress summaries. (Authorized by K.S.A. 1985 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986; amended May 1, 1987.)

Article 4.—PAROLE HEARINGS

45-4-4. Attendees at hearings. Attendance at parole hearings shall be at the discretion of the board and shall be limited to its members, board staff, the inmate, the person responsible for coordination of parole plans, and a representative of the unit team or other designated institution staff member. Any additional employee of the department of corrections who wishes to attend the hearing shall receive prior approval of the board. In addition, a limited number of persons, who have a professional interest in parole procedures, may be present providing they receive advance permission from the board and the parole applicant offers no objection. (Authorized by and implementing K.S.A. 1985 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective E-80-5, April 17, 1979; effective, May 1, 1980; amended May 1, 1982; amended May 1, 1986; amended May 1, 1987.)

Article 7.—RELEASE

45-7-1. General provisions. (a) The board shall prepare minutes of its action following all parole hearings and notify the department of corrections personnel accordingly. The results of the hearings may not be divulged to outside interested parties until notice of the board's action has been sent to the inmate through official means. The board may require the fulfillment of certain conditions in the best interests of a released inmate under the department of corrections' supervision. Additional requirements recommended by the secretary of corrections may be imposed by the board. Except as provided in K.S.A. 22-3717(h), any conditions established by the board may only be modified or waived by order of the board.

Nothing in this section shall be construed to prevent a parole officer from imposing special conditions on a parolee under the parole officer's supervision. (Authorized by and implementing K.S.A. 1985 Supp. 22-3717; effective E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986; amended May 1, 1987.)

45-7-3. Release. (a) Release dates. (1) Inmates who have been granted parole and have been assigned to a specific parole district may receive a release date whenever placement arrangements are completed and approved.

(2) The board may also designate a prescribed release date to comply with statutory parole eligibility or for any other special cause as determined on a case by case basis. When a specific release date has been established, requests for advance release may be considered by the board for valid reasons and may be subject to investigation and confirmation by the proper authorities. An inmate shall not be released on parole sooner than authorized by statute.

(3) When an inmate's release date falls on a Saturday, Sunday, or holiday observed by the department of corrections, the inmate may be released on the last work day preceding the computed release date.

(b) Interstate compact release. All inmates who have been granted parole for out-of-state supervision under the interstate compact agreement, shall remain in confinement until the receiving state has entered its report with the compact administrator of the secretary who shall refer it to the board for final determination and authorization of release.

(c) Changes in parole plan. Inmates who are on continued status, and elect to change their parole plan, shall present this information to the unit team to notify the board for its determination and advice.

(d) Release to detainer. Inmates who have been granted parole to a detainer shall remain in confinement until sufficient arrangements have been accomplished to determine when the detaining authority shall assume custody. (Authorized by and implementing K.S.A. 1985 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986; amended May 1, 1987.)

Article 9.—PAROLE VIOLATORS

45-9-2. Parole revocation hearings. (a) After a parolee is returned to a correctional institution the parolee may request a hearing prior to the final decision on revocation by the board. The final hearing shall be held without unnecessary delay. The board, or any member of the board, shall conduct the hearing to determine whether the parole should be revoked. After considering all pertinent evidence, the board shall enter an appropriate order. If the violation is established to the satisfaction of the board, it may re-instate or revoke the parole.

(b) Prior to the final hearing, the board shall make sure that the parolee has written notice of the alleged violations of parole, and that the evidence against the parolee has been disclosed to the parolee. If the board finds there are additional violations other than those contained in the written notice, the hearing shall be continued so that a written notice of the additional violations and a statement of the evidence against the parolee can be prepared.

(c) The parolee shall have the right to confront and cross examine adverse witnesses unless the board finds good cause for not allowing confrontation. If the board does not allow the parolee to confront a witness it shall specify the reasons in the statement required by subsection (g). If the parolee had the opportunity to cross examine a witness at the probable cause hearing provided for in K.A.R. 44-9-105, the board may rely on the record in lieu of calling that witness.

(d) The parolee shall have an opportunity to be heard in person and to present documentary evidence and witnesses who can provide information relevant to the allegations of the parole violation. Attendance of witnesses favorable to the parolee is the responsibility of the parolee and shall be at the parolee's expense.

(continued)

The hearing may be continued from time to time to allow for the attendance of witnesses.

(e) All relevant evidence shall be received by the board, including letters and affidavits. If the parole violation is a new conviction of a felony or misdemeanor, the board shall not be obligated to arrange for the presence of witnesses and the only question considered by the board shall be whether or not the new conviction warrants revocation.

(f) Representation by legal counsel may be allowed at the discretion of the board and at the parolee's expense.

(g) If the inmate's parole is revoked, the board shall give the inmate a written statement as to the evidence relied on and reasons for revoking parole. (Authorized by K.S.A. 1985 Supp. 22-3717; implementing K.S.A. 75-5217; effective May 1, 1986; amended May 1, 1987.)

45-9-3. Computation of time. (a) The board may require an inmate whose parole has been revoked to serve all or any part of the remaining time on the sentence up to the original conditional release date, plus all good time forfeited by the board. The board may require an inmate whose conditional release has been revoked to serve all or any part of the remaining time on the sentence. An inmate with a new conviction and sentence must also achieve parole eligibility on the new term or terms as determined by K.S.A. 22-3717, K.S.A. 21-4608, and department of corrections regulations.

(b) Statutory authorized good time credits, to be applied towards the conditional release date, shall be earned while on parole in the same manner as under an inmate status. All good time credits earned up to the parole revocation date may be forfeited by the board.

(c) A released inmate for whose return a warrant has been issued by the secretary, shall, if it is found that the warrant cannot be served, be deemed to be a fugitive from justice or to have fled from justice. If it shall appear that this fugitive has violated provisions of release, the time from the violation of the provision to the date of arrest as determined by the department of corrections shall not be counted as time served under the sentence unless approved by the board. (Authorized by K.S.A. 22-3717; implementing K.S.A. 75-5217; effective May 1, 1986; amended May 1, 1987.)

Article 10.—CONDITIONAL RELEASE

45-10-1. General provisions. (a) An inmate shall be granted conditional release when the inmate has served the maximum sentence less statutory authorized good time credits as provided under Article 6 of the department of corrections regulations.

(b) Conditional releasees shall be placed under parole supervision in the same manner as parolees. Conditional releasees shall be subject to the same terms and conditions as parolees while under supervision. If probable cause is established that a conditional releasee has violated the conditions of release, the conditional releasee may be returned to confine-

ment upon determination of the secretary of corrections and thereafter, subject to the final hearing and order of the board, considered in the same manner as a parole violator. The conditional releasee shall have the same rights at the final hearing as a parolee under K.A.R. 45-9-2.

(c) A parolee who achieves conditional release status while on parole, shall continue under supervision of the parole officer. The conditions of parole shall not be changed by the parolee reaching conditional releasee status. (Authorized by and implementing K.S.A. 1985 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986; amended May 1, 1987.)

Article 16.—ORDERS OF RESTITUTION

45-16-1. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective May 1, 1982; amended May 1, 1986; revoked May 1, 1987.)

45-16-2. Determination of restitution. When the board must determine the amount of reparation or restitution it shall do so based on information contained in the presentence report, the findings of the pre-parole investigation or an interview with the inmate at the parole hearing. If the amount of reparation or restitution cannot be determined on the information available to the board, the board may request that the sentencing court hold a restitution hearing for a determination of restitution prior to the release of the inmate on parole. (Authorized by and implementing K.S.A. 1985 Supp. 22-3717; effective May 1, 1982; amended May 1, 1986; amended May 1, 1987.)

ELWAINE F. POMEROY
Chairman

Dec. No. 005030

State of Kansas

DEPARTMENT ON AGING

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1987)

Article 1.—GENERAL PROVISIONS

26-1-1. Definitions. As used in Articles 1, 2, 3, 4, 5 and 6 of these rules and regulations: (a) "Area agency" or "area agency on aging" means the agency or organization within a planning and service area that has been designated by the secretary to develop, implement and administer a plan for the delivery of a comprehensive and coordinated system of services to older persons in the planning and service area.

(b) "Area plan" means the document developed by an area agency which describes the comprehensive and coordinated system of services to be provided to older persons in a planning and service area.

(c) "Comprehensive and coordinated system of services" means a program of interrelated supportive and nutrition services designed to meet the needs of older persons in a planning and service area.

- (d) "Contract" means a procurement agreement.
- (e) "Contractor" means the party or parties who, under contract with the department or an area agency, are to actually provide services to older persons in a planning and service area.
- (f) "Contribution" means a donation of money, foodstamps or anything of monetary value, that is given by a participant to a service provider.
- (g) "Department" means the Kansas department on aging, created by K.S.A. 75-5903 and any amendments to it.
- (h) "Employment" means any activity which includes the exchange of labor or services for wages or money, food, clothing, or shelter.
- (i) "Employment-full-time" means employment of 30 or more hours per week.
- (j) "Employment-part-time" means employment of fewer than 30 hours per week.
- (k) "Employment-permanent" means employment which is represented by an employer to be 30 or more days duration.
- (l) "Employment-temporary" means employment which is represented by an employer to be of fewer than 30 days duration.
- (m) "Family" means a collective body of persons who live in one house or under one head or management.
- (n) "Federal act" means the older Americans act of 1965, as amended.
- (o) "Financial audit" means an official examination and verification of a recipient's accounts which determines whether the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles.
- (p) "Financial report-final" means a recipient prepared document which contains the complete financial results of the grant or the complete financial results of the sub-grant.
- (q) "Grant" means an award of financial assistance in the form of money, or property in lieu of money, by the department.
- (r) "Grantee" means any legal entity to which a grant is awarded and which is accountable to the department for the use of the grant. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant.
- (s) "Granting agency" means the Kansas department on aging.
- (t) "Income-low" means family income which does not exceed 125% of the poverty level as determined by the Federal Office of Management and Budget.
- (u) "Income-monthly gross" means the monthly sum of income received by an individual or couple from the following sources:
- (1) wages or salary;
 - (2) net income from non-farm self-employment;
 - (3) net income from farm self-employment;
 - (4) social security;
 - (5) dividends, interest, income from estate or trusts, rental income or royalties;
 - (6) public assistance or welfare payment;
 - (7) pensions and annuities;
 - (8) unemployment compensation;
 - (9) workers compensation;
 - (10) alimony; and
 - (11) veteran's pensions.
- (v) "Indian tribal organization" means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned, or chartered by the governing body of an Indian tribe.
- (w) "In-home service" means the provision of health, medical or social services to a private individual in his or her non-institutional place of residence.
- (x) "Kansan" means any person who currently resides within the State of Kansas.
- (y) "Metropolitan area" means a standard metropolitan statistical area as defined by the Census Bureau.
- (z) "Modification of a grant or contract" means a change that would:
- (1) Alter the program scope, planned objectives, or the manner in which services are delivered;
 - (2) provide financial assistance or payments to any entity not authorized by the original grant or contract; or
 - (3) alter the approved budget of the original grant or contract, except as authorized in directives issued by the secretary.
- (aa) "Notification of grant award" or "NGA" means the document, issued by the department, awarding financial assistance for the provision of services to older persons and specifying the terms of the grant.
- (bb) "Notification of sub-grant award" means the document, issued by an area agency, awarding financial assistance to a sub-grantee for the provision of services to older persons and specifying the terms of the sub-grant.
- (cc) "Obligation" means the amount of orders placed, contracts and subgrants awarded, services received, and similar transactions during the grant period, which will require payment within 75 days following the last day in which the grant is active.
- (dd) "Older person" means any person 60 years of age or older.
- (ee) "Older worker" means any person 55 years of age or older, who is employed or seeking employment.
- (ff) "Planning and service area" or "PSA" means a geographic area of the state designated by the department for area plan development and area agency designation.
- (gg) "Poverty level" means family income which does not exceed 100% of the poverty level as determined by the Federal Office of Management and Budget.
- (hh) "Purchase of service grant" means an award of financial assistance in which the payment is made on a reimbursement basis at a unit rate of cost of service with an upper limit on the total cost of the grant. Payment is made in the form of money, or property in lieu of money by the department.
- (ii) "Recipient" means grantee or sub-grantee. Use

(continued)

of the term "recipient" in a provision shall be taken as referring equally to grantees or sub-grantees.

(jj) "Redesignation" means a change in the geographic boundaries of a planning and service area or selection of an area agency that is different than the area agency previously designated for a particular planning and service area.

(kk) "Request for Proposal" or "RFP" means the document containing criteria which is used to solicit applications for a contract or subgrant from potential service providers.

(ll) "Secretary" means the secretary of the Kansas department on aging.

(mm) "Self-employed" means a private individual engaged in the direct provision of a service or labor in exchange for money, food, shelter, clothing or any other item, items or service of economic value.

(nn) "Service provider" means any legal entity that is obligated to provide services to older persons in any planning and service area.

(oo) "Service provider; in-home meal" means any legal entity to which funds are paid for the purpose of providing home delivered meals under the in-home nutrition programs.

(pp) "State act" means the Kansas act on aging, K.S.A. 75-5901 through K.S.A. 75-5923.

(qq) "State advisory council" means the advisory council on aging created by K.S.A. 75-5911, and any amendments to it.

(rr) "State plan" means the document submitted by the department in order to receive its allotment of funds under the older Americans act.

(ss) "Sub-grant" means an award of financial assistance in the form of money, or property in lieu of money, made under a grant by a grantee to a sub-grantee.

(tt) "Sub-grantee" means any legal entity to which a sub-grant is awarded and which is accountable to the grantee for the use of the grant funds.

(uu) "Unit of local government" means:

(1) Any county, city, township, school district, or other similar political subdivision of the state, or any agency, bureau, office or department thereof; or

(2) any Indian tribal organization.

(vv) "Unused supplies" means supplies that still have a useful life. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984; effective, May 1, 1985; amended, T-86-48, Dec. 18, 1985; amended May 1, 1986; amended May 1, 1987.)

26-1-2. Procedure for redesignation of planning and service area boundaries. (a) Requests for redesignation of existing planning and service area boundaries shall be in writing and may be made by:

(1) Any unit of local government;

(2) any Indian tribal organization;

(3) any region within the state recognized for areawide planning; or

(4) any metropolitan area.

(b) At a minimum, the following factors shall be considered in decisions regarding redesignation of planning and service areas:

(1) The proposed boundaries' conformity with requirements of the state and federal acts;

(2) the geographical distribution of persons age 60 and over;

(3) the relationship of the proposed boundaries to those of other planning and service areas;

(4) the incidence of need for services and the degree to which resources are available to meet the needs;

(5) comments by older citizens, units of local government, and other interested parties in the planning and service area; and

(6) comments of the state advisory council.

(c) A public hearing on the proposed planning and service area redesignation shall be held prior to taking action on the request. At least one hearing shall be held in the locality of the state where redesignation will alter or modify the existing geographic boundaries.

(d) Applications shall be processed in the following manner:

(1) Within 60 calendar days following the receipt by the department of a request for redesignation, a public hearing shall be held in the geographic area which will be affected by the proposed redesignation.

(2) Advance notice of the hearing shall be given at least 15 calendar days prior to the date of the hearing by publishing the notice in a newspaper which has general circulation in the geographic area which will be affected by the proposed redesignation. The notice shall state the date, time, location, and purpose of the public hearing.

(3) Written comments shall be received on or before, the 10th calendar day following the hearing.

(4) The secretary shall render a decision on each request within 60 calendar days after the close of comment period.

(5) The applicant shall have 30 calendar days following the receipt of the decision to appeal the secretary's decision.

(e) The party requesting a redesignation of planning and service area boundaries may withdraw or ask for a continuance of its redesignation request at any time prior to receiving the secretary's decision. The request shall be in writing. Only one request for continuance shall be allowed for each redesignation request and, if granted, the continuance shall not exceed 90 calendar days from the date it is requested. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984; effective, May 1, 1985; amended, T-86-48, Dec. 18, 1985; amended May 1, 1986; amended May 1, 1987.)

Article 2.—GRANTS AND CONTRACTS

26-2-1. Notification of grant award (NGA) or contract. (a) Each grantee or contractor of the department shall sign and return to the department a notification of grant award or contract before funds will be advanced. The notification of grant award or contract shall include:

(1) the total financial amount of the award or contract, including:

(A) the amount of funds to be provided by the department;

(B) the amount of funds to be provided by the grantee or contractor; and

(2) the effective and expiration dates of the grant or contract;

(3) assurance that all materials published in connection with the area agency activities shall conspicuously acknowledge the support of the Administration on Aging and the department; and

(4) special conditions which may be specified as part of the grant or contract.

(5) the signature of the authorized representative of the grantee or contractor and the secretary;

(b) Unless revised, computation of grant amounts which appear on the document, shall constitute a ceiling for state and federal participation in the approved cost.

(c) Unless specifically exempted by the secretary, providers of services funded, in whole or in part, by state funds shall comply with the financial requirements applicable to providers of services funded by federal act funds. When an exemption is given, appropriate financial requirements shall be imposed concerning the use of these funds. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984; effective May 1, 1985; amended, T-86-34, Oct. 23, 1985; amended T-86-48, Dec. 18, 1985; amended May 1, 1986; amended May 1, 1987.)

26-2-3. Reporting requirements. (a) Each grantee or contractor of the department shall submit required program and financial reports deemed necessary by the department to comply with federal and state requirements. The reports shall be submitted by the due dates on forms prescribed by the secretary.

(b) Each grantee shall be responsible for obtaining and reporting necessary information from those subgrantees and service providers with whom they have sub-grants or contracts.

(c) Each grantee shall submit Title III final financial reports to the department on or before December 15th following the end of the grant period on September 30. The grantee shall submit a consolidated final financial report for each program component. These reports shall be accompanied and supported by copies of the area agency's subgrantee reports. Each grantee shall have received services and goods ordered and shall have liquidated corresponding obligations prior to submission of the final financial reports.

(d) If a grantee revises or modifies its final financial report the following are conditions and criteria to which the grantee shall adhere:

(1) A revised final financial report received by the department on or before December 31st of the calendar year in which the grant period ended shall be considered as a final financial report.

(2) A revised final financial report received by the department after December 31st but on or before April 15th of the year following the end of the grant shall be considered a final financial report only if accompanied by a CPA audit report which confirms accuracy of the revised financial report.

(e) Calculation of unearned funds shall be based

upon the final financial report submitted as of the date the computation began. Final financial reports received after the issuance of unearned funds on a Notification of Grant Award shall be used to adjust the unearned funds only if such report results in an increase or decrease in federal and/or state funds earned of .5% or more.

(f) Each grantee who submits revised final financial reports, as defined in item (d), shall adhere to the following:

(1) with an increase in unearned funds of .5% or more, the grantee shall submit a check payable to the Kansas department on aging for the amount of the increase in unearned funds;

(2) with an increase in unearned funds of less than .5%, the grantee may take no action at the time the revised final financial report is submitted;

(3) with a decrease in unearned funds, the grantee shall absorb the cost which results in the decrease in unearned funds.

(g) Each grantee or contractor of the department and the area agencies shall comply with the audit requirements referred in the department's policy manual 86-1, dated April 8, 1986. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984; effective May 1, 1985; amended, T-86-48, Dec. 18, 1985; amended May 1, 1986; amended May 1, 1987.)

26-2-5. Assessments of performance and compliance with department grants and contracts. (a) Each grantee or contractor shall submit to an annual on-site assessment to:

(1) determine the extent of compliance with state and federal requirements; and

(2) assess the degree to which objectives which are part of the grant or contract have been achieved.

(b) A written report of the on-site assessment shall be provided to the grantee or contractor describing the findings of the on-site assessment, and listing any corrective actions deemed necessary and the deadline for taking such action.

(c) Each grantee or contractor shall respond to the department to any exceptions noted by the department within 30 days from receipt of the written assessment report.

(d) If corrective actions listed within the assessment report are not taken:

(1) The corrective action deadline may be extended by the department;

(2) the current grant may be suspended or terminated by the department; or

(3) subsequent grant applications may be denied by the department.

(e) Grantees shall assess their subgrantees annually. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984; effective May 1, 1985; amended, T-86-34, Oct. 23, 1985; amended, T-86-48, Dec. 18, 1985; amended May 1, 1986; amended May 1, 1987.)

26-2-8. (Authorized by and implementing K.S.A. 75-5908; effective, T-86-48, December 15, 1985; effective, May 1, 1986; revoked, May 1, 1987.)

(continued)

Article 4.—HEARINGS AND APPEALS

26-4-2. Hearing panel. (a) Within 30 days from the date of receiving a request for a hearing under K.A.R. 26-3-7 or 26-4-1, the secretary shall appoint a hearing panel to consider the matter upon which a hearing has been requested. Each hearing panel shall consist of:

(1) One department staff member who did not investigate or make a recommendation concerning the subject matter of the hearing;

(2) one state advisory council member; and

(3) one area agency on aging director or chairperson of an area agency governing body. The director or chairperson shall not represent the area agency involved in the subject matter of the hearing.

(b) The secretary shall designate one member of each hearing panel to serve as the presiding officer at the hearing. Within 10 days after being designated, the presiding officer shall:

(1) Fix a date, time, and place for the hearing which shall be held within 30 days of the date the presiding officer is appointed;

(2) give written notice of the date, time and place of the hearing to the party who requested the hearing and to the department, area agency or sub-grantee of the area agency whose action or proposed action is the subject matter of the hearing. The notice shall be given at least 14 days prior to the date of the hearing; and

(3) give written notice to the individual who requested the hearing, at least 14 days prior to the date of the hearing, that such individual:

(A) At any time prior to the hearing and during normal business hours, may examine and review the evidence upon which the action of the area agency or sub-grantee of the area agency, or proposed action of the secretary, is based;

(B) may appear at the hearing personally or through legal counsel or other authorized representative; and

(C) at the hearing, may present witnesses and documentary evidence and shall be afforded the opportunity to cross-examine any adverse witness or witnesses. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984; effective May 1, 1985; amended, T-86-34, Oct. 23, 1985; amended May 1, 1986; amended May 1, 1987.)

Article 5.—IN-HOME NUTRITION PROGRAM

26-5-1. Application for funding. (a) An agency choosing to provide services under the in-home nutrition program shall submit a proposal to the department on forms supplied by the department on or before June 1 of each year.

(b) The application shall contain the following:

(1) Narrative overview of any current and proposed program operation;

(2) geographic areas to be covered;

(3) documentation of need;

(4) resources currently used by the program;

(5) most recent financial statement, audit, and meals served for same time period;

(6) current cost per meal and explanation of anticipated changes;

(7) total dollars requested;

(8) reimbursement rate requested; and

(9) number of meals to be provided.

(Authorized by and implementing K.S.A. 75-5908; effective, T-86-48, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

26-5-2. Provider accountability. (a) Upon receipt of funding from the department, the in-home service provider shall comply with reporting requirements of K.A.R. 26-2-3.

(b) Accurate, current, and complete disclosure of the financial results of the program shall be made in accordance with the financial reporting requirements of the contract.

(c) Accounting records shall contain information pertaining to authorizations, obligations, unobligated balances, assets, outlays, income, and liabilities and shall identify adequately the source and application of funds for program activities.

(d) Effective control and accountability shall be maintained for all contract funds, real and personal property, and other assets. Recipients shall adequately safeguard all such property and shall assure that the property is used solely for authorized persons.

(e) Accounting records shall be supported by source documentation such as cancelled checks, paid bills, payrolls, and contract documents.

(f) Each recipient shall follow a systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(g) Each recipient shall have an annual audit performed by a certified public accountant. (Authorized by and implementing K.S.A. 75-5908; effective, T-86-48, Dec. 18, 1985; effective, May 1, 1986; amended May 1, 1987.)

Article 6.—EMPLOYMENT PROGRAM

26-6-1. Eligibility requirements to operate older Kansans employment programs (OKEP). (a) To qualify to operate Older Kansans employment programs the following requirements shall be met:

(1) The organization shall be:

(A) an area agency on aging;

(B) an organization which provides social services;

or

(C) a unit of local government.

(2) An application shall be completed on forms provided by the department.

(b) Selection to become grantee shall be based upon the organization's:

(1) experience with employment and related personnel matters;

(2) prior contacts or affiliations with major private sector employers;

(3) objectives and methods of achieving objectives, including staff qualifications and work schedules;

(4) budget proposals, including cost justification support for future fundings, and ability to provide in-kind services or share the program costs;

(5) prior experience with meeting the job related needs of the elderly; and

(6) adherence to equal employment opportunity guidelines. (Authorized by and implementing K.S.A. 75-5908; effective, T-86-48, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

26-6-2. Types of mandated services under OKEP. Mandated services under OKEP shall include: (a) Outreach and recruitment to enroll the planned participants per quarter. Outreach and recruitment shall include:

(1) Coordination of program activities with other community agencies which serve older persons; and

(2) education of employers in local communities concerning the advantages of hiring older workers;

(b) job counseling;

(c) training in job-seeking skills;

(d) job development; and

(e) job placement with emphasis upon placement in private sector jobs including jobs that are shared,

flex-time, and part-time. (Authorized by and implementing K.S.A. 75-5908; effective, T-86-48, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

26-6-6. Grant or contract terminations. (a) Grants can be terminated for the following reasons:

(1) Failure to meet departmental requirements, concerning minimum program, outreach, and performance standards;

(2) fraud;

(3) loss of legislative appropriations; or

(4) use of OKEP funds for political or other non-allowable purposes.

(b) Grantees may appeal funding termination in accordance with K.A.R. 26-4-1. (Authorized by and implementing K.S.A. 75-5908; effective, T-86-48, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

RON HARPER
Acting Secretary of Aging

Doc. No. 005035

Kansas Register binders. . . \$14.00 each includes shipping and handling.

CLIP AND MAIL

Dear Secretary Brier: Please send _____ *Kansas Register* binders.
(Quantity)

Price: \$14.00 each, includes shipping and handling.

AMOUNT ENCLOSED \$ _____

SHIP TO:

Shipping is by
U.P.S. Delivery Service;
STREET ADDRESS
IS NECESSARY.

Mail order, WITH PAYMENT, to: *Kansas Register*; Secretary of State; State Capitol; Topeka, KS 66612.

KANSAS REGISTER
Secretary of State
State Capitol
Topeka, Kansas 66612-1594

Second Class
postage paid
at
Topeka, Kansas

**Use this form (or a copy of it) to enter a
SUBSCRIPTION**

_____ One-year subscriptions @ \$47.50 ea.
TOTAL ENCLOSED _____
(Make checks payable to Kansas Register)

SEND TO: _____
(Please, no
more than
4 address
lines.) _____

Zip code must be included

THIS SPACE FOR REGISTER OFFICE USE ONLY, PLEASE	
CODE _____	REC. NO. _____
EXPIRES _____	ENTERED BY _____

Mail order, WITH PAYMENT, to: Kansas Register; Secretary of State; State Capitol; Topeka, KS 66612-1594.

**Use this form (or a copy of it) for
CHANGE OF ADDRESS**

Remove your mailing label (above) and affix it here:

Indicate change or correction of name or address
here:

MAIL TO. Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594