

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 15, No. 20

May 16, 1996

Pages 679-724

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State of Kansas

Kansas Value Added Center

Notice of Leadership Council Meeting

The Leadership Council of the Kansas Value Added Center will convene for a board meeting at 9 a.m. Friday, May 31, in the Landon Room of the Ramada Inn, 17th and Anderson, Manhattan. For further information, contact Maggie Riggs at (316) 663-3717.

Maggie Riggs
Chairperson

Doc. No. 017636

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1995 Supp. 75-4210, as amended. These rates and their uses are defined in K.S.A. 75-4201(1), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 5-20-96 through 5-26-96

Term	Rate
0-90 days	5.24%
3 months	5.22%
6 months	5.43%
9 months	5.60%
12 months	5.75%
18 months	5.93%
24 months	6.07%
36 months	6.28%
48 months	6.42%

Sally Thompson
State Treasurer

Doc. No. 017635

State of Kansas

Kansas Sentencing Commission

Notice of Meeting

The Kansas Sentencing Commission will meet from 1:30 to 4:30 p.m. Wednesday, May 22, in the Court of Appeals Courtroom, second floor, Kansas Judicial Center, 301 W. 10th, Topeka.

Barbara S. Tombs
Executive Director

Doc. No. 017658

State of Kansas

Office of the Governor

Executive Order No. 96-5

WHEREAS, Jennifer D. Judd was found murdered on May 11, 1992; and

WHEREAS, the offer of a reward will enhance the efforts of the agencies and officers involved in the investigation of this heinous crime;

NOW, THEREFORE, by virtue of the authority vested in me by K.S.A. 75-113, I, Bill Graves, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (\$5,000.00) for information leading to the arrest and conviction of the murderer of Jennifer D. Judd.

This document shall be filed with the Secretary of State as Executive Order No. 96-5, and shall become effective immediately.

Dated May 6, 1996.

Bill Graves
Governor

Attest: Ron Thornburgh
Secretary of State

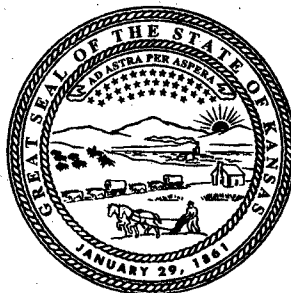
Doc. No. 017650

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Ron Thornburgh
Secretary of State
2nd Floor, State Capitol
300 S.W. 10th Ave.
Topeka, KS 66612-1594
(913) 296-2236



Register Office:
Room 233-N, State Capitol
(913) 296-3489

State of Kansas

Board of Adult Care Home Administrators

Notice of Meeting

The Board of Adult Care Home Administrators will meet at 9:30 a.m. Friday, June 7, in Room A of the Wheatland Rehabilitation Center, Kansas Neurological Institute campus, 3107 W. 21st, Topeka.

Lesa Bray, Director
Health Occupations Credentialing

Doc. No. 017660

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 or fax (913) 864-3454 for additional information.

Tuesday, May 28, 1996

RFQ 96-6715

Ultra-speed aluminum swing bucket centrifuge rotor

RFQ 96-6716

Ultra-speed centrifuge rotor system

Wednesday, May 29, 1996

RFQ 96-6730

Computer graphics workstation

Diane Goddard
Acting Director of Purchasing

Doc. No. 017659

State of Kansas

Department of Human Resource

Notice of Job Service Substate Resource Distribution Plan

The Kansas Department of Human Resources, Job Service, has received from the Secretary of Labor a preliminary allotment of \$6,512,586 for program year 1996 for the delivery of services. In compliance with federal regulations, Job Service is announcing its substate resource distribution plan. Resources will be divided among the five service delivery areas (SDAs) by a formula using demographic and geographic factors. The plan utilizes four elements, with weights applied to each: (1) Total population—20%; (2) Total Labor Force—20%; Total Disadvantaged—20%; Number of Employers—40%. The resulting substate resource distribution is as follows:

Program Year 1996 SubState Distributions

SDA I	25.283%
SDA II	19.333%
SDA III	23.65%
SDA IV	20.513%
SDA V	11.221%

Plans for the utilization of these resources have been developed in conjunction with the Private Industry Councils in each of the five service delivery areas. These plans and the resource distribution plan are available for public review and comment. Review and comment on the SDA plans and the substate resource distribution plan may be accomplished by contacting the following SDA area administrators:

SDA I Area Administrator

Glenn Fondoble
Kansas Department of Human Resources
332 E. 8th
P.O. Box 398
Hays, 67601-0398
Voice: (913) 628-1014
Fax: (913) 625-0092

SDA II Area Administrator

Mike O'Hara
Kansas Department of Human Resources
401 S.W. Topeka Blvd.
Topeka, 66603-3182
Voice: (913) 296-0015
Fax: (913) 296-1984

SDA III Area Administrator

Al Rolls
Kansas Department of Human Resources
552 State Ave.
Kansas City, 66101-2464
Voice: (913) 281-3000
Fax: (913) 281-0069

SDA IV Area Administrator

Fred Johnson
Kansas Department of Human Resources
402 E. 2nd
P.O. Box 877
Wichita, KS 67201-0877
Voice: (316) 266-8600
Fax: (316) 266-8656

SDA V Area Administrator

Jim Stowell
Kansas Department of Human Resources
200 W. 4th
Pittsburg, 66762-4702
Voice: (316) 232-2620
Fax: (316) 232-1222

Written comments and/or complaints should be sent to the area administrator responsible for the respective service delivery area. If you are uncertain of your service delivery designation, contact your nearest Job Service Center. Complaints will be reviewed and responded to within five working days of receipt. If the complaint cannot be resolved within the five-day period, it will be forwarded to the Secretary of Human Resources, who will resolve the complaint within 10 working days of receipt. His decision will be final and not subject to appeal.

Wayne L. Franklin
Secretary of Human Resources

Doc. No. 017664

State of Kansas

State Banking Board

Notice of Meeting

The State Banking Board will meet at 9 a.m. Monday, May 20, in the conference room of the Office of the State Bank Commissioner, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority as set forth in K.S.A. 9-1801 et seq.

W. Newton Male
State Bank Commissioner

Doc. No. 017649

State of Kansas

Department of Transportation

Notice of Available Funding for
Transportation Services

The Kansas Department of Transportation, Office of Public Transportation, is accepting funding requests to purchase vehicles and equipment under 49 U.S.C. #5310 (formerly Section 16) of the Federal Transit Act Amendments of 1991 for transportation services to the elderly and persons with disabilities.

KDOT also will be accepting requests to provide operating assistance and/or vehicles for transportation services to the elderly, disabled and the general public. This will be provided under 49 U.S.C. #5311 (formerly Section 18) of the act.

Eligible applicants for 49 U.S.C. #5310 Federal Transit Administration grant funds must be private, nonprofit organizations that have been incorporated and registered with the Kansas Secretary of State to do business in Kansas. Applicants for a 49 U.S.C. #5311 grant must be local units of government, Indian Tribes, private nonprofit organizations or private operators contracting through any of these parties. Applicants also must be registered with the Secretary of State to do business in Kansas.

A total of approximately \$500,000 in 49 U.S.C. #5310 and \$1.7 million in 49 U.S.C. #5311 funds will be available. The federal share of eligible capital cost will not exceed 80 percent of the net cost of each project, and the grant applicant share shall be 20 percent of the net cost. The federal share of operating cost will not exceed 40 percent of the net cost of each project, and the grant applicant share will be no less than 60 percent of the net cost.

Requests must be received by the Office of Public Transportation on or before June 20. Requests after that date will not be accepted. Persons interested in applying can write to the Kansas Department of Transportation, Office of Public Transportation, 217 S.E. 4th, Topeka, 66603-3504.

Interested individuals also may contact KDOT by calling Kathy Marion at (913) 296-3058 or Pat Hummel at (913) 296-4907.

E. Dean Carlson
Secretary of Transportation

Doc. No. 017665

State of Kansas

Board of Nursing

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 3 p.m. Tuesday, July 16, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations.

The 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the executive administrator of the Board of Nursing, Room 551-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. A summary of proposed regulations and their economic impact follows.

K.A.R. 60-1-104. Definitions. Key words used in the education regulations are defined.

K.A.R. 60-2-101. Requirements for initial accreditation. The regulation for initial accreditation of schools of nursing is revised to include previous guidelines. If a new school is applying for accreditation, there are specific steps to be taken and certain materials to be provided by the school to the board.

K.A.R. 60-2-102. Reaccreditation requirements. The resurvey process is outlined so that directors of schools of nursing know the exact procedure.

K.A.R. 60-2-103. Faculty and preceptor qualifications. The required qualifications of nursing faculty, adjunct faculty, and preceptors are contained in this regulation.

K.A.R. 60-2-104. Curriculum requirements. Schools of nursing are required to submit to the board the curriculum for each course. Revisions may be reviewed by the board or staff. The board has identified the minimum number of course hours which must be completed before a student is eligible for graduation.

K.A.R. 60-2-105. Clinical resources. Each school will be affiliating with various facilities to provide clinical experiences for students. Requirements for clinical resources are in the regulation.

K.A.R. 60-2-106. Educational facilities. Each school of nursing has to have adequate space, library holdings and instructional media.

K.A.R. 60-2-107. Student policies. Admission, readmission, progression, graduation and articulation of students is addressed in this regulation.

K.A.R. 60-2-108. Reports. Various reports from the schools of nursing are required throughout the year.

K.A.R. 60-1-104 and 60-2-101 through 60-2-108 are proposed regulations which have been guidelines. The schools of nursing are currently following these guidelines, so there should be no economic impact on them or the board.

Copies of the regulations and their economic impact statements may be obtained from the Board of Nursing at the address above, (913) 296-5752.

Patsy L. Johnson, R.N., M.N.
Executive Administrator

Doc. No. 017647

State of Kansas

Department of Revenue
Division of Taxation

Public Notice

This notice is intended to inform retailers and consumers that all terrain vehicles (ATVs) are not exempt from sales and use taxes as farm machinery and equipment. Our goal is intended to help retailers and consumers understand this provision of the sales tax law.

Farm machinery and equipment, as defined by the law, does *not* include passenger vehicles, trucks, truck tractors, trailers, semitrailers or pole trailers, other than farm trailers. ATVs, such as four wheelers, three wheelers, and two wheelers (including motorcycles), are passenger vehicles. Therefore, these types of vehicles are not farm machinery and equipment and are subject to Kansas sales or use taxes.

Kansas sales of ATVs are subject to the 4.9% state sales tax plus any applicable local sales tax in effect at the business location of the Kansas ATV retailer. Kansas sales of ATVs, which are shipped or delivered outside of Kansas by the Kansas ATV retailer, are exempt from Kansas sales tax.

ATVs purchased from an out-of-state retailer for use in Kansas are subject to either the 4.9% Kansas retailers' compensating use tax or the 4.9% Kansas consumer's compensating use tax.

An out-of-state ATV retailer who delivers the ATV into Kansas or who has a physical presence in Kansas is required to collect and remit the 4.9% Kansas retailers' compensating use tax. This out-of-state retailer must register for the tax by submitting a completed Business Tax Application (form BT/rg-16). Obtain this form by calling our forms request line at (913) 296-4937.

An out-of-state ATV retailer who has always shipped the ATVs into Kansas by interstate common carrier and does not have a physical presence in Kansas is not required to collect the Kansas retailers' compensating use tax. However, in this case, the ATV is subject to the Kansas consumer's compensating use tax and the Kansas consumer is personally liable for the tax.

If a purchaser picks up an ATV at an out-of-state ATV retailer's business location, the sale may be subject to the other state's sales tax. If the other state's state sales tax is less than the 4.9% Kansas state sales tax, the Kansas consumer owes the difference to Kansas. The difference paid is the Kansas consumer's compensating use tax.

Kansas consumers will report and remit their use tax on the Consumer's Compensating Use Tax Return (form CT-3). Obtain this form by calling our forms request line at (913) 296-4937.

If you have questions about this sales tax provision or its application, please call (913) 296-0222 or write to the Taxpayer Assistance Bureau, Kansas Department of Revenue, Docking State Office Building, 915 S.W. Harrison, Topeka, 66625-0001.

John D. LaFaver
Secretary of Revenue

Doc. No. 017655

State of Kansas

University of Kansas Medical Center

Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas Medical Center, Purchasing Department, 3901 Rainbow Blvd., Kansas City, KS 66160-7162, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call Peggy Davis at (913) 588-1115 for additional information.

Tuesday, May 28, 1996

726356

Occupational employee health software

726357

Hand held parking ticket writers

726258

Video projection system

Friday, May 31, 1996

726366

Traction for Hill-Rom hospital beds

726380

Cobalt flood sources

726381

Electro surgical generator

Barbara Lockhart
Purchasing Director

Doc. No. 017654

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 architectural services for the addition to Murphy Hall at the University of Kansas, Lawrence. Besides the addition, the project includes associated remodeling, ADA compliance and fire code improvements, upgrading classrooms and miscellaneous repairs. The estimated project cost is \$9.5 million.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367.

Any questions or expressions of interest should be submitted to Gary Grimes by 5 p.m. May 31.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 017651

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 architectural services for the renovation and addition to Beach Music Hall at Emporia State University. The estimated construction cost is \$5 million. Emphasis on the total team of consultants, especially for acoustics, will be essential in the selection process.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367.

Any questions or expressions of interest should be submitted to Gary Grimes by 5 p.m. May 31.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 017645

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 architectural services for the renovation and addition to JRP Hall at the University of Kansas, Lawrence. The project includes major remodeling and an addition to JRP for the School of Education at a project cost of \$12 million.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367.

Any questions or expressions of interest should be submitted to Gary Grimes by 5 p.m. May 31.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 017652

State of Kansas

**Office of Judicial Administration
Supreme Court Docket**

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

Tuesday, May 28, 1996

9:00 a.m.

Case No.	Case Name	Attorneys	County
73,564	State of Kansas, Appellee,	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney	Sedgwick
	v.		
	Omar A. Valentine, Appellant.	Debra J. Wilson, Assistant Appellate Defender	
73,125	State of Kansas, Appellee,	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney	Sedgwick
	v.		
	Michael C. Matson, Appellant.	Steven R. Zinn, Deputy Appellate Defender	
73,846	State of Kansas, Appellant,	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney	Sedgwick
	v.		
	Cindy L. Winegarner, Appellee.	Patrick Butler	
74,161	State of Kansas, Appellee,	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney	Sedgwick
	v.		
	Shawn A. Alderson, Appellant.	Rick Kittel, Assistant Appellate Defender	

1:30 p.m.

73,340	State of Kansas, Appellee, v. Donovan L. Shaw II, Appellant.	Carla J. Stovall, Attorney General Julie A. McKenna, County Attorney	Saline
74,199	State of Kansas, Appellee, v. Andrew Green, Jr., Appellant.	Thomas Jacquinet, Special Appellate Defender Carla J. Stovall, Attorney General Kevin C. Fletcher, Assistant Attorney General	Leavenworth
74,557	State of Kansas, Appellee, v. Carlos Moore, Appellant.	John R. Kurth Carla J. Stovall, Attorney General Kyle G. Smith	Leavenworth
75,989	State of Kansas, Appellant, v. Jimmie R. Bunker, Appellee.	Benjamin C. Wood Carla J. Stovall, Attorney General Joe Shepack, County Attorney John L. Kasper	Ellsworth

Wednesday, May 29, 1996

9:00 a.m.

Case No.	Case Name	Attorneys	County
75,788	Barbara M. Brown, Appellee, v. U.S.D. 333 Board of Education, Appellant.	Terry D. Criss Fred W. Rausch, Jr.	Cloud
75,333	Continental Can Co., et al., Appellees, v. Kansas Workers Compensation Fund, Appellant.	Douglas M. Greenwald Fred J. Logan, Jr.	Workers Compensation Appeal
74,226	T.S.I. Holdings, Inc., Appellees, v. Lawrence S. Jenkins, et al., Appellants.	Leonard Rose Edward R. Spalzy John A. Vering III Lawrence M. Berkowitz	Johnson
75,280	State of Kansas, Appellant, v. Tracy R. Searing, Appellee.	Carla J. Stovall, Attorney General Paul J. Morrison, District Attorney Thomas Bartee, Assistant Appellate Defender	Johnson
1:30 p.m.			
74,394 74,395	Kansas Public Employees Retirement System, et al., Appellees, v. Gage & Tucker, L.C., Appellant.	Frank M. Rice Anne Lamborn Baker Brian G. Boos Mark L. Bennett, Jr.	Shawnee
75,044	Jeffrey W. Shirley, et al., Appellants, v. Robert J. Reif, et al., Appellees.	Lee Thompson Thomas J. Kennedy	Sedgwick
74,583	Joleta Ripley, Appellant, v. B.E. "Jack" Tolbert and Pearl Tolbert, Appellees.	Marlys A.K. Marshall James A. Cline	Sedgwick
74,442	State of Kansas, Appellee, v. Jon C. Gibbons, Appellant.	Carla J. Stovall, Attorney General Robert Forer, County Attorney Wendy L. Rhyne Slayton, Special Appellate Defender	Labette

(continued)

Thursday May 30, 1996

9:00 a.m.

Case No.	Case Name	Attorneys	County
73,478	Gloria Falcon Elliott, Appellee, v. Dillons Companies, et al., Appellants.	John Schultz	Ford Petition for Review
74,170	Vernon J. Amos, Appellant, v. Michael A. Nelson, et al., Appellee.	Bryce A. Abbott Steven C. Sherwood	Butler Petition for Review
71,971	State of Kansas, Appellee, v. Jerry D. Rice, Appellant.	Julie Riddle Carla J. Stovall, Attorney General Nick A. Tomasic, District Attorney	Wyandotte
74,537	State of Kansas, Appellee, v. Christopher A. Rinck, Appellant.	Carl E. Cornwell Carla J. Stovall, Attorney General Nick A. Tomasic, District Attorney	Wyandotte
73,214	Danny R. Aycox, Appellee, v. National Carriers, et al., Appellants.	Hazel Haupt, Assistant Appellate Defender	Workers Compensation Appeal Petition for Review
74,886	State of Kansas, Appellant, v. Alann T. Austin, Appellee.	1:30 p.m. Cortland Q. Clotfelter Shirla R. McQueen Carla J. Stovall, Attorney General Mark A. Knight, District Attorney Craig A. Stancliffe	Douglas

Friday, May 31, 1996

9:00 a.m.

Case No.	Case Name	Attorneys	County
72,746	In the Matter of Henry H. Blase, Respondent.	Stanton A. Hazlett, Chief Deputy Disciplinary Administrator Henry H. Blase, pro se Stephen E. Robinson	Original
75,199	In the Matter of the Appeal of Scholastic Book Clubs, Inc.	Jeffrey A. Wietharn Cathleen M. Reeder	Tax Appeal
74,234	State of Kansas, Appellee, v. Jerry High, Appellant.	Carla J. Stovall, Attorney General Joan M. Hamilton, District Attorney	Shawnee
75,329	In the Matter of Keen K. Brantley, Respondent.	Thomas Jacquinot Marty M. Snyder, Deputy Disciplinary Administrator Keen K. Brantley, pro se	Original
76,188	In the Matter of Walter C. Williamson, Respondent.	Stanton A. Hazlett, Chief Deputy Disciplinary Administrator Walter C. Williamson, pro se	Original
75,939	In the Matter of Robert L. Mitchell, Respondent.	Stanton A. Hazlett, Chief Deputy Disciplinary Administrator Robert L. Mitchell, pro se Steven L. Islas	Original

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 017637

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. The following appointments, which are effective immediately unless otherwise specified, were filed April 22-May 10:

**District Judge, 3rd Judicial District,
Division 1**

Jan Leuenberger, 510 S.W. 10th, Topeka, 66612. Succeeds William Carpenter. (Corrected commission.)

**District Judge, 10th Judicial District,
Division 18**

John P. Bennett, 9200 W. 112th, Overland Park, 66210. New position. (Corrected commission.)

**District Judge, 18th Judicial District,
Division 12**

Kim Terese Parker, 9802 W. 20th, Wichita, 67212. Succeeds Michael Corrigan.

Greenwood County Attorney

Mary Ann Shirley, Route 2, #80 Eureka Lake Road, Eureka, 67045. Term expires when a successor is elected and qualifies according to law. Succeeds James Murfin, resigned.

Thomas County Register of Deeds

Denny Burke, 1006 County Road U, Levant, 66743. Term expires when a successor is elected and qualifies according to law. Succeeds Janice Gillispie, deceased.

Kansas Arts Commission

Martin W. Bauer, 235 N. Belmont, Wichita, 67208. Term expires June 30, 1998. Succeeds Donna Schroeder, resigned.

Kansas Board of Barbering

Bud H. Pierce, 3030 S.W. Lincolnshire Road, Topeka, 66614. Term expires January 24, 1998. Succeeds Steve Munoz.

Francis L. Madl, 8334 W. 108th Terrace, Apt. J, Overland Park, 66210. Term expires April 30, 1999. Succeeds Mike Amyx.

Kansas Dental Board

Kelly D. Douglass, 2400 S.W. 29th, Topeka, 66611. Term expires May 1, 2000.

Estel L. Landreth, 4620 E. Douglas, Suite B, Wichita, 67208. Term expires April 30, 1999.

Patricia L. Seery, 14430 Spring Valley Circle, Wichita, 67230. Term expires April 30, 2000.

**Kansas Advisory Group on Juvenile Justice
and Delinquency Prevention**

Ada Ligia Paquette, 1110 Plains Drive, Junction City, 66441. (Corrected commission.)

Kansas Rehabilitation Advisory Council

Sally Fritschen, Personnel Manager, Wal-Mart, 612 S. 130th, Bonner Springs, 66012. Term expires October 31, 1999. (Corrected commission.)

Kansas Technology Enterprise Corporation

Stephan A. Hanvey, 1345 St. Andrews, Wichita, 67230. Term expires January 15, 2000. Succeeds Bruce Peterman.

Ron Thornburgh
Secretary of State

State of Kansas

Consumer Credit Commissioner

**Notice of Hearing on Proposed
Administrative Regulations**

The office of the Consumer Credit Commissioner will conduct a public hearing at 10 a.m. Monday, July 15, in Suite 1001, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposed revocation of certain administrative regulations.

K.A.R. 75-6-3, 75-6-4, 75-6-7, 75-6-8, 75-6-10, 75-6-11, 75-6-16, 75-6-17, 75-6-18, 75-6-25 and 75-6-29 are proposed for revocation, as they are no longer necessary due to statute amendments and current policy positions of this office.

Regulations 75-6-3, 75-6-11 and 75-6-29 refer to precomputed contracts which are no longer permitted by Kansas statute. Regulations 75-6-4, 75-6-7, 75-6-10 and 75-6-25 refer to certain procedures in the consumer loan industry which have been clarified by specific statute amendments. Regulations 75-6-8, 75-6-16, 75-6-17 and 75-6-18 refer to certain procedures in the consumer loan industry and have been deemed unnecessary by the current commissioner due to the nonexistence of any problems relating to the subject of these regulations.

Also proposed for revocation are K.A.R. 75-8-1 through 75-8-11, inclusive, relating to the investment certificate guaranty fund and regulating certain activities of corporations subject to the Kansas Investment Certificate Guaranty Fund Act, which are no longer appropriate due to the repeal of the act (K.S.A. 16-6a01 through 16-6a20) in 1992.

There will be no economic impact on the consumer, industry or agency due to the revocation of the regulations noted.

Copies of the regulations proposed for revocation and the economic impact statements can be obtained from the office of the Consumer Credit Commissioner, Jayhawk Tower, 700 S.W. Jackson, Suite 1001, Topeka, 66603, (913) 296-3151.

This 60-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed revocations. Written comments may be submitted to the Consumer Credit Commissioner at the address above. All interested parties may present oral or written comments and will be given reasonable opportunity to present their views or arguments on the revocation of the regulations at the hearing.

Wm. F. Caton
Consumer Credit Commissioner

Doc. No. 017662

(Published in the Kansas Register May 16, 1996.)

**Wallace County U.S.D. 241
Sharon Springs, Kansas**

**Notice to Contractors
100-TE-0095-01
TEA-T009(501)**

Notice is hereby given that sealed proposals for the Transportation Enhancement Program, Wallace County Schools, U.S.D. 241, Sharon Springs, Kansas, will be received at the office of the Superintendent of Schools, Sharon Springs, KS 67758, until 3:30 p.m. M.D.T. June 3, 1996, and then publicly opened.

A mandatory pre-bid conference will be at 1:30 p.m. M.D.T. May 16 at the office of the Superintendent of Schools. Failure to attend the mandatory pre-bid conference will make the bid nonresponsive and not eligible for award consideration.

Wallace County U.S.D. 241 and the Kansas Department of Transportation have entered into an agreement for the use of Federal Transportation Enhancement (ISTEA) funds for this project.

The project is located at the intersection of Highways 40 and 27. It involves two parking areas containing concrete curbs and gutters, approximately 18,000 square feet of 5½" asphalt and concrete walks. A plaza seating area with a monument will allow the tourist to rest and enjoy the native landscaping. The total area will contain parking lot lights, decorative walk lighting and landscaping.

There will be no discrimination against anyone because of race, age, religion, color, sex, disability or national origin in the award of the contract. Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the city to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

In addition to this requirement, each bidder shall execute all required documents in the plans, specifications and bid package. Failure to properly execute all required documents as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the project may be obtained from the offices of Schaefer, Johnson, Cox, Frey & Associates, P.A., 220 S. Hillside, Wichita, KS 67211.

Wallace County U.S.D. 241
Sharon Springs, Kansas

Doc. No. 017605

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, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Tuesday, May 28, 1996

31819

Various agencies—University of Kansas and University of Kansas Medical Center primary users—Low-level radioactive waste disposal service

31827

Kansas Correctional Industries—Methyl carbitol and tri-butoxyethyl phosphate

03853

Pittsburg State University—Scanning electron microscope

03855

Adjutant General's Department—Construct range latrine, Salina

03856

Department of Transportation—Wood posts, Norton

03857

University of Kansas—Student desk chairs

03858

Department of Transportation—Workstation (Intergraph)

03859

Kansas State University—Unix based SMP servers

03861

University of Kansas—Unix color graphics workstation (Silicon Graphics)

03862

University of Kansas—Workstation (DEC)

03917

Kansas State University—Miscellaneous groceries and frozen orange juice

Wednesday, May 29, 1996

A-7882

University of Kansas—Jaybowl area structural repairs, Kansas Union Building

31822

Statewide—Seasonal clothing

03854

Kansas State University—Overhead projection equipment

03916

Kansas State University—Soybean meal and milo

03918

University of Kansas—Band instruments

Thursday, May 30, 1996

31821

Kansas Bureau of Investigation—Criminal records enhancement service

- 31825
Wichita State University—Furnish and install carpet
- 03913
Department of Transportation—Graphic production pressure sensitive film
- 03914
Department of Transportation—Shoulder material spreader, Salina
- 03915
Department of Transportation—Portable conveyor belt for salt handling

Friday, May 31, 1996

- 03865
Department of Transportation—Bituminous plant mix, El Dorado and Newton
- 03866
University of Kansas Medical Center—Engineering copier
- 03867
Department of Transportation—Steel posts
- 03868
Department of Health and Environment—Mobile equipment shelter
- 03869
University of Kansas—5-drawer chests
- 03870
University of Kansas—Bunk beds
- 03871
University of Kansas—Lounge style furniture
- 03890
Emporia State University—Off-road utility vehicle
- 03891
Department of Transportation—Wheel loaders, various locations
- 03892
Department of Transportation—Crawler loader and dozer, various locations
- 03893
Department of Transportation—Engineering copier
- 03894
Kansas State University—Imagesetter and software
- 03895
University of Kansas—Perfect binder
- 03896
University of Kansas—Janitorial equipment
- 03897
Department of Education—Computer programming services
- 03898
Department of Health and Environment—Network security needs analysis study
- 03900
University of Kansas—Unix servers (Sun Ultra Enterprise 2 Model 1200)
- 03907
Kansas Neurological Institute—Van modifications
- 03908
University of Kansas Medical Center—Video endoscopy equipment
- 03909
University of Kansas Medical Center—Animal cages

- 03910
Kansas State University—Mobile x-ray unit
- 03911
Department of Wildlife and Parks—Rip rap aggregate, Cheney
- 03919
Department of Wildlife and Parks—Sewage lift pumps, Marquette
- 03920
Department of Transportation—Air tools, various locations
- 03921
University of Kansas—Unix workstations (Digital Alpha 255/233)

Tuesday, June 4, 1996

- A-7818
Wichita State University—Installation of fire detection and alarm system, Campus Activities Center

Thursday, June 6, 1996

- A-7785
Department of Transportation—Renovate old district shop, Hutchinson

Monday, June 10, 1996

- 03860
University of Kansas—Computerized menu management system

03912

- University of Kansas—Concrete paving, driveway/curb/sidewalk

Thursday, June 13, 1996

- A-7419
Larned State Hospital—Site information signage, various buildings

Tuesday, June 18, 1996

- A-7065(e)
Kansas State School for the Blind—Phase 3, dormitory

Request for Proposals

Thursday, June 6, 1996

- 03899
Document imaging system for the Secretary of State

John T. Houlihan
Director of Purchases

Doc. No. 017663

State of Kansas

Office of the Governor

Termination of State of Disaster Emergency

By virtue of the authority vested in me by the Kansas Emergency Preparedness Act, Chapter 48, Article 9, of the Kansas Statutes Annotated, to meet the inherent dangers of disasters to which the state and its citizens have been exposed, and upon advice of the State Adjutant General as the Director of the Division of Emergency Management, I hereby proclaim termination of the State of Disaster Emergency Proclamation signed by me on February 23, 1996, and continued by Senate Concurrent Resolution No. 1625 on March 8, 1996.

Nature of Disaster/Areas Affected by Termination of State of Disaster Emergency

The grassland and croplands of Kansas form an important part of our economy, provide for protection of watersheds, forage for livestock, refuge for wildlife, and recreational opportunities. Wildfire endangers these resources, real and personal property, and the lives of residents and visitors in those areas. Throughout the winter and early spring months, dry and windy weather conditions have created an extreme fire hazard in the grasslands and croplands of Kansas. Fire departments across the state have reported an inordinate number of fires. Once started, these fires are difficult to control and strain both paid and volunteer fire departments' manpower and resources. The fire danger has been extreme across the entire State of Kansas since February 22, 1996. The dry conditions and fire danger have continued unabated across the entire state until sufficient rainfall has begun to occur.

The State Adjutant General as the Director of the Division of Emergency Management, after consultation with officials of the Kansas State Fire Marshal Office and Kansas Department of Agriculture, has recommended termination of the state of disaster emergency for all 105 counties within the State of Kansas. This action was based on a weather assessment taking into account air temperature, sunshine, wind speed, and greenness (performed via satellite), in addition to recent rainfall and other forms of precipitation.

I hereby proclaim, direct and order the Adjutant General of the State of Kansas to take action as provided by the State Disaster Emergency Plan which is necessary and appropriate to terminate the State of Disaster Emergency Proclamation signed by me on February 23, 1996, and continued by Senate Concurrent Resolution No. 1625 on March 8, 1996. Necessary action related to local and inter-jurisdictional disaster plans applicable to the political subdivisions of areas affected by this Proclamation shall be coordinated by the Adjutant General.

Any or all of the power conferred upon the Governor by the Kansas Emergency Preparedness Act may be delegated to the Adjutant General as deemed appropriate during termination of the state of disaster emergency through this Proclamation. This may be delegated by written orders, or oral orders subsequently reduced to writing with reference to this Proclamation.

Recognizing that dry conditions will continue at varying levels throughout the summer and fall months in the

State of Kansas, I strongly encourage local units of government to pursue a local permit process or notification process to address future burning in a prudent and responsible manner. Officials of both the Kansas Division of Emergency Management and the Fire Marshal Office stand ready to assist as needed in furthering this effort.

This Proclamation shall be filed promptly with the Division of Emergency Management, the Office of the Secretary of State and each city or county clerk, as appropriate, in the area to which this Proclamation applies. Further dissemination of this Proclamation shall occur by means calculated to bring its contents to the attention of the general public.

Dated May 6, 1996.

Bill Graves
Governor

Attest: Ron Thornburgh
Secretary of State

Doc. No. 017657

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard at 9:30 a.m. June 4 before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka.

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (913) 271-3196 or 271-3146. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

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

Applications set for June 4, 1996

Application for Certificate of Public Service:

Always Available Tow & Recovery, Inc., dba AART
2410 Spruce St.
Leavenworth, KS 66048) MC ID No. 153179

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement vehicles,
Between all points and places in the State of Kansas.

Application for Certificate of Public Service:

Vincent A. Arredondo, dba Shawnee Auto Towing
5125 S. Topeka Blvd.
Topeka, KS 66609) MC ID No. 153178

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

Wrecked, disabled, repossessed and replacement vehicles,
Between all points and places in the State of Kansas.

**Application for Abandonment of Certificate
of Public Service:**

Cadref Enterprises, Inc., dba)
G.E.I.)
1504 A.W.N St.)
Salina, KS 67401) MC ID No. 150743

Applicant's Attorney: None

Application for Certificate of Public Service:

J & B Custom Applying,)
Inc.)
1049 Road K)
Emporia, KS 66801) MC ID No. 153175

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

*General commodities (except hazardous materials
and household goods),*

Between all points and places in the State of Kansas.

Application for Certificate of Public Service:

William Mark James, dba)
Mark James Trucking)
411 W. 9th)
Concordia, KS 66901) MC ID No. 153177

Applicant's Attorney: Scott Condray, P.O. Box 205, Clay
Center, KS 67432

*General commodities (except household goods and
hazardous materials),*

Between all points and places in the State of Kansas.

Application for Certificate of Public Service:

Lone Pine Acres, Inc.)
1557 E. 100 Road)
Lecompton, KS 66050) MC ID No. 153285

Applicant's Attorney: None

Livestock and grain,

Between all points and places in the State of Kansas.

**Application for Abandonment of Certificate
of Public Service:**

Nationwide Traffic Services,)
Inc.)
1632 N. Jackson)
Kansas City, MO 64120-4222) MC ID No. 133254

Applicant's Attorney: None

**Application for Abandonment of Certificate
of Public Service:**

Pawnee County Cooperative)
Association)
103 E. 3rd)
Larned, KS 67550) MC ID No. 148814

Applicant's Attorney: None

Application for Certificate of Public Service:

Darren E. Pletcher, dba)
Heartland Carriers)
418 N. Palmer St.)
Sharon Springs, KS 67758) MC ID No. 153176

Applicant's Attorney: Clyde Christey, Southwest Plaza
Bldg., Suite 124, 3601 W. 29th, Topeka, KS 66614

*General commodities (except household goods and
hazardous commodities),*

Between all points and places in the State of Kansas.

**Application for Abandonment of Certificate
of Public Service:**

Propane Transport, Inc.)
55 W. Techne Center Drive B)
Milford, OH 45150) MC ID No. 102111

Applicant's Attorney: None

Application for Certificate of Public Service:

Brad Stallbaumer, dba)
Stallbaumer Trucking)
Route 1, Box 98A)
Centralia, KS 66415) MC ID No. 152800

Applicant's Attorney: None

Grain,

Between all points and places in the State of Kansas.

**Application for Abandonment of Certificate
of Public Service:**

Sullivan's Trucking Co., Inc.)
Highway 60 and 156 Jct. S)
Ponca City, OK 74601) MC ID No. 101300

Applicant's Attorney: None

Don Carlile
Administrator
Transportation Division

Doc. No. 017661

State of Kansas

Kansas Arts Commission

Notice of Advisory Panel Meeting

An advisory panel of the Kansas Arts Commission will meet at 1 p.m. Wednesday, May 22, in the Senate Room on the lobby level of the Jayhawk Tower, 700 S.W. Jackson, Topeka, to evaluate applications for funding assistance from the Rural Cultural Opportunity grant category of the Grassroots Program for 1996.

Based upon recommendations from the panel, the commission will vote to award grants during its quarterly business meeting June 20 at the Brown Grand Theatre, 310 W. 6th, Concordia.

Meetings of the Kansas Arts Commission, a state agency, and its funding advisory panels are open to public observation in accessible locations. Persons with special needs are asked to request accommodation to meet those needs at least one week before any meeting.

For more information, contact the Kansas Arts Commission, Jayhawk Tower, 700 S.W. Jackson, Suite 1004, Topeka, 66603-3758, (913) 296-3335. Persons with special communication needs may utilize the Kansas Relay Center, 1-800-766-3777.

Eric Hayashi
Executive Director

Doc. No. 017653

State of Kansas

Department of Health and Environment

Request for Comments on WIC and CSFP State Plan of Operations

The Kansas Department of Health and Environment is encouraging all interested parties to provide public input on the state plan of operations for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and the Commodity Supplemental Food Program (CSFP).

These programs are designed to improve the nutritional status of pregnant and breastfeeding women, infants and children up to age six who would not otherwise have a balanced diet. WIC/CSFP provides supplemental food and nutrition education as a component to good health care during times of growth and development.

Comments on the following areas will be helpful: 1) affirmative action; 2) outreach; 3) nutrition education; 4) program services; and 5) food delivery system.

Anyone wishing to comment is requested to send written comments by 5 p.m. June 14 to Martha Huizenga, WIC Administrator, WIC/CSF Programs, Bureau for Children, Youth and Families, Kansas Department of Health and Environment, Landon State Office Building, 10th Floor, 900 S.W. Jackson, Topeka, 66612-1290.

James J. O'Connell
Secretary of Health and Environment

Doc. No. 017638

State of Kansas

Pooled Money Investment Board

Notice of Meeting

The Pooled Money Investment Board will meet at 1 p.m. Wednesday, May 22, in the State Treasurer's Office, Conference Room 203, Landon State Office Building, 900 S.W. Jackson, Topeka. All meetings of the board are open to the public. For more information, contact Diane Gates at (913) 296-3372.

Sally Thompson
Chair

Doc. No. 017644

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Colorado Interstate Gas Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install a natural gas powered emergency generator. Emissions of NOx, CO and HCs were evaluated during the permit review process.

Colorado Interstate Gas Company, Colorado Springs, Colorado, owns and operates the portable source located at S29, T24S, R36W, Kearny County, Kansas, at which the emergency generator is to be installed.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southwest district office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Daizy Dandass, (913) 296-6427, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Daizy Dandass, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business June 17 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business June 17 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell
Secretary of Health and Environment

Doc. No. 017643

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the State of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

Public Notice No. KS-AG-96-115/135

Name and Address of Applicant	Legal Description	Receiving Water
Keith Atkinson c/o Taylor Branch Farms, Inc. Route 5, Box 394 Pittsburg, KS 66762	SE/4, Sec. 34, T31S, R25E, Cherokee County	Neosho River Basin

Kansas Permit No. A-NECK-P006 Federal Permit No. KS-0092673
This is an expansion of an existing facility for 66,000 head (1,188 animal units) of turkeys.

Wastewater Control Facilities: Solid waste will be stored in a dry condition for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Larry Wilson Route 3, Box 44B Smith Center, KS 66967	NE/4, Sec. 28, T3S, R13W, Smith County	Solomon River Basin

Kansas Permit No. A-SOSM-5013
This is an existing facility for 400 head (160 animal units) of swine.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Farmland Industries Farmland Hog Buying Box 67 Grete, NE 68333	SE/4, Sec. 30, T3S, R17W, Phillips County	Solomon River Basin

Kansas Permit No. A-SOPL-S016
This is an existing facility for 500 head (200 animal units) of swine.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Waste-

water storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Guthrie Trailer Sales, Inc. P.O. Box 1026 Great Bend, KS 67530	NE/4, Sec. 21, T19S, R13W, Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-T001
This is an existing facility for 40 trucks/month.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Hilltop Farms Gene Neuforth 622 N.W. 80th Ave. Olmitz, KS 67564	NE/4, Sec. 7, T19S, R14W, Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-S001
This is an existing facility for 990 head (396 animal units) of swine.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Rugan Farm and Feeding, Inc. 425-B S.W. 20th Ave. Great Bend, KS 67530	NE/4, Sec. 24, T20S, R14W, Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-C004 Federal Permit No. KS-0117820
This is an existing facility for 7,600 head (7,600 animal units) of cattle.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to,

(continued)

the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Eugene H. Schmitt P.O. Box 5 Tipton, KS 67485	NE/4, Sec. 7, T8S, R10W, Mitchell County	Solomon River Basin

Kansas Permit No. A-SOMC-B009

This is a new facility for 500 head (250 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule:

1. The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop-nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 0.8 acre inch per acre per year and solids shall be applied at not greater than 5 ton per acre.
2. Due to shallow groundwater, the lagoon compacted clay liner will be required to achieve a permeability rate of 0.125 inches or less per day.
3. The existing, on-site livestock water supply well shall be sampled annually. Samples shall be analyzed by a laboratory certified by the Kansas Department of Health and Environment for nitrate, ammonia and chloride. Analysis are to be submitted to KDHE on or before June 1 of each year.

Name and Address of Applicant	Legal Description	Receiving Water
Edwin O. Hiss Route 3, Box 134 Great Bend, KS 67530	NW/4, Sec. 12, T19S, R13W, Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-S005

This is an existing facility for 350 head (100 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Duane Sell Route 2, Box 12 Long Island, KS 67647	NW/4, Sec. 5, T2S, R20W, Phillips County	Upper Republican River Basin

Kansas Permit No. A-URPL-S008

This is an existing facility for 500 head (200 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against

runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Seaboard Farms, Inc. Holcomb North 9000 W. 67th Shawnee Mission, KS 66201	S/2, Sec. 9, T34S, R38W, Stevens County	Cimarron River Basin

Kansas Permit No. A-CISV-H006

Federal Permit No. KS-0092711

This is a new facility for 9,600 head (3,840 animal units) of finish swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, proposed controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Seaboard Farms, Inc. Farm 259 9000 W. 67th Shawnee Mission, KS 66201	SW/4, Sec. 24, T33S, R29W, Stevens County	Cimarron River Basin

Kansas Permit No. A-CISV-H005

Federal Permit No. KS-0092703

This is a new facility for 9,600 head (3,840 animal units) of finish swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, proposed controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Grinnell Grain Company, Inc. P.O. Box 37 Grinnell, KS 67738	NE/4 and NW/4, Sec. 9, T11S, R30W, Gove County	Smoky Hill River Basin

Kansas Permit No. A-SHGO-B002

This is an existing facility for 980 head (980 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Naegle Dairy 5996 205th St. Lucas, KS 67648	NE/4, Sec. 1, T11S, R11W, Russell County	Saline River Basin

Kansas Permit No. A-SARS-M001

This is an existing facility for 100 head (140 animal units) of dairy cows.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against

runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Ken Taylor 2136 N. 100 Road Wellsville, KS 66092	SW/4, Sec. 8, T15S, R21E, Douglas County	Marais des Cygnes River Basin

Kansas Permit No. A-MCDG-S007

This is an existing facility for 355 head (22 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Vaughn Feedlot Norris and Steven Vaughn 2283 County Road 36 Rexford, KS 67753	NW/4, Sec. 13, T7S, R31W, Thomas County	Solomon River Basin

Kansas Permit No. A-SOTH-CD01 Federal Permit No. KS-0087289

This is an existing facility for 2,000 head (2,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: No additional requirements are imposed at this time; however, this permit is contingent upon monitoring results showing satisfactory wastewater treatment performance. Should effluent monitoring results show unacceptable pollutant concentrations, upgraded wastewater treatment facilities will be required.

Name and Address of Applicant	Legal Description	Receiving Water
Kenneth Dedonder c/o Dedonder Farms 1827 Road 270 Reading, KS 66868	NW/4, Sec. 25, T17S, R12W, Lyon County	Marais des Cygnes River Basin

Kansas Permit No. A-MCLY-S005

This is an existing facility for 30 head (12 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Pauly's Five Star Dairy, Inc. c/o Tom Pauly Route 1, Box 50 Conway Springs, KS 67031	SW/4, Sec. 34, T29S, R3W, Sedgwick County	Lower Arkansas River Basin

Kansas Permit No. A-ARSG-M010

This is an existing facility for 150 head (210 animal units) of dairy cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 22,800 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Kaneb Pig H. Zach/T. Sjuts-Partnership Route 1, Box 35 Humphrey, NE 68642	SW/4, Sec. 19, T8S, R41W, Sherman County	Upper Republican River Basin

Kansas Permit No. A-URSH-S001

This is an existing facility for 480 (192 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 43,500 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Long Farms c/o Gerald Long Route 2, Box 53 Clifton, KS 66937	SW/4, Sec. 18, T5S, R2E, Washington County	Lower Republican River Basin

Kansas Permit No. A-LRWS-S018

This is an existing facility for 240 head (96 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 10,531 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Younger Dairy 5747 S. 167th West Clearwater, KS 67026	NE/4, Sec. 28, T28S, R2W, Sedgwick County	Lower Arkansas River Basin

Kansas Permit No. A-ARSG-M008

This is an existing facility for 150 head (210 animal units) of dairy cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 11,520 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
David R. Cain Route 2, Box 60 Little River, KS 67457	SE/4, Sec. 31, T19S, R6W, Rice County	Lower Arkansas River Basin

Kansas Permit No. A-ARRC-M004

(continued)

This is an existing facility for 60 head (84 animal units) of dairy cattle. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 14,810 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Public Notice No. KS-96-063/069

Name and Address of Applicant	Waterway	Type of Discharge
City of Baldwin City c/o City Clerk P.O. Box 535 Baldwin City, KS 66006	Marais des Cygne River via east fork Tauy Creek	Treated domestic wastewater
Kansas Permit No. M-MC04-0001		Fed. Permit No. KS-0046361

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing wastewater treatment facility. The permit proposes a schedule of compliance to upgrade the facility to achieve disinfection of the effluent. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Geo. M. Myers, Inc. P.O. Box 289 El Dorado, KS 67042	Walnut River via Whitewater River via unnamed tributary	Quarry dewatering, excess washwater and stormwater
Kansas Permit No. I-WA03-PO02		Fed. Permit No. KS-0081892

Quarry Location: NW $\frac{1}{4}$ Section 8, Township 27S, Range 4E,
Butler County

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing quarry. Activities include limestone quarrying and crushing with occasional washing. Wastewater from washing is routed through primary and secondary settling basins and a series of stilling and evaporation ponds. Discharge is only expected from stilling and evaporation ponds during extremely heavy rainfall. Stormwater runoff collection pits are non-discharging. The effluent limits are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Hunt Midwest Mining Inc. Paola Quarry #19 P.O. Box 12659 Kansas City, MO 64116	Marais des Cygne River via Bull Creek via unnamed tributary	Quarry dewatering and stormwater
Kansas Permit No. I-MC33-PO07		Fed. Permit No. KS-0118249

Quarry Location: SE $\frac{1}{4}$ Section 18, Township 17S, Range 23E,
Miami County

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing quarry. Activities include limestone quarrying and crushing operating on a demand basis using portable equipment with no washing. The effluent limits are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Hunt Midwest Mining Inc. Eudora Quarry #23 P.O. Box 12659 Kansas City, MO 64116	Kansas River	Quarry dewatering and stormwater
Kansas Permit No. I-KS17-PO04		Fed. Permit No. KS-0081426

Quarry Location: NE $\frac{1}{4}$ Section 4, Township 13S, Range 21E,
Douglas County

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing quarry. Activities include limestone quarrying and crushing operating on a demand basis using portable equipment with no washing. The effluent limits are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Midwest Minerals, Inc. Quarry #21 P.O. Box 412 Pittsburg, KS 66762	Lower Neosho River via Lightning Creek via Limestone Creek via Wolf Creek via unnamed tributary	Quarry dewatering and stormwater

Kansas Permit No. I-NE12-PO01 Fed. Permit No. KS-0115479

Quarry Location: NW $\frac{1}{4}$ Section 21, Township 31S, Range 23E,
Cherokee County

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing quarry. Activities include limestone quarrying and crushing operating with no washing. The effluent limits are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Midwest Minerals, Inc. Quarry #23 P.O. Box 412 Pittsburg, KS 66762	Verdigris River via Elk City Reservoir/Elk River	Quarry dewatering and stormwater

Kansas Permit No. I-VE14-PO01 Fed. Permit No. KS-0115461

Quarry Location: SE $\frac{1}{4}$ Section 18, Township 32S, Range 14E,
Montgomery County

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing quarry. Activities include limestone quarrying and crushing operating with no washing. The effluent limits are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Midwest Minerals, Inc. Quarry #29 P.O. Box 412 Pittsburg, KS 66762	Verdigris River via Buffalo Creek via Elder's Branch	Quarry dewatering and stormwater

Kansas Permit No. I-VE02-PO01 Fed. Permit No. KS-0115452

Quarry Location: SE $\frac{1}{4}$ Section 2, Township 28S, Range 15E,
Wilson County

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing quarry. Activities include limestone quarrying and crushing operating with no washing. The effluent limits are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Public Notice No. KS-PT-96-008

Name and Address of Applicant	Receiving Facility	Type of Discharge
A-1 Plank & Scaffold Mfg. 500 Commerce Parkway Hays, KS 67601	Hays WWTF	Process water

Kansas Permit No. P-SH16-0002

Facility Description: This facility manufactures scaffold frames constructed of steel. A conversion coating (phosphating) operation is used to prepare the steel tubing for painting. The permit limits are pursuant to state and federal pretreatment requirements.

Public Notice No. KS-EG-96-044

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a draft permit has been prepared for the continued use of a shallow Class V injection well for the applicant described below.

Name and Address of Applicant	Well Location
Oxy USA, Inc. Former NGL Facility 110 W. 7th Tulsa, OK 74119	NW¼, S17, T28S, R1E, Sedgwick County
Well Identification Nos. IW-1, IW-2, IW-3 KS Permit No. KS-05-173-004	

Description: The facility is a former natural gas liquids facility. The injection wells are designed to accept treated groundwater originally contaminated by the release of hydrocarbons for the purpose of remediation of the aquifer, maintaining hydraulic control of the site and returning treated groundwater to the aquifer.

Written comments on the draft permits must be submitted to the attention of Lisa Duncan for agricultural permits, or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments postmarked or received on or before June 14 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-96-115/135, KS-96-063/069, KS-PT-96-008, KS-EG-96-044) and the name of applicant as listed when preparing comments.

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

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017656

State of Kansas

Office of the Securities Commissioner

**Permanent Administrative
Regulations**

Article 1.—DEFINITION OF TERMS

§1-1-1. Definition of terms. As used in these rules and regulations, and in the forms, instructions and orders of the securities commissioner, the following terms shall have the meaning set forth in this regulation to the extent that they are not inconsistent with the definitions provided by K.S.A. 17-1252 or unless the context indicates otherwise.

(a) "The act" means chapter 17, article 12, Kansas Statutes Annotated, otherwise known as the securities act.

(b) "Commissioner" means the securities commissioner of Kansas.

(c) "Registrant" means an applicant or issuer for whom a registration has become effective.

(d) "Officer" means the president, vice-president, secretary or treasurer of a corporation.

(e) "SEC" means the Securities and Exchange Commission.

(f) "NASD" means the National Association of Securities Dealers, Inc.

(g) "NASAA" means the North American Securities Administrators Association, Inc.

(h) "CRD" means the Central Registration Depository jointly administered by NASD and NASAA.

(i) "Prospectus" means a document containing material information for an offer or impending offer of securities.

(j) "Promoter" means a person who, acting alone or in conjunction with one or more other persons, directly or indirectly founds, organizes or reorganizes the business or enterprise of an issuer.

(k) "Control" means possession of the power, authority or means to engage in the management or policymaking functions of a person, directly or indirectly by contract or otherwise.

(l) "Controlling person" means a person who has control of any person. An officer, director, partner, or trustee or individual occupying similar status or performing similar functions or a person owning 10% or more of the outstanding shares of any class or classes of securities of another shall be presumed to be a "controlling person."

(m) "Insider" means the following:

(1) any controlling person; and

(2) any promoter, if the organization took place within three years from the date of application.

(n) "Affiliate" means a person who directly or indirectly controls, is controlled by, or is under common control with another person, or who aids and abets or is aided and abetted by another person.

(o) "Parent" means an affiliate who controls another person.

(p) "Subsidiary" means an affiliate who is controlled by another person.

(q) "Predecessor" means a person, a major portion of whose business, assets or control has been acquired by

(continued)

another. (Authorized by and implementing K.S.A. 17-1270; effective Jan. 1, 1966; amended, T-85-45, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended May 31, 1996.)

Article 2.—FILING, FEES AND FORMS

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

(b) Fees. All fees shall accompany the filing to which they pertain and shall be paid by check or money order to the securities commissioner of Kansas, except as required by K.S.A. 17-1254(j)(2)(C).

(c) Forms. The following forms have been adopted for use.

(1) Uniform forms:

FORM	TITLE
ADV	Uniform application for investment adviser registration
ADV-S	Annual report for investment advisers
ADV-W	Notice of withdrawal from registration as investment adviser
BD	Uniform application for broker-dealer registration
BDW	Uniform request for withdrawal from registration as a broker-dealer
D	Notice of sales of securities
U-1	Uniform application to register securities
U-2	Uniform consent to service of process
U-2A	Uniform corporation resolution
U-4	Uniform application for securities industry registration or transfer
U-5	Uniform termination notice for securities industry registration
U-7	Small corporate offering registration

(2) Kansas forms:

FORM	TITLE
K-1	Sales report/renewal application
K-4	Application for registration of securities
K-4A	Application for exemption from registration [pursuant to K.S.A. 17-1261(h)]
K-5	Consent to service
K-6	Corporate resolution
K-12	Annual report for non-profit organizations
K-14	Notice of intention to sell securities
K-15	Solicitation of Interest

(Authorized by and implementing K.S.A. 17-1270; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, E-77-40, Aug. 12, 1976; amended Feb. 15, 1977; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-29, Aug. 19, 1987; amended May 1, 1988; amended March 25, 1991; amended Oct. 7, 1991; amended April 17, 1995; amended May 31, 1996.)

Article 3.—LICENSING; BROKER-DEALERS AND AGENTS

81-3-1. Requirements and registration procedures for broker-dealers, agents and investment advisers. A broker-dealer, agent or investment adviser may register under the act if the commissioner finds that the applicant is qualified, has sufficient training or knowledge of the securities business, is of good repute, and otherwise sat-

isfies the requirements of the act and rules thereunder.

(a) General provisions:

(1) Each applicant shall be at least 18 years of age. If the applicant is not an individual, then the directors, officers or managing partners of the applicant shall be at least 18 years of age.

(2) Each applicant shall be registered or qualified to engage in the securities business in the state of the applicant's principal place of business.

(3) Each broker-dealer shall maintain at least one registered agent. If the broker-dealer is not an individual, the agent shall be a director, officer, or managing partner of the broker-dealer.

(4) Each director, officer, partner, or employee of an investment adviser who gives investment advice or makes investment decisions, and who meets the definition of K.S.A. 17-1252(1), shall register separately as an investment adviser under the act.

(5) Each applicant for registration as an agent of a broker-dealer or issuer, and each applicant for registration as an investment adviser because of affiliation with or employment by an investment adviser, shall be endorsed by that broker-dealer, issuer or employing investment adviser. The broker-dealer, issuer or employing investment adviser shall endorse the applicant by certifying that the applicant is of good repute and in all respects qualified to be registered.

(6) An agent or investment adviser shall not register in association with more than one broker-dealer, issuer or employing investment adviser at any one time, unless management and control of the broker-dealers, issuers or employing investment advisers are substantially identical.

(b) Application requirements.

(1) A person may apply for registration or renewal through the CRD system. A person shall file any application that is not made through the CRD system in the form as set forth in K.A.R. 81-2-1(c) or as otherwise prescribed by the commissioner. Each applicant shall include the following with the application:

(A) the filing fee specified in K.A.R. 81-3-2; and

(B) proof of successful completion of the examination requirements of subsection (c) of this rule.

(2) Each application which has been on file for a period of six months without affirmative action by the applicant shall be considered withdrawn.

(3) Each application by a broker-dealer for registration or renewal shall include a current list of the addresses of all branch offices and names of all branch managers.

(4) An individual registering with an investment adviser shall file with the commissioner schedule D of the form ADV, or form U-4.

(c) Examination requirements.

(1) An applicant for registration as an agent shall have completed the series 63 or series 66 examination with a score of 70% or better, and one other examination as required for registration with the NASD.

(2) An applicant for registration as an investment adviser shall have completed the series 63, series 65, or series 66 examination with a score of 70% or better, or such other examinations as the commissioner may designate.

(3) The examination requirement may be waived by the commissioner for an applicant who has previously passed the required written examinations and whose last effective registration was not more than two years before the date of the filing of the present registration application.

(4) Additional examination requirements may be imposed by the commissioner or any applicant or class of applicants may be exempted from examination requirements for good cause shown.

(d) Financial responsibility. Financial statements as required below shall include a statement of financial condition and notes to the statement of financial condition presented in conformity with generally accepted accounting principles. Unless otherwise permitted, an independent certified public accountant shall audit the financial statements in accordance with generally accepted auditing standards. Financial statements of broker-dealers shall include disclosure of net capital, or be accompanied by a supplemental schedule of net capital, in compliance with the requirements of subsection (e) below.

(1) Financial statements of applicants.

(A) Each applicant for original registration as a broker-dealer shall file audited financial statements as of a date within 30 days prior to the date of filing, or as of the end of the applicant's last fiscal year along with interim financial statements which may be unaudited, as of a date within 30 days prior to the date of filing.

(B) Each applicant for original registration as an investment adviser firm shall file audited financial statements as of the applicant's last fiscal year or later when the firm:

(i) Will maintain custody of securities or cash of clients; or

(ii) will require prepayment of fees of more than \$500 paid more than six months in advance of providing services. If the above conditions of custody or prepayment of fees are not applicable to an investment adviser, then financial statements shall not be required.

(2) Annual reports.

(A) At the time the application is filed, each broker-dealer shall notify the commissioner of the date on which the broker-dealer's fiscal year ends. Each broker-dealer currently registered shall make and maintain an annual report containing audited financial statements and the net capital amount as of the end of the broker-dealer's fiscal year. A broker-dealer shall file the annual audit report with the commissioner within five days of a request by the commissioner. Any broker-dealer violating the terms of this regulation may be subject to suspension of registration by emergency order.

For purposes of uniformity, a copy of audited financial statements in compliance with SEC Rule 17a-5(d), as in effect on September 15, 1995, when filed as required above, shall be deemed to comply with this regulation.

(B) Each registered investment adviser required to file an annual report on Form ADV-S with the SEC under the Investment Advisers Act of 1940 (17 CFR 275.204-1, as in effect on September 15, 1995) shall file a copy of the annual report and schedules with the commissioner within five days of a request by the commissioner.

(3) Required records.

(A) Each registered broker-dealer shall maintain and preserve financial records in compliance with SEC Rule 17a-3 (17 CFR 240.17a-3, as in effect on September 15, 1995) and Rule 17a-4 (17 CFR 240.17a-4, as in effect on September 15, 1995).

(B) Each registered investment adviser firm shall maintain and preserve records in compliance with Rule 204-2 under the Investment Advisers Act of 1940 (17 CFR 275.204-2, as in effect on September 15, 1995).

(e) Minimum net capital requirements.

(1) Each broker-dealer shall comply with SEC Rule 15c3-1 (17 CFR 240.15c3-1, as in effect on September 15, 1995), SEC Rule 15c3-2 (17 CFR 240.15c3-2, as in effect on September 15, 1995) and SEC Rule 15c3-3 (17 CFR 240.15c3-3, as in effect on September 15, 1995).

(2) Each registered broker-dealer shall comply with SEC Rule 17a-11 (17 CFR 240.17a-11, as in effect on September 15, 1995) and shall simultaneously file with the commissioner copies of notices and reports required by that rule.

(f) Confirmations.

At or before completion of each transaction with a customer, the broker-dealer shall give or send to the customer a written notification which is in conformity with SEC Rule 10b-10 (17 CFR 240.10b-10, as in effect on September 15, 1995).

(g) Effectiveness and post-effective requirements.

(1) A registration shall become effective upon approval by the commissioner.

(2) Each registrant shall immediately notify the commissioner in writing of any material change in any information, exhibits or schedules submitted, or circumstances disclosed in its last prior application. The registrant shall file a correcting amendment at the time of the occurrence or discovery of the changes. Material changes shall include the following:

(A) Change in firm name, ownership, management or control of a broker-dealer, or a change in any of its partners, officers or persons in similar positions, or its business address, or the creation or termination of a branch office in Kansas;

(B) change in type of entity, general plan or character of a broker-dealer's business, method of operation or type of securities in which it is dealing or trading;

(C) insolvency, dissolution or liquidation, or a material adverse change or impairment of working capital, or non-compliance with the minimum net capital required above;

(D) termination of business or discontinuance of those activities as a broker-dealer, agent, or investment adviser;

(E) the filing of a criminal charge or civil action against a registrant, or a partner or officer, in which a fraudulent, dishonest or unethical act is alleged, or a violation of a securities law is involved; or

(F) entry of an order or proceeding by any court or administrative agency against a registrant denying, suspending or revoking a registration, or threatening to do so, or enjoining the registrant from engaging in or continuing any conduct or practice in the securities business.

(h) Expiration, renewal, withdrawal and termination.

(continued)

(1) All registrations shall expire on December 31, and all applications for renewal shall be filed not later than December 20 of each year.

(2) When an agent or investment adviser's association with a broker-dealer, issuer or employing investment adviser is discontinued or terminated, the broker-dealer, issuer or employing investment adviser shall file a notice of termination. If the agent or investment adviser commences employment with another broker-dealer, issuer or employing investment adviser, the broker-dealer, issuer or employing investment adviser shall file an original application for registration, except that an agent registered through the CRD system may comply with the requirements of this subsection through participation in the temporary agent transfer program.

(3) Termination of a broker-dealer's registration for any reason shall automatically constitute cancellation of all associated agents' registrations.

(4) If any broker-dealer, or an investment adviser other than an individual required to be registered under K.A.R. 81-3-1(a)(4), desires to withdraw and terminate registration or registration is terminated by the commissioner, that broker-dealer or investment adviser shall immediately file a completed form BDW or form ADV-W.

(i) Denial, suspension and revocation.

(1) "Dishonest and unethical practices" under K.S.A. 17-1254(g)(7) shall be defined to include the following:

(A) The NASAA statement of policy, dishonest and unethical business practices, adopted April 23, 1983;

(B) the NASAA statement of policy, fraudulent and unethical sales practices—manipulative conduct, adopted April 29, 1989, amended April 29, 1992; and

(C) the NASAA statement of policy, unethical business practices of investment advisors, adopted April 5, 1985. (Authorized by K.S.A. 17-1270; implementing K.S.A. 17-1254 and K.S.A. 17-1270; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, E-77-40, Aug. 12, 1976; amended Feb. 15, 1977; amended May 1, 1987; amended Oct. 7, 1991; amended June 28, 1993; amended May 31, 1996.)

81-3-4. (Authorized by K.S.A. 1992 Supp. 17-1270(d); implementing K.S.A. 1992 Supp. 17-1270(d); effective June 28, 1993; revoked May 31, 1996.)

Article 4.—REGISTRATION OF SECURITIES

81-4-1. Registration of securities. (a) Original applications. A person shall file an application to register securities with the commissioner in substantially the form and content required by the application form specified in K.A.R. 81-2-1(c). Issuers other than investment companies registered under the investment company act of 1940 shall also file the documents and exhibits required for applications for registration by coordination under K.S.A. 17-1257 or qualification under K.S.A. 17-1258. Investment companies shall file offering documents and exhibits only upon request of the commissioner. Any application for which notification has been filed with the SEC under regulation A shall be filed with this office only by qualification. Each application shall be accompanied by the fee specified in K.S.A. 17-1259(b)(1), based on the amount of securities to be registered. The maximum fee for each ap-

plication to register securities shall be \$1,500 for each year of effectiveness. A deficiency letter from staff of the commissioner shall represent a pending proceeding under K.S.A. 17-1260 for purposes of precluding automatic effectiveness as provided in K.S.A. 17-1256(c) and K.S.A. 17-1257(c).

(b) Amendments.

(1) During the period of effectiveness, the registrant shall file a correcting statement within 15 days after any of the following events:

(A) any statement, document or material information contained in the registration statement or offering circular becomes inaccurate, incorrect or misleading;

(B) in light of changes in circumstances, addendums are made necessary in order to present a full disclosure of material facts affecting the issuer's business or the offering; or

(C) the commissioner requests additional information. Post-effective amendments by issuers registered under the investment company act of 1940 shall be filed only upon request of the commissioner.

(2) Each applicant shall include a fee of \$100 with each application for post-effective amendment of the name of the issuer or the aggregate amount of securities registered. Each person applying for amendments to increase the aggregate amount of securities registered shall submit payment of the additional fee specified in K.S.A. 17-1259(b)(1), unless the annual maximum fee under K.A.R. 81-4-1(a) has been paid.

(c) Extensions.

(1) Each applicant shall include the following with applications to extend the period of effectiveness for securities registration pursuant to K.S.A. 17-1259(a):

(A) Form K-1 or a uniform form which includes the same information;

(B) a filing fee of \$100 as specified in K.S.A. 17-1259(b)(2);

(C) a registration fee as specified in K.S.A. 17-1259(b)(1), and amendments thereto, in an amount not to exceed \$1,500, based on the aggregate amount of securities to be offered during the extended period of effectiveness;

(D) one copy of the prospectus to be provided for offers during the extended period of effectiveness which includes audited financial statements for the most recent fiscal year of the issuer. If the extension request occurs before such statements are available, the issuer shall undertake to file an updated prospectus containing the statements no later than 90 days after the end of the fiscal year; and

(E) investment companies shall file offering documents and exhibits only upon request of the commissioner.

(2) Extensions of registration shall remain effective for one year. The effective date of an extension of registration shall be the date upon which the previous effective registration period expired.

(3) The due date for filing extension applications shall be 30 days before the date on which a registration is due to expire.

(d) Abandoned applications.

(1) Applications on file with the commissioner for six months or more shall be deemed abandoned if no response to inquiries or deficiency notices of the commissioner's staff has been filed as requested.

(2) Abandoned applications shall be disregarded and a notice of abandonment shall be issued by the commissioner after reasonable inquiry. To obtain further consideration of an abandoned application, the applicant shall file a new, complete application.

(e) Final reports. The registrant shall file with the commissioner the final report of sales required pursuant to K.S.A. 17-1259(a) on form K-1, or on a form which includes the same information. (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1259; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, T-88-29, Aug. 19, 1987; amended May 1, 1988; amended, T-81-8-23-91, Aug. 23, 1991; amended Oct. 7, 1991; amended May 31, 1996.)

Article 5.—EXEMPTIONS

81-5-1. (Authorized by K.S.A. 1982 Supp. 17-1270(f); implementing K.S.A. 1982 Supp. 17-1261 (g); effective Jan. 1, 1966; amended E-77-40, Aug. 12, 1976; amended Feb. 15, 1977; amended, E-80-23, Dec. 12, 1979; amended May 1, 1980; amended May 1, 1983; revoked May 31, 1996.)

81-5-2. (Authorized by K.S.A. 1984 Supp. 17-1270(f); implementing K.S.A. 1984 Supp. 17-1261 (h); effective May 1, 1983; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986; revoked May 31, 1996.)

81-5-3. Isolated transaction exemption. (a) A security or securities shall be deemed to have been offered and sold in an isolated transaction pursuant to K.S.A. 17-1262(a), if:

(1) no 12-month period in which the date of the sale can be included contains more than five sales of the securities in Kansas by the seller or affiliates; or by or for the benefit of the issuer;

(2) no person offers or sells the securities by means of any of the following:

(A) advertising;

(B) general solicitation printed in any brochure, prospectus, offering memorandum, handbill, newspaper, magazine, periodical, or other publication of general circulation;

(C) general solicitation communicated by radio, television, or public seminar; or

(D) general solicitation via computer bulletin board, online service, or other electronic format;

(3) neither an issuer nor any person acting on its behalf offers or sells the securities by general solicitation by telephone, mail, personal contact, or similar means;

(4) the restrictions in subsections (2) and (3) do not apply to the offer or sale of securities which are the subject of a registration under the federal securities act of 1933, or to an offer which is the subject of an application for registration filed under that act, provided that the registration or application has been filed or granted prior to the offer or sale;

(5) no reasonable cause existed for the seller to believe that any purchaser of the securities was purchasing from the seller for resale in Kansas and not for investment; and

(6) no intent by the seller to at any time exceed the limit established by subsection (1) above existed.

(b) In calculating the number of sales in a 12-month period, sales made in violation of K.S.A. 17-1255, and sales exempt from registration pursuant to paragraphs (a) or (1) of K.S.A. 17-1262 shall be taken into account.

(c) For purposes of this exemption, a husband and wife shall be considered as one purchaser. A corporation, partnership, association, joint stock company, trust or unincorporated organization shall be considered as one purchaser unless it was organized for the purpose of acquiring the purchased securities. If that is the case, each beneficial owner of equity interest or equity securities in the entity shall be considered a separate purchaser. (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1262(a); effective, T-83-40, Nov. 23, 1982; effective May 1, 1983; amended, T-87-41, Dec. 8, 1986; amended May 1, 1987; amended June 28, 1993; amended May 31, 1996.)

81-5-4. Unsolicited order exemption. A registered broker-dealer relying upon K.S.A. 17-1262(c) shall preserve for each transaction for a period of five years a copy of the written trade confirmation that contains the following statement or substantial equivalent: "This transaction was effected pursuant to an unsolicited order or offer to buy by the customer." (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1262(c); effective, T-83-40, Nov. 23, 1982; effective May 1, 1983; amended May 1, 1987; amended May 31, 1996.)

81-5-7. Exchange and NASDAQ/NMS exemption. The following securities shall be exempt under K.S.A. 17-1261(g):

(1) a security listed or approved for listing upon notice of issuance on:

(A) the New York stock exchange;

(B) the American stock exchange;

(C) the Chicago stock exchange;

(D) the Chicago board options exchange;

(E) tier I of the Philadelphia stock exchange;

(F) tier I of the Pacific stock exchange; or

(G) tier II of the Pacific stock exchange;

(2) a security designated or approved for designation upon notice of issuance as a NASDAQ national market system security;

(3) any other security of the issuer of such listed or designated security which is of senior or substantially equal rank to the listed or designated security;

(4) a security issuable under rights or warrants so listed or designated; and

(5) a warrant or right to purchase or subscribe to any of the foregoing.

(b) Securities described as small-cap or emerging companies by an exchange or market system named under subsection (a) shall not be exempt under K.S.A. 17-1261(g).

(c) When deemed necessary to protect the public interest, the exemption for a specific security or category of securities may be disallowed by order of the commissioner. (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1261(g); effective, T-87-28, Oct. 1, 1986;

(continued)

amended May 1, 1987; amended Oct. 24, 1994; amended May 31, 1996.)

81-5-9. Open-end management investment company and unit investment trust exemption. (a) A security issued by an issuer registered as an open-end management investment company or unit investment trust pursuant to section eight of the federal investment company act of 1940 shall be exempt under K.S.A. 17-1261(g) if the following requirements are met.

(1) The issuer shall meet one of the following two qualifications:

(A) the issuer shall be advised by an investment adviser that:

(i) is a depository institution exempt from registration under the federal investment advisers act of 1940, or is currently registered as an investment adviser and has been registered, or is affiliated with an adviser that has been registered, as an investment adviser under the investment advisers act of 1940 for at least three years immediately before an offer or sale of a security claimed to be exempt under this regulation; and

(ii) has acted, or is affiliated with an investment adviser that has acted as investment adviser to one or more registered investment companies or unit investment trusts for at least three years immediately before an offer or sale of a security claimed to be exempt under this regulation; or

(B) the issuer shall have a sponsor that, at all times throughout the three years before an offer or sale of a security claimed to be exempt under this paragraph, has sponsored one or more registered investment companies or unit investment trusts, the aggregate total assets of which have exceeded \$100,000,000.

(2) The commissioner shall have received, before any sale exempted under this regulation:

(A) a notice of intention to sell on Form K-14 which has been executed by the issuer and sets forth the name and address of the issuer and the title of the portfolio or series to be offered in the state of Kansas; and

(B) an exemption filing fee of:

(i) \$1,500 for a portfolio or series with net assets of \$400,000,000 or more; or

(ii) \$1,000 for a portfolio or series with net assets of more than \$100,000,000, but less than \$400,000,000; or

(iii) \$500 for a portfolio or series with net assets of less than, or equal to \$100,000,000; or

(iv) \$200 for a unit investment trust.

(b) The issuer shall submit additional notice and pay the applicable fee for any offer or sale of a security of an open-end management company made more than 12 months after the date on which the issuer filed with the commissioner the previous notice to claim the exemption under this provision.

(c) The issuer shall remit a fee of \$100.00 with filings for any name change amendment to Form K-14.

(d) For the purpose of subsection (a), an investment adviser shall be affiliated with another investment adviser if that investment adviser controls, is controlled by, or is under common control with the other investment adviser. (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1261(g) and 17-1259; effective Nov. 12, 1991; amended June 28, 1993; amended May 31, 1996.)

Article 6.—PROSPECTUS

81-6-1. Prospectus. Each application for registration shall include the prospectus to be used in connection with the proposed securities offering. A prospectus filed in compliance with the requirements of the Securities Act of 1933, subject to the approval of the commissioner, may meet the requirements of this rule. An investment company shall file a prospectus only upon request of the commissioner.

(a) Any person who knowingly uses a prospectus which contains false or misleading statements or information, or which omits material facts necessary for an accurate and complete presentation of matters affecting the security being offered shall be deemed to have violated the act. In a civil action for recovery of damages on account of loss sustained by way of the purchase of such securities, there shall be a presumption that any sale of the securities made after a knowing use of such a prospectus was made on the basis of a false representation.

(b) A person offering or selling a security shall deliver a copy of the prospectus to each prospective purchaser of securities registered under the act before consummation of any sale or contract for sale. Each subscription agreement shall contain a statement by the purchaser that the purchaser has received a copy of the prospectus. If the prospectus relates to an issue registered under the Securities Act of 1933, the person offering or selling the security shall deliver a copy of the prospectus as required by that act.

(c) In the case of any material change relating to the issuer or the offering subsequent to the filing of the prospectus, an amended prospectus reflecting the changes shall be filed immediately.

(d) Any communication meeting the provisions of rule 134 under the securities act of 1933 and K.S.A. 17-1262(i) shall not be deemed to be a prospectus.

(e) Any notice meeting the provisions of rule 135 under the securities act of 1933 shall not be deemed to be an offer of securities for sale.

(f) Form and content.

(1) Registration by coordination. The prospectus for a general securities offering filed for registration by coordination under K.S.A. 17-1257 shall contain the information required in part I of a registration statement filed under the securities act of 1933 on the form that the issuer would be entitled to use.

(2) Registration by qualification. The prospectus for a securities offering filed for registration by qualification under K.S.A. 17-1258 shall contain the information below. These requirements may be modified or waived by the commissioner when good cause is shown:

(A) the information required in part II of form I-A of regulation A of the securities act of 1933, as in effect on January 1, 1996; or

(B) the information required in part I of form SB-2 of the securities act of 1933, as in effect on January 1, 1996.

(3) Small corporate offering registration securities. The form U-7 disclosure document shall serve as the prospectus for an offering of securities under K.A.R. 81-4-2. (Authorized by and implementing K.S.A. 17-1270(f); effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1987; amended March 25, 1991; amended May 31, 1996.)

Article 7.—POLICY RELATING TO REGISTRATION

81-7-2. NASAA statements of policy. (a) Each application for registration or each filing for an exemption shall comply with a statement of policy adopted by NASAA when relevant to the type of securities or offering of the issuer. The requirements of these guidelines may be modified or waived by the commissioner when good cause is shown. The following statements of policy are hereby adopted by reference:

- (1) Real estate programs, as amended October 24, 1991;
- (2) Real estate investment trusts, as amended October 24, 1991;
- (3) Oil and gas programs, as amended October 24, 1991;
- (4) Equipment programs, as amended October 24, 1991;
- (5) Preferred stock, as adopted April 25, 1993;
- (6) Commodity pool programs, as amended August 30, 1990;
- (7) Cattle-feeding programs, as adopted September 17, 1980;
- (8) Omnibus guidelines, as adopted March 29, 1992;
- (9) Debt securities, as adopted April 25, 1993;
- (10) Church bonds guidelines, as adopted April 29, 1981;
- (11) General obligation financing by religious denominations, as adopted April 17, 1994; and
- (12) Asset-backed securities, as adopted October 25, 1995.

(c) The omnibus guidelines shall be applied to limited partnership programs or other entities for which more specific statements of policy have not been adopted by NASAA.

(d) Each application for registration shall include a cross-reference table to indicate compliance with the various sections of the guidelines in applicable statements of policy. (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1260; effective June 28, 1993; amended May 31, 1996.)

Article 8.—EFFECTIVENESS AND POST-EFFECTIVE REQUIREMENTS

81-8-1. (Authorized by K.S.A. 1986 Supp. 17-1270(f); implementing K.S.A. 17-1256; 17-1257; 17-1264; effective Jan. 1, 1966; amended, T-88-29, Aug. 19, 1987; amended May 1, 1988; revoked May 31, 1996.)

Article 9.—ANNUAL REPORTS

81-9-1. (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1259 as amended by SB 66; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, T-88-29, Aug. 19, 1987; amended May 1, 1988; revoked May 31, 1996.)

Article 13.—INSTRUCTION PROGRAMS FOR AGENT LICENSING

81-13-1. (Authorized by K.S.A. 17-1270(f); effective Jan. 1, 1972; revoked May 31, 1996.)

David R. Brant
Kansas Securities Commissioner

State of Kansas

Kansas Wheat Commission**Permanent Administrative Regulations****Article 1.—MILL LEVY ASSESSMENT**

24-1-1. Mill levy assessment. Wheat marketed through commercial channels in the state of Kansas shall be assessed at 10 mills per bushel. The assessment shall be levied and assessed to the grower at the time of sale. (Authorized by and implementing K.S.A. 2-2608; effective, T-89-21, May 27, 1988; effective Sept. 19, 1988; amended May 31, 1996.)

David E. Frey
Administrator

Doc. No. 017648

State of Kansas

Department of Administration**Permanent Administrative Regulations****Article 1.—PURPOSE, ADOPTION AND AMENDMENT OF REGULATIONS; PERSONNEL POLICIES**

1-1-1. State human resource program, responsibilities, regulations and guidelines. (a) The Kansas civil service act shall be administered by the director to provide a complete human resource program that is both effective and efficient. To provide an effective, responsible and quality workforce, regulations and guidelines which address the following shall be centrally maintained by the director:

- (1) workforce planning and control;
- (2) classification;
- (3) compensation;
- (4) recruiting and staffing;
- (5) probationary periods;
- (6) performance reviews;
- (7) training and career development;
- (8) hours and leaves;
- (9) employee-management relations;
- (10) guidance and discipline;
- (11) terminations;
- (12) records, reports and research;
- (13) layoffs;
- (14) employee awards;
- (15) quality management;
- (16) employee benefits;
- (17) equal employment opportunity; and
- (18) other pertinent human resource issues as determined by the director.

These regulations and guidelines shall apply only to classified employees unless otherwise specifically stated.

(b) The central personnel office for the state as one employer shall be the division. Agency assistance, as well as direction and review of agency human resource programs shall be provided by the division.

(continued)

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(c) Any human resource duty which is delegated to an agency by the director shall be the responsibility of the delegated agency and the agency shall comply with state-wide personnel regulations and statutes. Each human resource program delegated to an agency shall be monitored by the director.

(d) Human resource regulations and bulletins shall be provided to each agency by the director.

(e) Each agency shall make available for inspection all human resource regulations and bulletins to all employees in an area which is both known to employees and available at all times. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended May 31, 1996.)

1-1-2 and 1-1-3. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

1-1-4. (Authorized by K.S.A. 75-3747; implementing K.S.A. 1982 Supp. 75-3746; effective May 1, 1983; revoked May 31, 1996.)

Article 2.—DEFINITIONS

1-2-53. (Authorized by K.S.A. 1980 Supp. 75-3747; implementing K.S.A. 75-2946; effective May 1, 1979; amended May 1, 1981; revoked May 31, 1996.)

1-2-57. Permanent status. "Permanent status" means the status of an employee who has successfully completed a probationary period, in accordance with K.A.R. 1-7-3, 1-7-4, and 1-7-6. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-2946; effective May 1, 1979; amended May 1, 1981; amended May 31, 1996.)

1-2-72. Rehire. "Rehire" means any person hired by the state who was previously employed by the state. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-3746; effective Dec. 17, 1995; amended May 31, 1996.)

1-2-83. Transfer. "Transfer" means a change by an employee from one position to another position with a close similarity of duties, essentially the same basic qualifications, and the same pay grade. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2944 and K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1983; amended Dec. 17, 1995; amended May 31, 1996.)

Article 3.—WORKFORCE PLANNING AND CONTROL

1-3-1. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

1-3-3 to 1-3-4. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

Article 4.—CLASSIFICATION

1-4-2. Position management. (a) Managers and supervisors shall structure each position so as to promote efficient use of the work force and to fulfill current and future requirements, and shall accurately describe in writing the duties of the position. The supervisor or manager shall review each position under the manager's su-

pervision each time the position becomes vacant, and at least annually in conjunction with the performance review of the employee in the position if no vacancy occurs. This position review shall be certified in a manner to be prescribed by the director.

(b) Each agency shall maintain a system of position identification and control, indicating the organizational unit, location, duties, and work hours and shifts of each established position, which shall be made available to the director upon request. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2938; effective May 1, 1979; amended May 1, 1981; amended May 31, 1996.)

1-4-6. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

Article 5.—COMPENSATION

1-5-1. Preparation, installation, and revision of the pay plan or plans. After conferring with appointing authorities, the secretary of administration and the director of the budget, a pay plan or plans for the classified service shall be recommended to the governor by the director. Except as otherwise provided, the pay plan or plans shall provide a minimum and maximum rate of pay for each class of positions in the classified service. In establishing these rates, the following factors shall be taken into consideration by the director:

- (1) the condition of the labor market;
- (2) prevailing rates for comparable positions in other public employment and in private business;
- (3) difficulty and responsibility of work;
- (4) the usual education and experience required;
- (5) the current cost of living;
- (6) turnover rates in the state service; and
- (7) maintenance or other benefits received.

Revisions to the pay plan or plans shall be prepared, adopted, and made effective in accordance with other provisions of article 5 of these regulations.

(b) When a pay plan or plans are to be installed or revised, instructions for installing or revising the plan or plans shall be prepared by the director, including instructions for handling circumstances where an employee's pay is above the pay grade, below the pay grade, or not on a step of the pay grade for the class in which the employee is employed. The instructions shall not be required if these circumstances can be handled by application of appropriate regulations. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2938; effective May 1, 1979; amended May 31, 1996.)

1-5-2. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

1-5-3. (Authorized by K.S.A. 75-3747; effective May 1, 1979; amended Dec. 17, 1995; revoked May 31, 1996.)

1-5-6. (Authorized by K.S.A. 75-3747; effective May 1, 1979; amended Dec. 17, 1995; revoked May 31, 1996.)

1-5-7. Employees to be paid within the pay grade, recommendation and approval of employee pay changes; effective date; retroactive increases. (a) Except as provided otherwise in these regulations, each employee shall be paid within the pay grade adopted for the

class of positions and at the step within the pay grade as prescribed by these regulations.

(b) All employee pay changes shall be recommended by the appointing authority in a manner prescribed by the director. Before approval by the director, the changes shall be determined to be in compliance with all applicable personnel regulations and directives approved by the governor.

(c) Each employee pay step increase shall be effective on the date the employee completes the time-on-step requirements as stated in 1-5-19b. All other pay changes shall take effect on the day of the transaction.

(d) Employee pay changes may be retroactive as approved by the director to correct documented errors or as otherwise approved by the governor. Each retroactive pay increase shall be limited to no more than six payroll periods except as otherwise approved by the director. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2938; effective May 1, 1979; amended, E-81-23, Aug. 27, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 17, 1995; amended May 31, 1996.)

1-5-12. Pay of employee hired to classified service from unclassified service. (a) Any person who has been employed in the unclassified service, and who within 60 days of separation from the unclassified service is rehired into a position in the classified service, may be paid the same rate of pay in the classified position as the employee had been receiving in the unclassified position, if the rate is on a step of the pay grade for the class. If the rate is not on a step of the pay grade, it shall be adjusted to the next higher step in the pay grade, if that step is within the pay grade, or to any lower step in the pay grade.

(b)(1) If an unclassified employee is hired on the basis of a promotion, the appointing authority may grant a one-step increase, if the step is within the pay grade. Nothing in this regulation shall prevent hiring a person at a step in the pay grade which is lower than permitted by this regulation. However, the employee shall receive some increase in pay if hired on the basis of a promotion.

(2) The appointing authority may, with the approval of the director, pay the employee at a higher step in the pay grade, if the employee to be promoted has exceptional qualifications. Exceptional qualifications shall be based on the employee's education, training, experience, skills, and other qualifications directly related to the duties of the position to which promoted.

(c) If the unclassified employee is hired on the basis of a voluntary demotion, the employee may be paid at any step within the pay grade assigned to the class that is a decrease in the rate of pay 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 hired to the classified service from the unclassified service shall be governed by the time-on-step requirement of the step to which the employee is hired. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2938 and K.S.A. 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; amended Dec. 17, 1995; amended May 31, 1996.)

1-5-15. Pay of employee upon demotion. (a) Each employee who is demoted, in accordance with applicable regulations, whether voluntarily or for disciplinary reasons, shall be paid at the same step of the pay grade 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 of compensation.

(b)(1) Any employee accepting a voluntary demotion may be paid at a step of the new pay grade which does not result in decrease in rate if:

(A) the position must be filled expeditiously for effective government;

(B) the employee has exceptional qualifications for the new position;

(C) the action is in the best interest of state service;

(D) the action is in lieu of a layoff;

(E) the employee is returning to work in accordance with the state "return to work" program; or

(F) the employee is accepting an accommodation in accordance with the Americans with disabilities act, 42 U.S.C., § 12101 et seq., and any amendments thereto.

(2) The voluntary demotion shall not be within the same organizational unit as defined in the agency's layoff plan, except in the case of:

(A) a voluntary demotion taken in lieu of a layoff;

(B) return to work in accordance with the state "return to work" program; or

(C) an accommodation in accordance with the Americans with disabilities act, 42 U.S.C., § 12101 et seq., and any amendments thereto.

(c) Nothing in this regulation shall prevent a demotion being made to a step in the pay grade 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.S.A. 1995 Supp. 75-2944, as amended, shall be paid on a step no lower than the same step of the pay grade for the lower class as the step that the employee was on immediately prior to the promotion.

(d) The pay increase date for any employee demoted for disciplinary reasons shall be governed by the time-on-step requirement of the step to which demoted. The pay increase date for any employee who takes a voluntary demotion shall be unchanged if the employee did not receive a pay step increase on the date of the demotion.

(e) An employee who takes a voluntary demotion may also receive a pay step increase on the same date if eligible for such an increase.

(f) 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 pay grade. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 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; amended March 20, 1989; amended Jan. 6, 1992; amended Dec. 27,

(continued)

1993; amended Nov. 21, 1994; amended Dec. 17, 1995; amended May 31, 1996.)

1-5-22. Payment for two or more positions. (a) Any employee who is employed in two or more regular part-time positions shall receive separate pay for duties performed in each position. Except as provided in subsections (c) and (d), the percentage of time worked on all positions shall not exceed 100 percent.

(b) Each employee in multiple part-time positions shall receive benefits commensurate with the total time worked on all part-time positions.

(c) Any classified employee may hold one or more additional unclassified positions teaching in a state educational institution without limit on total pay, if the appointing authority in the classified service certifies that the position does not detract from the time for which the employee is being paid as a classified employee.

(d) The percent of time worked on a combination of classified and unclassified positions may exceed 100 percent if the appointing authority documents that it is for the good of state service and the secretary of administration gives prior approval. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1983; amended Dec. 17, 1995; amended May 31, 1996.)

1-5-24. Overtime. (a) Except as otherwise provided by the statutes or regulations, employees of the state who are eligible to receive overtime compensation under the Fair Labor Standards Act of 1938 (FLSA), as amended, shall be compensated for overtime as provided in that act. State employees in agricultural positions shall also be eligible for overtime compensation. The final determination as to eligibility to receive overtime pursuant to this subsection shall be made by the director for all classified employees and all unclassified employees whose pay is subject to approval by the governor under K.S.A. 75-2935b and amendments thereto.

(b)(1) 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.

(2) All employees eligible for overtime compensation, and who were paid for overtime during the 12 months preceding the receipt of a longevity bonus payment or a quality award bonus payment, shall receive an additional overtime payment to be calculated as follows:

(A) Divide the bonus pay by total hours worked in the preceding 12 months to obtain increase in regular rate; and

(B) Multiply increase in regular rate by the number of overtime hours paid in the preceding 12 months; then, multiply that product by one-half. The result will be the employee's additional overtime pay.

No additional overtime pay shall be due for any overtime hours worked during the preceding 12 months for which compensatory time was given under subsection (e).

(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) 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, only time actually worked shall be considered. The number of hours of paid leave used in an employee's work week or work period which, when added to the number of hours actually worked in that employee's work week or work period, exceeds the applicable overtime threshold, shall be:

(1) given as equivalent time off pursuant to subsection (f); or

(2) paid at the hourly rate of pay.

(e)(1)(A) 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 if the conditions of paragraph (e)(1)(B) are met.

(B) A state agency may elect to compensate an employee for overtime worked by granting compensatory time off only if an agreement or understanding has been reached prior to the performance of the work. Except as provided in 29 C.F.R. § 553.23(b), the agreement or understanding concerning compensatory time off shall be between the state agency and the individual employee and a record of its existence shall be maintained for each employee. The agreement or understanding to provide compensatory time off may take the form of an express condition of employment if the employee knowingly and voluntarily agrees to it as a condition of employment and the employee is informed that the compensatory time earned may be preserved, used or cashed out in a manner consistent with the provisions of this regulation. Any state agency that had a regular practice of awarding compensatory time off in lieu of overtime pay prior to April 15, 1986 shall be deemed to have reached an agreement or understanding with any employee who has been continuously employed by that agency in one or more positions which are eligible for overtime from a date prior to April 15, 1986.

(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 compensated with overtime pay.

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

(3) If an eligible employee is paid 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)(A) Each eligible employee who has accrued compensatory time off authorized under this subsection shall,

upon termination of employment or promotion, demotion, or transfer to another state agency, be paid for the unused compensatory time at a rate of compensation not less than:

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

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

(B) Any longevity or quality award bonus payments received during the last three years of employment shall be included in determining the average regular rate and the final regular rate in paragraph (4)(A).

(5)(A) Each 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) Each employee who has accrued compensatory time, and whose FLSA status is changed to exempt, shall be granted the compensatory time off, paid for the entire amount, or provided a combination of both compensatory time off and pay, so that there is no remaining compensatory time balance before the employee's status changes to exempt.

(C) Each 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.

(f) 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;

(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. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2938, K.S.A. 1995 Supp. 75-5537, and K.S.A. 1995 Supp. 75-5541; 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, Dec. 11, 1985; amended May 1, 1986; amended,

T-87-11, May 1, 1986; amended May 1, 1987; amended, T-1-7-27-89, July 27, 1989; amended Nov. 20, 1989; amended Dec. 27, 1994; amended Dec. 17, 1995; amended May 31, 1996.)

1-5-26. Stand-by compensation. (a) Any appointing authority may require a non-exempt employee to be on stand-by. "Stand-by time" means a period of time outside a non-exempt employee's regularly scheduled work hours, during which the non-exempt employee is required, at agency direction, to remain available to the agency within a specified response time. Each non-exempt employee on stand-by shall be available at agency direction for recall to perform necessary work. Stand-by assignments shall be limited to work situations where a probability of emergency recall of a non-exempt employee or employees exists. When an employer is able to contact employees by means of a paging device, the employer shall establish a policy stating whether such employees are eligible for stand-by compensation.

(b) Except as provided in subsection (f), each non-exempt employee shall be compensated at the rate of one dollar per hour for each hour the employee serves on stand-by status.

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

(d) Time during which a non-exempt employee is restricted to a particular telephone number at a location designated by the employer, or to the employer's premises, in order to remain personally available to the employer shall be considered hours worked and the employee shall be compensated at the employee's regular rate of pay instead of receiving stand-by compensation.

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

(f) The head of each agency with employees engaged in law enforcement and firefighting activities as defined in 29 C.F.R. 553, as in effect on July 1, 1994, shall determine whether those employees will be eligible for stand-by compensation as provided in this regulation and shall submit a written statement regarding that determination to the director. The determination as to eligibility for stand-by compensation may be modified by the secretary upon recommendation of the director. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 31, 1996.)

Article 6.—RECRUITING AND STAFFING

1-6-22a. Training classes. (a) Certain classes of positions may be designated by the director as training classes
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ses, including those classes of positions within federally approved apprenticeship programs. Each person employed in a training class shall be in training status and not in probationary or permanent status. The training period served for a training class established pursuant to this regulation shall not be less than six months nor more than 24 months from the date of employment unless there are statutory training requirements which can be met in less than six months.

(b) The appointing authority may dismiss a trainee at any time pursuant to K.A.R. 1-10-6(e), except as follows.

(1) If a trainee was promoted from a classified position in which an employee held permanent status, the provisions regarding dismissal or demotion of probationary employees in K.S.A. 1995 Supp. 75-2944, as amended, shall be applied.

(2) If an employee who was demoted or transferred to a trainee position is terminated for reasons other than personal conduct, the employee shall be accorded the right to a position in the class in which the employee held permanent status immediately before the trainee position.

(c) The period served by an employee in a training class shall not be counted as part of the probationary period in case of subsequent employment in a regular position.

(d) Upon meeting the minimum qualifications for the applicable class, and satisfactory performance of the job duties, responsibilities and training requirements of the position, each employee in a training class shall be placed in the applicable class as a probationary employee and serve a probationary period as established by K.A.R. 1-7-4. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-3746; effective Dec. 27, 1993; amended Nov. 21, 1994; amended Dec. 17, 1995; amended May 31, 1996.)

1-6-23. Reemployment. Each employee who is laid off, or demoted or transferred in lieu of layoff, shall be placed in a reemployment pool by the director, unless the employee requests in writing to not be placed in the reemployment pool. Each employee in the reemployment pool shall be eligible to apply for any vacancy to be filled, including any internal vacancy, until the employee is reemployed or for three years from the date of the layoff, whichever occurs first. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2948; effective May 1, 1979; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended Dec. 27, 1993; amended Dec. 17, 1995; amended May 31, 1996.)

1-6-24. Transfer. (a) Any appointing authority may transfer any employee with permanent status in accordance with the following regulations.

(1) An employee with permanent status may be transferred from a duty station in one county to a duty station in another county with the consent of the secretary of administration or the written consent of the employee.

(2) Any appointing authority may accept, by transfer, any employee with permanent status employed in another agency.

(3) Any employee with permanent status, or any employee serving a probationary period because of a promotion, may be transferred from a position in one class

to a position in a different class if both positions are allocated to classes which are assigned to the same pay grade, have a close similarity of duties, and have essentially the same qualifications, and if the employee meets the qualifications for the new class.

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

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

(c) Approval of the employee shall not be required when a transfer within an agency, or between agencies, is made pursuant to this regulation.

(d) Each employee who is transferred from the unclassified service to a position in the classified service pursuant to the provisions of this subsection shall serve a probationary period in accordance with K.A.R. 1-7-4. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2947, K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended March 20, 1989; amended Dec. 17, 1995; amended May 31, 1996.)

1-6-31. Governor's trainee program. (a) Any agency may fill an existing vacancy under the governor's trainee program according to the provisions of this regulation.

(1) "Governor's trainee program" means a program to attract and utilize females, minorities, and persons with disabilities as defined in K.A.R. 1-2-34 in order to provide career development opportunities.

(2) "Underutilization" means a lower representation in a class or EEO job category in an agency organizational unit's workforce or the agency's workforce of females, minorities or persons with disabilities as defined in K.A.R. 1-2-34 than would be expected by their availability.

(3) An agency shall not create additional positions as a result of using the governor's trainee program.

(4) Governor's trainee program positions shall be created only from the following:

(A) vacancies arising out of attrition;

(B) vacancies created by the legislature; or

(C) vacancies created by actions taken pursuant to K.S.A. 75-2949.

(b) Each agency electing to fill a vacant position under the governor's trainee program shall first conduct an underutilization review to determine if underutilization exists in a class or EEO job category, or both, in the agency workforce or the agency organizational unit in which the vacancy exists.

(c) The agency shall submit information to the director regarding the vacant position and the data used in determining underutilization. When the director has verified underutilization, the agency shall be notified that the director has established a trainee classification and reallo-

cated the position. The notice from the director shall include authorization for the agency to recruit persons who are members of the underutilized protected group or groups.

(d) After the close of the application period, the agency shall select, on a competitive basis, an applicant who:

- (1) is a member of an underutilized protected group;
- (2) will not, at the time of hiring, meet the required selection criteria for the regular class of the trainee position;
- (3) will be able to meet the required selection criteria for the regular class within 24 months; and
- (4) is deemed qualified to satisfactorily perform the duties of the trainee position.

(e) When the agency has selected a trainee for the position, the agency shall submit to the director:

- (1) documentation that the trainee meets the requirements of subsection (d); and
- (2) a copy of a proposed training and evaluation plan developed for the trainee that provides for regular assessments of the trainee's progress and communication of the assessments to the trainee.

(f) Each person hired as a governor's trainee shall be paid at two pay grades lower than the grade for the applicable regular class.

(g) The agency shall submit a progress report on each trainee to the director at least once each six months while the trainee is in training.

(h) When the trainee meets the required selection criteria for the applicable regular class, and receives a satisfactory performance rating for the job duties and responsibilities of the position, the trainee shall be promoted to the applicable regular class as a probationary employee. In no event shall the trainee be retained in a position under the governor's trainee program for less than six months or more than 24 months from the date of appointment.

(i) Each individual hired as a governor's trainee shall be eligible for the same rights and benefits as a person in a regular classified position who is on probationary status. If the governor's trainee was promoted or transferred from a classified position in which the employee held permanent status, rights normally associated with the promotion or transfer under K.S.A. 1995 Supp. 75-2944, as amended, and K.A.R. 1-6-24 shall apply. If the governor's trainee was demoted from a classified position in which the employee held permanent status, the trainee shall not be granted permanent status in the trainee position but shall be accorded the right to a position in the class in which the employee held permanent status. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-3746; effective March 20, 1989; amended Aug. 3, 1992; amended Dec. 17, 1995; amended May 31, 1996.)

Article 8.—TRAINING AND CAREER DEVELOPMENT

1-8-1. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

1-8-5. Supplemental management training programs. Each agency shall be encouraged to develop or provide supplemental management training programs

for managers and potential managers. Guidelines for such programs shall be developed by the director. Where appropriate, such programs may be developed and conducted by the director on a state-wide basis where a centralized effort is more effective. Each management training program shall be consistent with the vision, principles, and practices that are contained in the supervisory training program authorized by K.A.R. 1-8-6. (Authorized by K.S.A. 1995 Supp. 75-3747 and K.S.A. 1995 Supp. 75-37,115; implementing K.S.A. 1995 Supp. 75-37,115; effective May 1, 1979; amended, T-1-9-19-94, Sept. 19, 1994; amended Nov. 21, 1994; amended May 31, 1996.)

1-8-7. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1983; amended Aug. 3, 1992; revoked May 31, 1996.)

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

1-9-9. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

1-9-15. (Authorized by K.S.A. 75-3747; effective May 1, 1979; amended Dec. 17, 1995; revoked May 31, 1996.)

1-9-16. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

1-9-19a. Drug screening test for employees in designated positions. (a) Any employee in a designated position may be required to submit to a drug screening test in accordance with K.S.A. 1995 Supp. 75-4362 and K.S.A. 1995 Supp. 75-4363 based upon reasonable suspicion of illegal drug use by that employee.

(1) Reasonable suspicion involves a judgment, supported by specific articulable facts or plausible inferences, made regarding the employee's behavior, or evidence found or reported that indicates drug use by the employee. Reasonable suspicion may be based on, among other circumstances, one or more of the following:

(A) an on-the-job accident or occurrence where there is evidence to indicate:

(i) the accident or occurrence was in whole or in part the result of the employee's actions or inactions;

(ii) the employee exhibited behavior or in other ways demonstrated that the employee may have been using drugs or under the influence of drugs; or

(iii) a combination of these factors;

(B) an on-the-job incident that could be attributable to drug use by the employee including a medical emergency;

(C) direct observation of behavior exhibited by the employee which may render the employee unable to perform the employee's job, in whole or in part, or which may pose a threat to safety or health;

(D) information that the employee:

(i) may be using drugs or is under the influence of drugs and such is affecting on-the-job performance; or

(ii) exhibits behavior that may render the employee unable to perform the employee's job or may have posed a threat to safety or health. Such information shall be supported by documentation which has been verified by a

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person with the authority to determine reasonable suspicion;

(E) physical on-the-job evidence of drug use by the employee or possession of drug paraphernalia;

(F) documented deterioration in the employee's job performance that could be attributable to drug use by the employee; and

(G) any other circumstance providing an articulable basis for reasonable suspicion.

(2) Agencies may ask a current employee in a designated position to submit to a drug screening test under the circumstances of reasonable suspicion as a condition of employment. Refusal to comply with these requirements shall be considered the equivalent of receiving a confirmed positive result for referral or disciplinary purposes.

(b) Each employee required to submit to a drug screening test shall be notified of that requirement in writing. Each employee required to submit to a drug screen shall be advised of:

(1) the methods of drug screening which may be used;

(2) substances which may be identified;

(3) consequences of a refusal to submit to a drug screening test or a confirmed positive result; and

(4) reasonable efforts to maintain the confidentiality of results and any medical information which may be provided.

(c) Procedures and testing personnel used in collecting, analyzing, and evaluating test samples shall meet the standards established by the director. Drug screening tests may screen for any substances listed in the Kansas controlled substances act. The substances to be identified by the tests and the threshold levels of those substances shall be determined by the director.

(d) Any employee who has reason to believe that technical standards were not adhered to in deriving the employee's confirmed "positive" result may appeal the result in writing to the director within 14 calendar days of receiving written notice of the result.

(e) A retest by the original or a different laboratory on the same or a new specimen may be authorized only by the director, if the director determines that the technical standards established for test methods or chain-of-custody procedures were violated in deriving a confirmed "positive" result or has other appropriate cause to warrant a retest.

(f) An employee who receives a confirmed "positive" drug screen result shall be subject to dismissal in accordance with K.S.A. 75-2949d, K.S.A. 1995 Supp. 75-4362 and K.A.R. 1-10-6 as follows.

(1) Except as provided in paragraph (2), the employee shall not be subject to dismissal solely on the basis of the confirmed positive result if the employee has not previously had a confirmed positive result or the equivalent and the employee successfully completes an appropriate and approved drug assessment and recommended education or treatment program.

(2) The employee shall be subject to dismissal pursuant to K.A.R. 1-10-6(e) if the employee is on probation, other than for a promotional appointment, at the time the employee was given written notice of the drug screen requirement.

(3) The employee shall be subject to dismissal in accordance with K.S.A. 75-2949f if the employee fails to successfully complete an appropriate and approved drug assessment and recommended education and treatment program.

(4) The employee shall be subject to dismissal, in accordance with K.S.A. 75-2949f, if the employee has previously had a confirmed "positive" result or the equivalent.

(5) This regulation shall not preclude the agency appointing authority from proposing disciplinary action in accordance with K.S.A. 75-2949d for other circumstances that occur in addition to a confirmed "positive" result and which are normally grounds for discipline.

(g) Any current employee who intentionally tampers with a sample provided for drug screening, violates chain-of-custody or identification procedures, or falsifies a test result shall be subject to dismissal pursuant to K.S.A. 75-2949f.

(h) If the result of a drug screening test warrants disciplinary action and before any final action is taken, an employee with permanent status shall be afforded due process in accordance with K.S.A. 75-2949 and K.A.R. 1-10-6.

(i)(1) Individual results and medical information shall be considered confidential and shall not be disclosed publicly in accordance with K.S.A. 1995 Supp. 75-4362. An employee shall be granted access to the employee's information upon written request to the director.

(2) Each agency shall be responsible for maintaining strict security and confidentiality of drug screening records in that agency. Access to these records shall be restricted to the agency personnel officer, or a designee, persons in the supervisory chain of command, the agency legal counsel, the agency appointing authority, or a designee, the secretary of administration, or a designee, department of administration legal counsel and the director, or a designee. Further access to these records shall not be authorized without the express consent of the director. (Authorized by and implementing K.S.A. 1995 Supp. 75-4362 and K.S.A. 1995 Supp. 75-4363; effective, T-1-10-28-88, Oct. 28, 1988; effective Dec. 19, 1988; amended Feb. 19, 1990; amended April 13, 1992; amended May 31, 1996.)

1-9-23. Shared leave. (a)(1) Each employee in a regular position may be eligible to receive or donate shared leave as provided in this regulation.

(2) Shared leave may be granted to an employee if the employee or a family member as defined in K.A.R. 1-9-5(e)(2):

(A) is experiencing a serious, extreme or life-threatening illness, injury, impairment or physical or mental condition which has caused, or is likely to cause, the employee to take leave without pay or terminate employment; and

(B) the illness, injury, impairment or condition keeps the employee from performing regular work duties.

(b)(1) An employee shall be eligible to receive shared leave if:

(A) the employee has exhausted all paid leave available for use including vacation leave, sick leave, and compensatory time credits; and

(B) the employee has six months of continuous service.

(2) An employee shall be eligible to donate vacation leave or sick leave to another employee if:

(A) the donation of vacation leave does not cause the accumulated vacation leave balance of the donating employee to be less than 80 hours; and

(B) the donation of sick leave does not cause the accumulated sick leave balance of the donating employee to be less than 480 hours.

(c)(1) When requesting shared leave, or at any time during the use of shared leave, any employee may be required by the appointing authority or the director to provide a physician's statement or other medical evidence necessary to establish that the illness, injury, impairment or physical or mental condition of the employee or family member is serious, extreme or life-threatening and keeps the employee from performing regular work duties. If the employee fails to provide the required evidence, the use of shared leave may be denied or terminated by the appointing authority.

(2)(A) The appointing authority shall determine whether the employee meets the initial eligibility requirements in paragraph (b)(1), and if applicable, whether the employee would be caring for an individual who meets the definition of a family member. The appointing authority shall then determine if the illness or injury meets the conditions set forth in paragraph (a)(2) of this regulation.

(B) Shared leave may be denied if it is determined that the requesting employee has a history of leave abuse.

(C) Any employee who is receiving workers' compensation shall not be eligible to receive shared leave.

(D) The appointing authority may grant all or a portion of the time requested. The decision by the appointing authority to approve or deny the request shall be final and not subject to appeal to the civil service board.

(d) Employees shall not be notified of the need for shared leave until the request for shared leave has been approved by the appointing authority. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of the shared leave program.

(e)(1) Shared leave may be used only for the duration of the serious, extreme or life-threatening illness, injury, impairment or physical or mental condition for which it was collected. When an employee is granted shared leave due to the employee's illness or injury, the maximum duration of the shared leave shall be six months from the date the employee began using the shared leave. After six months, if the employee does not meet the conditions for long-term disability payments, shared leave may be extended for up to an additional six months. When the shared leave is granted due to the illness or injury of a family member, the maximum duration of the shared leave shall be 12 months from the date the employee began using the shared leave. Shared leave shall not be transferable to any employee other than the employee for which it was requested and donated.

(2) Shared leave may be applied retroactively for a time not to exceed two pay periods. Written notification of each instance in which shared leave is applied retroactively shall be given to the director.

(3) The employee shall no longer be eligible to receive shared leave for a particular occurrence if:

(A) the illness, injury, impairment or condition improves so that it is no longer serious, extreme or life-threatening and the employee is no longer prevented from performing regular work duties;

(B) the recipient terminates or retires; or

(C) the family member's illness, injury, impairment or physical or mental condition is no longer serious, extreme or life-threatening and the employee is no longer prevented from performing regular work duties.

The employee shall be determined to no longer be prevented from performing regular work duties when the physician states the employee is able to return to work or when the employee has returned to work for 20 continuous working days.

(4) Any unused portion of the shared leave shall be prorated among all donating employees based on the original amount and type of donated leave. Shared leave shall not be returned to donating employees in increments of less than one full hour or to any person who has left state service.

(f)(1) Shared leave shall be paid according to the receiving employee's regular rate of pay by the receiving employee's agency. The rate of pay of the donating employee shall not be used in figuring the amount of shared leave the requesting employee receives.

(2) Shared leave shall be donated in full-hour increments.

(g) The requirements of this regulation may be waived or modified by the director upon written request of the appointing authority. Such a waiver or modification may be granted only upon a finding by the director that:

(1) all the criteria of K.S.A. 1995 Supp. 75-5549 have been met; and

(2) failure to grant the requested waiver or modification would create a manifest injustice or undue hardship on the employee requesting the shared leave or on a family member of that employee. (Authorized by K.S.A. 75-3706, K.S.A. 1995 Supp. 75-3747 and K.S.A. 1995 Supp. 75-5549; implementing K.S.A. 1995 Supp. 75-2925, K.S.A. 75-3707, 75-3746, and K.S.A. 1995 Supp. 75-5549; effective, T-1-7-23-92, July 23, 1992; effective Sept. 14, 1992; amended July 26, 1993; amended, T-1-9-19-94, Sept. 19, 1994; amended Nov. 21, 1994; amended Dec. 17, 1995; amended May 31, 1996.)

1-9-27. Family and medical leave act of 1993 (FMLA).

(a) "FMLA" means the family and medical leave act of 1993, 29 U.S.C. 260 et seq.

(b)(1) Each eligible employee shall be entitled to 12 work weeks of paid or unpaid leave, as defined in article 9 of these regulations, during any 12-month period beginning with the first day leave was taken.

(2) An employee shall request leave in accordance with K.A.R. 1-9-3.

(3)(A) All time away from work that is taken due to circumstances which qualify under the FMLA as defined in subsection (c) shall be approved by the agency, and shall count against the employee's 12-work week leave entitlement.

(B) Each employee shall use all accrued sick leave and vacation leave prior to the use of leave without pay for all leave that meets FMLA criteria.

(continued)

(c) An employee shall be eligible for leave under the FMLA when the employee:

(1) has been in pay status for any part of a week for at least 52 weeks, including any period of paid or unpaid leave during which other benefits or compensation were provided to the employee by the agency; and

(2) has worked for the state at least 1,250 hours during the 12-month period immediately before the beginning of the leave designated as FMLA leave.

(d) Circumstances which qualify under the FMLA shall include the following:

(1) the birth of the employee's child, and the care of the child within the 12 months immediately following birth;

(2) the placement with the employee of a child for adoption or foster care within the 12 months immediately following placement;

(3) physical or psychological care due to a serious health condition of any of the following individuals:

(A) the employee's spouse;

(B) the employee's child, who is either:

(i) under age 18; or

(ii) age 18 and older and incapable of daily self-care because of a mental or physical disability as defined by the Americans with disabilities act, 42 U.S.C. 12101 et seq.; or

(C) the employee's parent; or

(4) the employee's own serious health condition that prohibits the employee from performing all or part of the essential functions of the employee's position within the meaning of the Americans with disabilities act.

(e) For purposes of the FMLA, "serious health condition" means an illness, injury, impairment or physical or mental condition that involves one of the following:

(1) inpatient care; or

(2) continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care professional shall involve at least one of the following:

(A) a period of incapacity of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, if it involves either of the following:

(i) treatment two or more times by a health care provider or a provider of health care services under orders of the health care provider; or

(ii) at least one treatment by a health care provider which results in a regimen of continuing treatment under the health care provider's supervision;

(B) any period of incapacity due to pregnancy or for prenatal care;

(C) any period of incapacity or treatment for incapacity due to a chronic serious health condition which:

(i) requires periodic treatment by a health care provider;

(ii) continues over an extended period of time; or

(iii) causes episodic rather than a continuing period of incapacity;

(D) a period of incapacity which is permanent or long-term and is due to a condition for which treatment may not be effective; or

(E) any absence to receive multiple treatments by a health care provider for:

(i) restorative surgery after an accident or other injury; or

(ii) a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of treatment.

(f)(1) An employee shall receive intermittent leave or a reduced work schedule when medically necessary for a serious health condition or to care for a family member with a serious health condition. An employee may receive intermittent leave or a reduced work schedule for the birth of the employee's child or placement of a child with the employee for adoption or foster care.

(2) The exempt status of an exempt employee shall not be affected if deductions are made from the employee's salary for any hours taken as intermittent leave or a reduced work schedule within a work week.

(3) Any employee may be transferred to an available position with equivalent pay and benefits during a period of intermittent leave or a reduced work schedule.

(4) Any employee returning from intermittent leave or a reduced work schedule shall be returned to the same or equivalent position with equivalent pay, benefits, and terms and conditions of employment, in accordance with K.A.R. 1-9-6.

(g)(1) An employee may be required to provide a certification containing evidence necessary to establish that the employee is entitled to leave under the FMLA. The employee shall be given a written notice of the requirement. The first certification shall be at agency expense. A second certification may be required by the agency at agency expense when the validity of the first certification is in doubt. A third certification may be required at agency expense when the first and second certifications differ, and shall be final and binding. Employees shall be allowed at least 15 calendar days to provide the requested certification.

(2) The agency may require the employee to provide one recertification opinion every 30 days, at employee expense, except that a recertification opinion may be required before the end of 30 days if circumstances described by the previous medical certification have changed significantly or the agency receives information that casts doubt upon the employee's reason for the absence.

(h) Each agency shall maintain the employee's group health insurance coverage under the same conditions and with the same agency contributions as provided when no leave is taken.

(i)(1) Each agency shall post a notice which provides information regarding the FMLA in a conspicuous place accessible to employees and applicants.

(2) Within two business days after the request for leave is submitted by the employee, the agency shall provide the employee with a written notice detailing the specific expectations and obligations of the employee under the FMLA and explaining any consequences of a failure to meet these obligations.

(3) The employee shall be notified in writing of the employee's eligibility for leave under the FMLA within two working days following agency determination.

(j) The agency's obligations under the FMLA shall cease when the employee gives notice of the employee's intent not to return to work. (Authorized by K.S.A. 75-3706 and K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-3707 and 75-3746; effective May 31, 1996.)

Article 10.—GUIDANCE AND DISCIPLINE

1-10-6. Dismissal, suspension or demotion. (a) The dismissal, suspension or demotion of an employee with permanent status on grounds of deficiencies in work performance shall be in accordance with the provisions of K.S.A. 76-2949 and K.S.A. 75-2949e, and any amendments to such sections. Subject to the provisions of K.S.A. 75-2949e and amendments thereto, two consecutive performance review ratings of less than satisfactory may be utilized as a basis for dismissal, suspension or demotion of the employee. However, if for good of the service, the appointing authority can show that the employee was adequately counseled, two unsatisfactory performance reviews shall not be required for dismissal, suspension or demotion of the employee.

(b) The dismissal, suspension or demotion of an employee with permanent status on grounds of personal conduct detrimental to the state service shall be in accordance with the provisions of K.S.A. 75-2949 and K.S.A. 75-2949f, and any amendments to such sections.

(c) An exempt employee shall not be suspended for a period that is less than the employee's workweek of seven consecutive 24-hour periods or multiples of such workweek unless the suspension is in good faith for an infraction of a safety rule of major significance. In the case of a suspension for an infraction of a safety rule of major significance, the agency shall request and receive prior written approval of the director.

(d) When an employee with permanent status appeals a dismissal, suspension or demotion to the state civil service board, the appeal procedure shall be in accordance with the provisions of K.S.A. 75-2929d, and any amendments thereto.

(e) Any probationary employee, other than an employee on probation due to a promotion from a position in which the employee had permanent status, may be dismissed by the appointing authority at any time during the probation period.

(f) Any temporary employee may be dismissed by the appointing authority at any time. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-2949d and K.S.A. 1995 Supp. 75-2944; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended Dec. 27, 1993; amended May 31, 1996.)

1-10-8. (Authorized by K.S.A. 1983 Supp. 75-3747; implementing K.S.A. 1983 Supp. 75-2944 and 75-2946; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended Dec. 17, 1995; revoked May 31, 1996.)

1-10-9. (Authorized by K.S.A. 1981 Supp. 75-3747; implementing K.S.A. 75-2946; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended Dec. 17, 1995; revoked May 31, 1996.)

Article 11.—NON-DISCIPLINARY TERMINATION

1-11-1. Resignation. (a) An employee wishing to resign in good standing shall file with the appointing authority, at least two weeks before the employee's last day at work, a written resignation stating the date it will become effective and the reasons for leaving. If the employee

fails to give the required notice, as provided above, the appointing authority may have a statement concerning such failure to notify inserted in the employee's official personnel record. An agency may consider as grounds for refusal to employ a person the fact that the person did not give the required notice when the person resigned from earlier employment with the state.

(b) With the approval of the appointing authority, an employee may withdraw a resignation.

(c) An unauthorized absence from work for a period of five consecutive working days, and for which the employee does not provide a satisfactory explanation, may be considered by the appointing authority as abandonment of the job and a presumed resignation. Before terminating an employee as a presumed resignation, the appointing authority shall make a reasonable effort to obtain a satisfactory explanation from the employee, and a summary of the steps taken to try to obtain the explanation from the employee shall be submitted to the director when the presumed resignation is processed. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended May 1, 1985; amended May 31, 1996.)

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

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

(1) documents showing the employee's hires, transfers, promotions, demotions, separations, changes of pay rates, leaves of absence or other changes in employment status;

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

(3) applications for a vacancy and any assessment materials;

(4) letters of proposed disciplinary action; and

(5) such other information the director of personnel services deems appropriate.

(b) Except as otherwise provided in this regulation and the Kansas open records act K.S.A. 45-215 et seq., information contained in each state employee's official personnel record shall not be open to public inspection.

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

(1) name of the employee;

(2) the employee's current job title;

(3) the employee's current or prior pay; and

(4) the employee's length of employment with the state.

(d) Upon inquiry of a prospective employer, the division or the state agency in which an employee is employed may disclose the following additional information concerning an employee:

(1) the name of the employing state agency;

(2) the length of time the employee has served in the employee's current position;

(3) any letters of commendation; and

(4) any documents regarding personal conduct and work performance to the extent consistent with K.S.A. 44-117.

(continued)

(e) When an individual from one of the following agencies, in carrying forth the individual's official duties, establishes a need for information contained in an employee's official personnel record, personnel from those agencies shall be permitted to access the personnel record:

- (1) the Kansas department of administration;
- (2) the Kansas attorney general's office, including the Kansas bureau of investigation;
- (3) the federal equal employment opportunity commission and Kansas human rights commission;
- (4) the Kansas civil service board;
- (5) legislative post audit;
- (6) the state agency employing that employee; and
- (7) child support enforcement specialists of the Kansas department of social and rehabilitation services.

(f) Any current or former employee, or an individual or organization authorized in writing by the current or former employee, may review the employee's official personnel record maintained in a state agency or in the division. The request shall be made in writing to the appointing authority or the director, respectively. A copy of the written request and the written authorization from the employee shall be placed in the employee's personnel record. The review shall be made consistent with the conditions established by the appointing authority or the director, respectively, and at a time and place mutually convenient to the parties.

(g) Upon request to the appointing authority or designee or the director, respectively, the head of any state agency or a designee, having a proper interest and an established need to review the personnel record of an employee in another state agency or the division, may review the employee's official personnel record, including applications for employment and performance reviews, whether the personnel record is maintained in a state agency or in the division.

(h) The official personnel record of any specifically named employee shall be made available for inspection in connection with litigation pursuant to the terms of an order entered by a judge of any federal, state or municipal court properly having jurisdiction over such litigation. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 75-2950, K.S.A. 75-3746, and K.S.A. 1995 Supp. 45-221; effective May 1, 1983; amended Dec. 27, 1993; amended Dec. 17, 1995; amended May 31, 1996.)

1-13-2 to 1-13-4. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 31, 1996.)

Article 14.—LAYOFF PROCEDURES AND ALTERNATIVES TO LAYOFF

1-14-6. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-2948; effective May 1, 1984; amended January 18, 1994; revoked May 31, 1996.)

1-14-7. Agency submission of layoff notice to director. (a) When submitting a layoff notice to the director, the appointing authority shall list the reason for the proposed layoff. As established by K.S.A. 75-2948, as amended, the reasons for proposing a layoff shall be limited to:

- (1) a shortage of work or funds;
- (2) the reinstatement of an employee returning from authorized leave; or

(3) the abolition of a position or other material change in duties or organization.

(b) Any appointing authority proposing a layoff shall give written notice of the proposed layoff to the director, and a copy of the notice to the secretary of administration, at least 45 calendar days before the proposed effective date of the layoff. In cases of extenuating circumstances, the 45-day notice requirement may be waived by the director. However, in no case shall notice of layoff to the director be less than 30 days prior to the proposed effective date of the layoff.

- (c) In the notice, the appointing authority shall specify:
- (1) the reason or reasons for the layoff;
 - (2) the class, classes, or class series in which the layoff is to occur;
 - (3) the estimated number of employees to be laid off;
 - (4) the proposed effective date of each layoff;
 - (5) the position or positions to be vacated by layoff; and
 - (6) the layoff scores of employees identified in subsection (a) of K.A.R. 1-14-9.

(d) In addition to the information required under subsection (c), the notice shall include the following information:

- (1) a list of the agency's organizational units;
- (2) a description of any geographic areas to which the layoffs will be limited; and
- (3) any other information requested by the director.

If the agency chooses to permit employees to bump into lower classes in a class series in addition to any lower class in which an employee had permanent status, the notice shall also indicate the class series to be used for bumping.

(e)(1) The appointing authority may designate a geographic area or an organizational unit within which the layoff is to occur and within which the employees are to be subject to layoff. If one or more geographic areas or organizational units are designated by the appointing authority, they shall be indicated in the layoff notice. If no area or unit is designated, the layoff shall be agency-wide. The appointing authority also may limit the layoff to full-time employees or to employees employed on less than a full-time basis.

(2) If an area or unit is used, the layoff and bumping rights shall be applied only to employees within the designated area or unit. When the layoff is limited to full-time employees or less than full-time employees, any employee with permanent status may exercise bumping rights into a position filled by any employee with probationary status only within the group of employees having the same full-time or less than full-time status. Otherwise, any employee with permanent status may exercise bumping rights into any position filled by an employee with probationary status anywhere within the agency, if the employee with permanent status meets the required selection criteria for the class.

(f) The appointing authority may also allow employees to bump into lower classes in a class series in addition to any lower class in which the employee had permanent status. The class series bumping option shall be limited to class series that are designated in the layoff notice.

(g) Within 10 working days of the receipt of a proposed layoff notice, the agency shall be contacted by the director with any questions the director may have regarding the

layoff, and the proposed layoff shall be reviewed with the secretary of administration. The proposed layoff shall be approved, modified and approved as modified, or rejected by the secretary within 15 working days of the receipt of the proposed layoff notice. The agency shall be notified in writing of the secretary's determination. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2948; effective May 1, 1984; amended Jan. 18, 1994; amended Dec. 17, 1995; amended May 31, 1996.)

1-14-10. Procedures for bumping and layoff conferences. (a) Bumping shall occur within the layoff group identified in the agency's layoff notice, or agency-wide if the agency has not designated a layoff group. If the criteria set forth in paragraphs (1) and (2) of this subsection have been met, any employee with permanent status, or any employee considered permanent for layoff purposes only, who is scheduled for layoff shall only bump into a lower class in which the employee previously had permanent status, unless the employee's position is in a class which is part of a class series designated by the appointing authority in the agency's layoff notice. If such a class series is designated in the agency's layoff notice, then the employee shall be permitted to bump into a lower class in the class series. Except as authorized by subsection (b), in order for an employee with permanent status to exercise bumping rights, the employee shall meet the following criteria.

(1) The employee to be bumped shall have a lower layoff score than the person exercising the bumping right.

(2) The employee to be bumped shall have the lowest layoff score in the employee's job class of anyone in a position not scheduled for layoff.

(b) No employee with permanent status shall be laid off if:

(1) there is a position filled by a probationary employee anywhere in the agency;

(2) the employee with permanent status scheduled to be laid off is interested in the position; and

(3) the employee with permanent status is eligible for transfer or demotion to the position pursuant to K.A.R. 1-6-24 and 1-6-27.

(c) If an agency's layoff notice permits bumping only into lower classes in which an employee had previous permanent status, and the class or classes in which the employee had previous permanent status have been abolished, the employee shall be afforded bumping rights to a similar job class in a lower pay grade, if a similar job class exists as determined by the director.

(d) Bumping procedures shall begin as soon as possible after layoff notices have been given pursuant to K.A.R. 1-14-9. The appointing authority or designee shall develop a schedule for an individual conference with each affected employee, starting with the employee having the highest layoff score. The schedule of conferences shall continue in this order until each affected employee has had such a conference. During the layoff conference, the employee shall be informed of the bumping options available to the employee and of the opportunity to select one such option. The employee may defer the selection no longer than one full working day, unless a longer period of time is authorized by the appointing authority. When an employee is unavailable on the day the employee is scheduled for a

layoff conference, the appointing authority shall reschedule the layoff conference. If the employee fails to appear at the rescheduled conference, the appointing agency shall not be required to hold a layoff conference with the employee and the employee shall forfeit bumping rights. Any disputes stemming from the forfeiture of bumping rights shall be resolved by the director. In extenuating circumstances and when deemed to be in the best interest of the state service, group layoff conference sessions may be authorized by the appointing authority.

(e) At the layoff conference, each employee shall be informed of the employee's right to seek reemployment opportunities with the state, including placement assistance provided by the division. Placement assistance shall be available to the affected employee for up to three years after the effective date of the layoff unless the affected employee requests in writing that the employee does not want placement assistance.

(f) Any employee who is not scheduled for layoff, but whose position will be vacated during the layoff and bumping process, and who refuses to accept a transfer or demotion to another position, may request to be laid off voluntarily. Any employee who has been granted a voluntary layoff shall have reemployment rights. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2948; effective May 1, 1984; amended Jan. 18, 1994; amended Dec. 17, 1995; amended May 31, 1996.)

1-14-11. Furlough leave without pay. (a) Whenever an agency head desires to deviate from the standard workday or standard workweek as provided in K.A.R. 1-9-1 in order to implement a furlough plan, the agency shall take such action in accordance with this regulation.

(b) In accordance with subsection (c) of this regulation, whenever an appointing authority deems it necessary by reason of shortage of funds, the appointing authority may furlough without pay all employees in the classified service in designated classes, organizational units, geographical areas, or any combination thereof unless specific funding sources necessitate exceptions. "Furlough" shall be defined as leave without pay for a preset number of hours during each pay period covered by the furlough plan. An employee's social security and retirement contributions shall be affected under a furlough but all other benefits, including the accrual of vacation and sick leave, shall continue, notwithstanding other regulations to the contrary. A furlough shall not affect the employee's continuous service, length of service, pay increase anniversary date or eligibility for authorized holiday leave or pay.

(c) At least 60 calendar days prior to the date a furlough is to be implemented, the appointing authority shall submit a furlough informational plan to the director specifying:

(1) the classes, organizational units, geographical areas, funding sources, or combinations thereof to be affected;

(2) the criteria used to select the classes, organizational units, geographical areas, funding sources, or combinations thereof to be included in the furlough;

(3) the number of hours by which the standard workday or workweek will be reduced, including separate categories detailing the proposed reduction in hours by standardized increments for exempt and non-exempt employees; and

(continued)

(4) any other information requested by the director. Under extreme circumstances, the 60-calendar day notice may be waived by the director.

(d) Each furlough informational plan shall begin and end in the same fiscal year, except as otherwise approved by the director.

(e) Furlough informational plans recommended by the director for approval shall be submitted to the secretary of administration for the secretary's consideration and approval. Upon request of the appointing authority, the director or the secretary's initiative, the secretary of administration may modify, may approve as modified, or may reject any furlough informational plan.

(f) After approval of a furlough informational plan by the secretary of administration, the appointing authority shall notify employees by posting the plan on the official bulletin boards in the agency.

(g) The furlough informational plan may be modified and re-approved by the secretary as needed.

(h) To activate a furlough in accordance with an approved furlough informational plan, the appointing authority shall request the secretary of administration's approval in writing.

(i) The letter requesting activation of the furlough shall include the following information:

- (A) the cause of the funding shortage;
- (B) when the furlough is due to a federal funding shortage, a description of the method which will be used to repay compensation once the federal funding is restored;
- (C) the purpose of the furlough;
- (D) the anticipated starting and ending dates of the furlough;
- (E) the methods for notifying the affected employees;
- (F) the amount of advance notice which will be given to affected employees; and
- (G) the estimated cost savings.

(2) Unless otherwise requested by the appointing authority and approved by the secretary of administration, the affected employees shall be notified and the furlough shall be implemented within five days of the date that the approval is granted by the secretary of administration.

(i) In no case shall this regulation be used as a disciplinary action against an employee. (Authorized by K.S.A. 1995 Supp. 75-3747 and K.S.A. 75-5514; implementing K.S.A. 75-3746 and 75-5505; effective, T-88-5, Feb. 11, 1987; effective, T-89-1, May 1, 1988; effective Oct. 1, 1988; amended May 31, 1996.)

Sheila Frahm
Secretary of Administration

Doc. No. 017642

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1-6-22	Amended	V. 14, p. 1452
1-6-22a	Amended	V. 14, p. 1453
1-6-23	Amended	V. 14, p. 1453
1-6-24	Amended	V. 14, p. 1453
1-6-25	Amended	V. 14, p. 1453
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1-6-27	through	V. 14, p. 1454-1456
1-6-33	Amended	V. 14, p. 1457
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1-16-18	Amended	V. 14, p. 1376
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State of Kansas

Secretary of State

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that the following bills are correct copies of the original enrolled bills now on file in my office.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal.

Ron Thornburgh
Secretary of State

(Published in the Kansas Register May 16, 1996.)

HOUSE BILL No. 2088

AN ACT relating to state officers and employees; concerning political activity by state officers and employees in the classified service; amending K.S.A. 1995 Supp. 75-2953 and repealing the existing section.

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

Section 1. K.S.A. 1995 Supp. 75-2953 is hereby amended to read as follows: 75-2953. (a) No officer, agent, clerk or employee of this state shall directly or indirectly use their authority or official influence to compel any officer or employee in the unclassified and the classified services to apply for membership in or become a member of any organization, or to pay or promise to pay any assessment, subscription or contribution, or to take part in any political activity. Any person who violates any provisions of this section shall be guilty of a class C misdemeanor, and, upon conviction, shall be punished accordingly. If any officer or employee in the classified service is found guilty of violating any provision of this section, such officer or employee shall be automatically separated from the service.

(b) Any officer or employee in the state classified service shall resign from the service upon filing as a candidate for an elective office, unless the elective office filed for is a township elective office, a county elective office, an elective office in the judicial branch of government or is elected on a nonpartisan basis. "Elective office" shall not mean or include the office of precinct committeeman or precinct committeewoman.

(b) Any officer or employee in the state classified service shall resign from the service prior to taking the oath of office for a state elective office.

Sec. 2. K.S.A. 1995 Supp. 75-2953 is hereby repealed.

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

(Published in the Kansas Register May 16, 1996.)

HOUSE BILL No. 2013

AN ACT concerning public records; relating to certain research, plans and agreements of university of Kansas medical center; amending K.S.A. 1995 Supp. 45-221 and repealing the existing section.

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

Section 1. K.S.A. 1995 Supp. 45-221 is hereby amended to read as follows: 45-221. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except that the district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action;

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public;

(E) would not endanger the life or physical safety of any person; and

(F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information which the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(continued)

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate, except that:

(A) The name, sentence data, parole eligibility date, disciplinary record, custody level and location of an inmate shall be subject to disclosure to any person other than another inmate;

(B) the ombudsman of corrections, the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901, et seq., and amendments thereto, shall be subject to disclosure to any person; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) The bidder's list of contractors who have requested bid proposals for construction projects from any public agency, until a bid is accepted or all bids rejected.

(33) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(34) Financial information submitted by contractors in qualification statements to any public agency.

(35) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(36) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(37) Information which would reveal the precise location of an archeological site.

(38) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(39) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 1995 Supp. 40-2c20, and amendments thereto.

(40) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to subsection (b) of K.S.A. 40-409, and amendments thereto.

(41) Disclosure reports filed with the commissioner of insurance under subsection (a) of K.S.A. 1995 Supp. 40-2,156, and amendments thereto.

(42) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(43) *Market research, market plans, business plans and the terms and conditions of managed care or other third party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.*

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

Sec. 2. K.S.A. 1995 Supp. 45-221 is hereby repealed.

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

(Published in the Kansas Register May 16, 1996.)

HOUSE BILL No. 2506

AN ACT concerning courts; relating to district magistrate judge positions; amending K.S.A. 20-338 and repealing the existing section.

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

Section 1. K.S.A. 20-338 is hereby amended to read as follows: 20-338. (a) District magistrate judge positions shall be constituted as provided in subsection (b).

(b) (1) In the first judicial district, there shall be one district magistrate judge position in Atchison county, subject to the provisions of K.S.A. 20-354a and amendments thereto.

(2) In the second judicial district, there shall be three district magistrate judge positions in the district, with position one in Jefferson county, position two in Pottawatomie county and position three in Wabaunsee county.

(3) In the fourth judicial district, there shall be two district magistrate judge positions in the district, with position one in Osage county and position two in Coffey, Anderson or Franklin county as determined by the supreme court.

(4) In the fifth judicial district, there shall be one district magistrate judge position in Chase county.

(5) In the sixth judicial district, there shall be a district magistrate judge position in Bourbon county.

(6) In the eighth judicial district, there shall be two district magistrate judge positions in the district, with position one in Dickinson county and position two in Morris county.

(7) In the 11th judicial district, there shall be one district magistrate judge position in Cherokee county.

(8) In the 12th judicial district, there shall be six district magistrate judge positions in the district, with position one in Cloud county, position two in Jewell county, position three in Lincoln county, position four in Mitchell county, position five in Republic county and position six in Washington county.

(9) In the 13th judicial district, there shall be two district magistrate judge positions in the district, with position one in Elk county and position two in Greenwood county.

(10) In the 14th judicial district, there shall be one district magistrate judge position in Chautauqua county.

(11) In the 15th judicial district, there shall be six district magistrate judge positions in the district, with position one in Cheyenne county, position two in Logan county, position three in Sheridan county, position four in Wallace county, position five in Thomas county and position six in Rawlins county.

(12) In the 16th judicial district, there shall be five district magistrate judge positions in the district, with position one in Clark county, position two in Comanche county, position three in Gray county, position four in Kiowa county and position five in Meade county.

(13) In the 17th judicial district, there shall be six district magistrate judge positions in the district, with position one in Graham county, position two in Decatur county, position three in Norton county, position four in Osborne county, position five in Phillips county and position six in Smith county.

(14) In the 20th judicial district, there shall be four district magistrate judge positions in the district, with position one in Ellsworth county, position two in Rice county, position three in Russell county and position four in Stafford county.

(15) In the 21st judicial district, there shall be one district magistrate judge position in Clay county.

(16) In the 22nd judicial district, there shall be three district magistrate judge positions in the district, with position one in Doniphan county, position two in Marshall county and position three in Nemaha county.

(17) In the 23rd judicial district, there shall be three district magistrate judge positions in the district, with position one in Gove county, position two in Rooks county and position three in Trego county.

(18) In the 24th judicial district, there shall be six district magistrate judge positions in the district, with position one in Edwards county, position two in Hodgeman county, position three in Lane county, position four in Ness county, position five in Pawnee county and position six in Rush county.

(19) In the 25th judicial district, there shall be five district magistrate judge positions in the district, with position one in Greeley county, position two in Hamilton county, position three in Kearny county, position four in Scott county and position five in Wichita county.

(20) In the 26th judicial district, there shall be five district magistrate judge positions in the district, with position one in Grant county, position two in Haskell county, position three in Morton county, position four in Stanton county and position five in Stevens county.

(21) In the 28th judicial district, there shall be one district magistrate judge position in Ottawa county.

(22) In the 30th judicial district, there shall be four district magistrate judge positions, with position one in Barber county, position two in Harper county, position three in Kingman county and position four in Pratt county.

(23) In the 31st judicial district, there shall be two district magistrate judge positions in the district, with position one in Allen county and position two in Woodson county.

Sec. 2. K.S.A. 20-338 is hereby repealed.

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

(Published in the Kansas Register May 16, 1996.)

Substitute for HOUSE BILL No. 2613

AN ACT concerning disposition of moneys recovered by the state in certain litigation; establishing the interstate water litigation fund and the water conservation projects fund.

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

Section 1. (a) There is hereby established in the state treasury the interstate water litigation fund, to be administered by the attorney general.

(b) Revenue from the following sources shall be credited to the interstate water litigation fund:

(1) Amounts provided for by section 3; and

(2) moneys received from any source by the state in the form of gifts, grants, reimbursements or appropriations for use for the purposes of the fund.

(c) From the moneys first credited to the interstate water litigation fund, persons or entities that contributed moneys to the court cost fund account of the office of the attorney general for use in the litigation described in subsection (b)(1) shall be reimbursed the amount contributed. The balance of moneys credited to the fund shall be expended only for the purpose of paying expenses incurred by the state in:

(1) Current or future litigation or preparation for future litigation with another state, the federal government or an Indian nation to resolve a dispute concerning water; or

(2) monitoring or enforcing compliance with the terms of an interstate water compact or a settlement, judgment or decree in past or future litigation to resolve a dispute with another state, the federal government or an Indian nation concerning water.

(d) Interest attributable to moneys in the interstate water litigation fund shall be credited to the state general fund as provided by K.S.A. 75-4210a and amendments thereto.

(e) All expenditures from the interstate water litigation fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or a person designated by the attorney general.

(f) Unless the attorney general certifies to the director of accounts and reports as of June 30, 2001, that there is on-going litigation or preparation for litigation between the state of Kansas and another state, the federal government or an Indian nation to resolve a dispute concerning water, on July 1, 2001: (1) The director of accounts and reports shall transfer and credit all moneys in the interstate water litigation fund to the state general fund; and (2) the interstate water litigation fund shall thereupon be abolished.

Sec. 2. (a) There is hereby established in the state treasury the water conservation projects fund, to be administered by the director of the Kansas water office.

(b) Revenue from the following sources shall be credited to the water conservation projects fund:

(1) Amounts provided for by section 3; and

(2) moneys received from any source by the state in the form of gifts, grants, reimbursements or appropriations for use for the purposes of the fund.

(c) Moneys credited to the water conservation projects fund may be expended only for the purpose of paying all or a portion of the costs of the following water management, conservation, administration and delivery projects, and similar types of projects, in those areas of the state lying in the upper Arkansas river basin and directly impacted by the provisions

(continued)

of the Arkansas river compact between this state and the state of Colorado:

(1) Efficiency improvements to canals or laterals owned by a ditch company or projects to improve the operational efficiency or management of such canals or laterals;

(2) water use efficiency devices, tailwater systems or irrigation system efficiency upgrades;

(3) water measurement flumes, meters, gauges, data collection platforms or related monitoring equipment;

(4) artificial recharge or purchase of water rights for stream recovery or aquifer restoration;

(5) maintenance of the Arkansas river channel; or

(6) monitoring and enforcement of Colorado's compliance with the Arkansas river compact.

Moneys credited to the fund may be expended to reimburse costs of projects described by this subsection that were required by the division of water resources and commenced on or after July 1, 1994.

(d) Any person or entity may apply to the director of the Kansas water office for the expenditure of moneys in the water conservation projects fund for the purposes provided by this section. The director of the Kansas water office and the chief engineer of the division of water resources of the department of agriculture shall review and approve each proposed project for which moneys in the fund will be expended. In reviewing and approving proposed projects, the director and the chief engineer shall give priority to: (1) Projects that achieve the greatest water conservation efficiency for the general good; and (2) projects that have been required by the division of water resources. Upon such review and approval, the director of the Kansas water office shall request the legislature to appropriate, as a line item, moneys from the fund to pay all or a portion of the costs of the specific project, except that any project for which an aggregate

of less than \$10,000 will be expended from the fund shall not require a line-item appropriation.

(e) Interest attributable to moneys in the water conservation projects fund shall be credited to the state general fund as provided by K.S.A. 75-4210a and amendments thereto.

(f) All expenditures from the water conservation projects fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas water office or a person designated by the director of the Kansas water office.

Sec. 3. (a) Amounts recovered by the state of Kansas from a settlement, judgment or decree in the litigation brought in 1985 by the state of Kansas against the state of Colorado to resolve disputes arising under the Arkansas river compact shall be deposited in the state treasury and credited as follows:

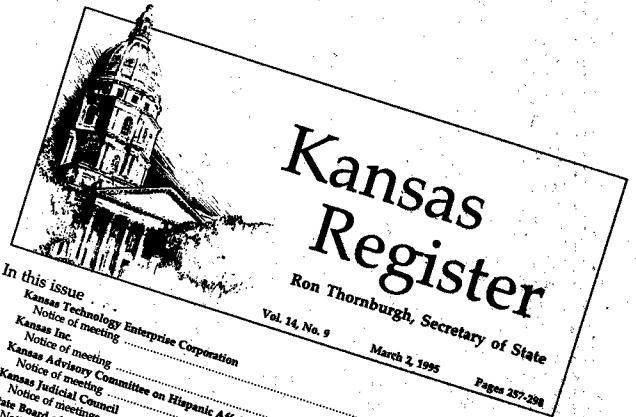
(1) Until the aggregate amount of moneys credited to the interstate water litigation fund equals the aggregate of all amounts certified by the attorney general under subsection (b), 100% shall be credited to the interstate water litigation fund.

(2) When the aggregate amount of moneys credited to the interstate water litigation fund equals the aggregate of all amounts certified by the attorney general under subsection (b), 33 1/3% shall be credited to the state water plan fund for use for water conservation projects and 66 2/3% shall be credited to the water conservation projects fund.

(b) The attorney general shall certify to the director of accounts and reports any expenses incurred by the state in the litigation brought in 1985 by the state of Kansas against the state of Colorado to resolve disputes arising under the Arkansas river compact and in preparation for such litigation.

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

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