

Approved 3/28/84  
Date

MINUTES OF THE House COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Representative David J. Heinemann at  
Chairperson

8:00 a.m./~~p.m.~~ on February 23, 1984 in room 522-S of the Capitol.

All members were present ~~except~~ XXXX:

Committee staff present:

Theresa Kiernan, Revisor of Statutes Office  
Pam Somerville, Committee Secretary

Conferees appearing before the committee:

Joe Harkins, Kansas Water Office  
JoAnn Klesath, Kansas Association of Public Employees

Hearing on SB 501: Reclassification of Kansas Water Office positions; termination of certain employees.

Mr. Joe Harkins, Kansas Water Office, appeared in support of the bill which provides for additional staff to meet the demands of the office. The positions would be unclassified positions, and therefore, do not have the due process provisions found in classified civil services positions. A brief question and answer period followed his presentation.

Jo Ann Klesath, Kansas Association of Public Employees, appeared in opposition to SB 501. Based on the unclassified ratings, she strongly opposed the measure (Attachment 1). A brief question and answer period followed her presentation.

Representative Farrar moved to recommend SB 501 favorable for passage. Representative Sughrue seconded the motion. Motion carried.

Final Action on bills heard previously.

HB 2822 - An act providing a sales tax refund for sales tax paid on sales of certain equipment used in treating hazardous wastes.

Representative Rosenau moved to report HB 2822 favorably without recommendation. Representative Fox seconded the motion. Motion passed.

HB 2823 - An act concerning the taxation of income; providing a credit therefrom for costs of treating or disposing of hazardous wastes.

Representative Fox moved to report HB 2823 favorably without recommendation. Representative Rezac seconded the motion. Motion carried.

HB 2641 - An act relating to natural gas; concerning the use of natural gas for agricultural irrigation purposes; conferring certain powers and duties on the state corporation commission.

Rep. Keith Farrar recommended HB 2641 be referred for an interim study. Representative Sughrue seconded the motion. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Energy and Natural Resources,  
room 522-S, Statehouse, at 8:00 a.m./~~p.m.~~ on February 23, 1984.

HB 2407 - An act concerning natural gas; relating to contracts between producers and pipeline companies.

Representative Fox moved to recommend HB 2407 favorable for passage. Representative Guldner seconded the motion. Motion passed.

HB 2123 - An act relating to natural gas; prescribing a maximum price for first sales thereof to agricultural users.

Staff distributed proposed amendments. (See attachment 2). After discussion from committee members it was decided to hold the bill for further information and discussion.

HB 2592 - An act concerning telephone public utilities; relating to the regulation of certain services thereof by the state corporation commission.

Representative Farrar motioned to insert "shall" in place of "may" in line 25. Representative Rosenau seconded the motion. Representative Grotewiel made a substitute motion for a five year sunset provision. Representative Rezac seconded the substitute motion. Substitute motion failed on a hand count vote. On the original motion to amend. Motion carried.

Representative Farrar motioned to pass HB 2592 as amended. Representative Rosenau seconded the motion. Motion passed.


HB 2623 - An act concerning fish and game; concerning the issuance of licenses and fees therefor; amending K.S.A. 1983 Supp. 32-104a and 32-164b and repealing the existing sections.

Representative Fox made a motion to amend line 101 to "not in excess of \$4.00. Representative Fry seconded the motion. Motion carried. Representative Fox moved to pass HB 2623 as amended. Representative Walker seconded the motion. Motion carried.

HB 2624 - An act concerning fish and game; relating to certain fees; amending K.S.A. 1983 Supp. 32-164b and repealing the existing section.

Representative Fox made a motion to amend line 059 and raise the maximum fee to \$24.00. Representative Niles seconded the motion. Motion adopted. Representative Fox moved to favorably recommend HB 2624 as amended. Representative Runnels seconded the motion. Discussion ensued regarding the necessity for fees to be raised. Representative Fox and Runnels withdrew their motion.

There being no further business before the committee, the meeting was adjourned at 8:55 a.m. The next meeting of the House Energy and Natural Resources Committee will be at 3:30 p.m. February 23, 1984 in the Old Supreme Court Chambers, Room 313-S.

  
\_\_\_\_\_  
David J. Heinemann, Chairman

Date 2-23-84

GUESTS

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

8:00 Am

NAME	ADDRESS	ORGANIZATION
Bill Hanzlick	PRATT	KANSAS Fish & Game
Garry Coolidge	Lawrence	Kansas Fish & Game
Kent Jackson	Pratt	Ks Fish & Game
JoAnn Plesath	Topeka	KARE
Howard Brown	Osawatomie	NARYRE
Don Brown	Osawatomie	Naryre

## APPENDIX

### PRINCIPAL STATUTES CONCERNING DISMISSAL, SUSPENSION, OR DEMOTION OF A PERMANENT EMPLOYEE, AND CONCERNING APPEALS FROM SUCH ACTIONS

In this Appendix are reproduced K.S.A. 75-2949 through 75-2949f which detail the procedures for dismissing, suspending, or demoting an employee with permanent status, and the procedure for handling appeals from such actions.

To make the material as usable as possible, the sections of law are not reproduced in the order in which they appear in the law books, but in the following "topical" order:

First, the sections dealing with grounds for dismissal, suspension, and demotion of a permanent employee, and the special procedures for such actions when the grounds are deficiencies in work performance. Next, the procedures for proposing dismissal, suspension, or demotion, for giving the employee the opportunity to be heard, and the procedure for the employee to appeal to the civil service board. Finally, the sections of the statutes regarding conduct of hearings by the civil service board.

At the beginning of each section is language by which the section can be cited in correspondence.

**K.S.A. 75-2949d; stating the two major categories of grounds for dismissal, demotion, or suspension of a permanent employee:**

(a) A permanent employee in the classified service under the Kansas civil service act may be dismissed, demoted or suspended because of deficiencies in work performance as provided in K.S.A. 75-2949e or because of personal conduct detrimental to the state service as provided in K.S.A. 75-2949f or because of both such reasons. In all such cases, the provisions of K.S.A. 1982 Supp. 75-2949, and amendments thereto, shall apply.

(b) This section and K.S.A. 1982 Supp. 75-2949e and 75-2949f shall be part of and supplemental to the Kansas civil service act.

**K.S.A. 75-2949e; grounds for dismissal, demotion, or suspension of a permanent employee for deficiencies in work performance; evaluations and counseling:**

(a) Grounds for dismissal, demotion or suspension of a permanent employee for deficiencies in work performance include, but are not limited to, the following:

(1) Inefficiency or incompetency in the performance of duties, or inability to perform the duties;

(2) negligence in the performance of duties;

(3) careless, negligent or improper use of state property;

(4) failure to maintain satisfactory and har-

monious relationships with the public and fellow employees;

(5) habitual or flagrant improper use of leave privileges;

(6) a habitual pattern of failure to report for duty at the assigned time and place or to remain on duty; and

(7) failure to obtain or maintain a current license or certificate or other authorization required to practice a trade, conduct a business or practice a profession.

(b) Unless the appointing authority determines that the good of the service will best be served by proceeding directly to the procedure prescribed in K.S.A. 1982 Supp. 75-2949, and amendments thereto, the appointing authority may propose dismissal, demotion or suspension of a permanent employee for deficiencies in work performance only after the employee has received two performance evaluations in the 90 calendar days immediately preceding the effective date of the proposed dismissal, demotion or suspension. These performance evaluations shall be spaced at least 30 calendar days apart. The appointing authority may propose dismissal if the two evaluations were "unsatisfactory". The appointing authority may propose suspension or demotion if the two evaluations were "unsatisfactory" or "below standard".

(c) If the appointing authority proposes to dismiss, demote or suspend a permanent em-



ployee for deficiencies in work performance without the two evaluations described by subsection (b) and if the employee appeals the action to the state civil service board, the board shall require the appointing authority to show that the employee was adequately counseled concerning the nature of the deficiencies in work performance and concerning what was expected of the employee in correcting the deficiencies.

**K.S.A. 75-2949f; grounds for dismissal, demotion, or suspension of a permanent employee for personal conduct detrimental to the state service:**

Grounds for dismissal, demotion or suspension of a permanent employee for personal conduct detrimental to the state service include, but are not limited to, the following:

- (a) Gross misconduct or conduct unbecoming a state officer or employee;
- (b) conviction of a criminal act;
- (c) immoral conduct;
- (d) willful abuse or misappropriation of state funds, materials, property or equipment;
- (e) making a false statement of material fact in the employee's application for employment or position description;
- (f) participation in any action that would in any way seriously disrupt or disturb the normal operation of the agency, institution, department or any other segment of state government;
- (g) trespassing on the property of any state official or employee for the purpose of harassing or forcing dialogue or discussion from the occupants or owners of such property;
- (h) willful damage to or destruction of state property;
- (i) willful endangerment of the lives or property of others, or both;
- (j) possession of unauthorized firearms or other lethal weapons while on the job;
- (k) performing duties in a brutal manner, or mistreating or abusing a patient or resident or other person in the employee's care;
- (l) refusal to accept a reasonable and proper assignment from an authorized supervisor (in-subordination);
- (m) being under the influence of alcohol or drugs while on the job;
- (n) knowingly releasing confidential information from official records;
- (o) use of the employee's state position, use of the employee's time on the state job, or use of state property or facilities by the employee in connection with a political campaign; and
- (p) exhibiting other personal conduct detri-

mental to state service which could cause undue disruption of work or endanger the safety of persons or property of others, as may be determined by the appointing authority.

**K.S.A. 1982 Supp. 75-2949; written proposal to dismiss, demote or suspend a permanent employee; opportunity for employee to reply to proposal; extension of time for reply; possible relief of employee from duties or change of duties pending decision on proposed action; written notice of decision; withdrawal or modification of action; appeal to civil service board; determination of qualifications of employee proposed to be demoted; status of employee after demotion; relief of employee from duties or change of duties in situation where appointing authority needs time to conduct an investigation before proposing dismissal, demotion or suspension, or in situation where immediate removal from job is needed to avoid disruption of work, for protection of persons or property, or for similar reasons:**

(a) An appointing authority may dismiss or demote any permanent employee in the classified service when the appointing authority considers that the good of the service will be served thereby, and for disciplinary purposes may suspend without pay a permanent classified employee for a period not to exceed 30 calendar days, but no permanent employee in the classified service shall be dismissed, demoted or suspended for political, religious, racial or other nonmerit reasons.

(b) Prior to dismissal, demotion or suspension of a permanent employee in the classified service, the appointing authority shall furnish the employee by certified mail, return receipt requested, or by personal delivery, a statement in writing specifically setting forth the reasons therefor. A copy of such statement shall be furnished immediately to the director. This statement shall contain notice of the proposed dismissal, demotion or suspension and shall specify the proposed effective date thereof. Except as otherwise provided in the Kansas civil service act, a proposed suspension, demotion, or dismissal shall become effective no less than three calendar days nor more than 10 calendar days following the date the notice of such proposed suspension, demotion, or dismissal is personally delivered to the employee or deposited with the post office as certified mail. If in the opinion of the appointing authority conditions warrant, the appointing authority may relieve the employee of duties or change the duties of the employee during such period. If the employee is re-

# HOUSE BILL No. 2123

By Representatives Farrar, Guldner, Moomaw, Shelor and Sugh-  
rue

1-26

0017 AN ACT relating to natural gas; prescribing a maximum price for  
0018 first sales thereof to agricultural users.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. This act may be cited as the "Kansas natural gas  
0021 price protection act of 1983."

0022 Sec. 2. For the purposes of this act:

0023 (a) "First sale" means a first sale as that term is defined in 15  
0024 U.S.C. 3301(21).

0025 (b) "Agricultural use" means an agricultural use as that term  
0026 is defined in 15 U.S.C. 3346.

0027 (c) "Natural gas policy act of 1978" means 15 U.S.C. 3301 to  
0028 3432, inclusive.

0029 Sec. 3. In ~~any case where the purchaser of natural gas in a~~  
0030 ~~first sale utilizes that natural gas~~ for an agricultural use, the  
0031 maximum lawful price per million BTU ~~for each month~~ shall  
0032 ~~have a base price equal to the contract price, per million BTU for~~

0033 ~~such natural gas applicable on the day before the date of enact-~~  
0034 ~~ment of the natural gas policy act of 1978. In the case of any~~

0035 month thereafter, the maximum lawful price shall be the ~~max-~~  
0036 ~~imum lawful price per million BTU, prescribed under this sub-~~

0037 ~~section, for the preceding month,~~ multiplied by the monthly  
0038 equivalent of the annual inflation adjustment factor applicable

0039 for such month as determined by section 3311 of the natural gas  
0040 policy act of 1978, and as computed and published by the federal  
0041 energy regulatory commission.

0042 Sec. 4. Jurisdiction to implement and enforce the provisions  
0043 of this act is hereby conferred on the state corporation commis-

0044 sion of Kansas. The commission may adopt necessary rules and

the case of a first sale

be

in effect on the effective date of this act. Every

contract

0045 regulations to implement and enforce the provisions of this act.

0046 Sec. 5. Appellate jurisdiction is hereby conferred upon the  
0047 supreme court of this state to review the orders of the state  
0048 corporation commission made under this act. Such appeal may be  
0049 taken by any person shown by the record to be interested therein,  
0050 in the same manner and time as appeals are allowed by law to the  
0051 court of appeals from orders of the commission which relate to  
0052 rate hearings.

0053 Sec. 6. This act shall take effect and be in force from and after  
0054 its publication in the Kansas register.