

Kansas Extension Service



Administrative Handbook

KANSAS EXTENSION SERVICE ADMINISTRATIVE HANDBOOK

October 1999- Revised September 2010

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CHAPTER 1 LEGISLATION AND POLICIES

Revised October 1999

SECTION A - FEDERAL LAWS

A1. First Morrill Act

SEC . 1. First Morrill Act – Act of 1862 Donating Lands for Colleges of Agriculture and Mechanic Arts

AN ACT Donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be granted to the several States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of eighteen hundred and sixty; Provided, That no mineral lands shall be selected or purchased; under the provision of this act.

SEC. 2. And be it further enacted, That the land aforesaid, after being surveyed shall be apportioned the several States in sections or subdivisions of sections, not less than one-quarter of a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre to which said State may be entitled under the provisions of this act land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in this act and for no other use or purpose whatsoever: Provided, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents, or less per acre; And provided further, That not more than one million acres shall be located by such assignees in any one of the States: And provided further, That no such location shall be made before one year from the passage of this act.

SEC. 3. And be it further enacted, That all the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned.

SEC. 4. (Original.) And be it further enacted, That all moneys derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks, yielding not less than five per centum upon the par value of said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section five of this act), and the interest of which shall be inviolably appropriated by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

SEC. 4. (As amended Mar. 3, 1883.) That all moneys derived from the sale of lands aforesaid by the States to which lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks; or the same may be invested by the States having no State stocks in any other manner after legislatures of such States shall have assented thereto and engaged that such funds shall yield not less than five per centum upon the amount so invested and that the principal thereof shall forever remain unimpaired: Provided, That the moneys so invested or loaned shall constitute a perpetual fund the capital of which shall remain forever undiminished (except so far as may be provided in Section 5 of this act) and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

SEC. 5. And be it further enacted, That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts:

- First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be dismissed or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding ten per centum upon the amount received by any State under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms whenever authorized by the respective legislatures and States.
- Second. No portion of said fund, nor the interest thereon, shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.
- Third. Any State which may take and claim the benefit of the provisions of this act shall provide, within five years, at least not less than one college, as described in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold and that the title to purchasers under the State shall be valid.
- Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their cost and results, and such other matters, including State industrial and economical statistics, as may be supposed useful, one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior.
- Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price and the number of acres proportionately diminished.
- Sixth. No State while in a condition of rebellion or insurrection against the Government of the United States shall be entitled to the benefit of this act.
- Seventh. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its legislature within two years from the date of its approval by the President.

SEC. 6. And be it further enacted, That land scrip issued under the provisions of this act shall not be subject to location until after the first day of January, one thousand eight hundred and sixty-three.

SEC. 7. And be it further enacted, That the land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing laws: Provided, That their maximum compensation shall not be thereby increased.

SEC. 8. And be it further enacted, That the governors of the several States to which scrip shall be issued under this act shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

Approved, July 2, 1862 (12 Stat. L. 503).

A2. The Smith-Lever Act of 1914, As Amended (1995)

Established in 1914, Cooperative Extension was designed as a partnership of the U.S. Department of Agriculture and the land-grant universities, which were authorized by the Federal Morrill Acts of 1862 and 1890. Legislation in the various States has enabled local governments or organized groups in the Nation's counties to become a third legal partner in this educational endeavor. The congressional charge to Cooperative Extension through the Smith-Lever Act of 1914 is far ranging. Today, this educational system includes professionals in each of America's 1862 land-grant universities (in the 50 states, Puerto Rico, the Virgin Islands, Guam, Northern Marianas, American Samoa, Micronesia, and the District of Columbia) and in the Tuskegee University and sixteen 1890 land-grant universities. The provisions of the Act, in effect as of November 18, 1990, are shown below.

SEC. 1 [7 U.S.C. 341]

In order to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture, uses of solar energy with respect to agriculture, home economics, and rural energy and to encourage the application of the same, there may be continued or inaugurated in connection with the college or colleges in each State, Territory, or possession, now receiving, or which may hereafter receive, the benefits of the Act of Congress approved July second, eighteen hundred and sixty-two, entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts" (Twelfth Statutes at Large, page five hundred and three) and of the Act of Congress approved August thirtieth, eighteen hundred and ninety (Twenty-sixth Statutes at Large, page four hundred and seventeen and chapter eight hundred and forty-one), agricultural extension work shall be carried on in cooperation with the United States Department of Agriculture: Provided,

That in any State, Territory, or possession in which two or more such colleges have been or hereafter may be established, the appropriations hereinafter made to such State, Territory, or possession shall be administered by such college or colleges as the legislature of such State, Territory, or possession may direct. For the purposes of this Act, the term "solar energy" means energy derived from sources (other than fossil fuels) and technologies included in the Federal Non-Nuclear Energy Research and Development Act of 1974, as amended.

SEC. 2 [7 U.S.C. 342]

Cooperative agricultural extension work shall consist of the development of practical applications of research knowledge and giving of instruction and practical demonstrations of existing or improved practices or technologies in agriculture, uses of solar energy with respect to agriculture, home economics, and rural energy, and subjects relating thereto to persons not attending or resident in said colleges in the several communities, and imparting information on said subjects through demonstrations, publications, and otherwise and for the necessary printing and distribution of information in connection with the foregoing; and this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges or Territory or possession receiving the benefits of this Act.

SEC. 3 [7 U.S.C. 343]

- (a) There are hereby authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary.
- (b)
 - (1) Out of such sums, each State and the Federal Extension Service shall be entitled to receive annually a sum of money equal to the sums available from Federal cooperative extension funds for the fiscal year 1962, and subject to the same requirements as to furnishing of equivalent sums by the State, except that amounts heretofore made available to the Secretary for allotment on the basis of special needs shall continue available for use on the same basis.
 - (2) There is authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, \$100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.
 - (3) There are authorized to be appropriated for the fiscal year ending June 30, 1996, and for each fiscal year thereafter, for payment on behalf of the 1994

Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994), \$5,000,000 for the purposes set forth in section 2. Such sums shall be in addition to the sums appropriated for the several States, Puerto Rico, the Virgin Islands, and Guam under the provisions of this section. Such sums shall be distributed on the basis of a competitive application process to be developed and implemented by the Secretary and paid by the Secretary to State institutions established in accordance with the provisions of the Act of July 2, 1862. (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.) (commonly known as the First Morrill Act) (other than 1994 Institutions) and administered by such institutions through cooperative agreements with 1994 Institutions the States of the 1994 Institutions in accordance with regulations that the Secretary shall adopt.

- (c) Any sums made available by the Congress for further development of cooperative extension work in addition to those referred to in subsection (b) of this section shall be distributed as follows:
 - (1) Four per centum of the sum so appropriated for each fiscal year shall be allotted to the Federal Extension Service for administration, technical, and other services, and for coordinating the extension work of the Department and the several States, Territories, and possessions.
 - (2) Of the remainder so appropriated for each fiscal year 20 per centum shall be paid to the several States in equal proportions, 40 per centum shall be paid to the several States in the proportion that the rural population of each bears to the total rural population of the several States as determined by the census, and the balance shall be paid to the several States in the proportion that the farm population of each bears to the total farm populations of the several States as determined by the census: Provided, That payments out of the additional appropriations for further development of extension work authorized herein may be made subject to the making available of such sums of public funds by the States from non-Federal funds for the maintenance of cooperative agricultural extension work provided for in this Act, as may be provided by the Congress at the time such additional appropriations are made: Provided further, That any appropriation made hereunder shall be allotted in the first and succeeding years on the basis of the decennial census current at the time such appropriation is first made, and as to any increase, on the basis of decennial census current at the time such increase is first appropriated.
- (d) The Federal Extension Service shall receive such additional amounts as Congress shall determine for administration, technical, and other services and for coordinating the extension work of the Department and the several States, Territories, and possessions. A college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, may apply for and receive directly from the Secretary of Agriculture:
 - (1) Amounts made available under this subsection after September 30, 1995,

to carry out programs or initiatives for which no funds were made available under this subsection for fiscal year 1995, or any previous fiscal year, as determined by the Secretary; and

- (2) Amounts made available under this subsection after September 30, 1995, to carry out programs or initiatives funded under this subsection prior to that date that are in excess of the highest amount made available for the programs or initiatives under this subsection for fiscal year 1995, or any previous fiscal year, as determined by the Secretary.
- (e) Insofar as the provisions of subsections (b) and (c) of this section, which require or permit Congress to require matching of Federal funds, apply to the Virgin Islands of the United States and Guam, such provisions shall be deemed to have been satisfied, for the fiscal years ending September 30, 1978, and September 30, 1979, only, if the amounts budgeted and available for expenditure by the Virgin Islands of the United and Guam in such years equal the amounts budgeted and available for expenditure by the Virgin Islands of the United States and Guam in the fiscal year ending September 30, 1977.
- (f) There shall be no matching requirement for funds made available pursuant to subsection (b)(3).
- (g)
 - (1) The Secretary of Agriculture may conduct educational, instructional, demonstration, and publication distribution programs through the Federal Extension Service and enter into cooperative agreements with private nonprofit and profit organizations and individuals to share the cost of such programs through contributions from private sources as provided in this subsection.
 - (2) The Secretary may receive contributions under this subsection from private sources for the purposes described in paragraph (1) and provide matching funds in an amount not greater than 50 percent of such contributions.

SEC. 4 [7 U.S.C. 344]

On or about the first day of October in each year after the passage of this Act, the Secretary of Agriculture shall ascertain as to each State whether it is entitled to receive its share of the annual appropriation for cooperative agricultural extension work under this Act and the amount which it is entitled to receive. Before the funds herein provided shall become available to any college for any fiscal year, plans for the work to be carried on under this Act shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture. The Secretary shall ensure that each college seeking to receive funds under this Act has in place appropriate guidelines, as determined by the Secretary, to minimize actual or potential conflicts of interest among employees of such college whose salaries are funded in whole or in part with such funds. Such sums shall be paid in equal quarterly payments in or about July, October, January, and April of each

year to the treasurer or other officer of the State duly authorized by the laws of the State to receive the same, and such officer shall be required to report to the Secretary of Agriculture on or about the first day of April of each year, a detailed statement of the amount so received during the previous fiscal year and its disbursement, on forms prescribed by the Secretary of Agriculture.

SEC. 5 [7 U.S.C. 345]

If any portion of the moneys received by the designated officer of any State for the support and maintenance of cooperative agricultural extension work, as provided in this Act, shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State and until so replaced no subsequent appropriation shall be apportioned or paid to said State. No portion of said moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land or in college-course teaching, lectures in college, or any other purpose not specified in this Act. It shall be the duty of said colleges, annually, or on about the first day of January, to make to the Governor of the State in which it is located a full and detailed report of its operations in extension work as defined in this Act, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary of Agriculture.

SEC. 6 [7 U.S.C. 346]

If the Secretary of Agriculture finds that a State is not entitled to receive its share of the annual appropriation, the facts and reasons therefore shall be report to the President, and the amount involved shall be kept separate in the Treasury until the expiration of the Congress next succeeding a session of the legislature of the State from which funds have been withheld in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury.

SEC. 7 (Repealed) (Dealt with an annual report to Congress)

SEC. 8 [7 U.S.C. 347a]

- (a) The Congress finds that there exists special circumstances in certain agricultural areas which cause such areas to be at a disadvantage insofar as agricultural development is concerned, which circumstances include the following: (1) there is concentration of farm families on farms either too small or too unproductive or both; (2) such farm operators because of limited productivity are unable to make adjustments and investments required to establish profitable operations; (3) the productive capacity of the existing farm unit does not permit profitable employment of available labor; (4) because of limited resources, many of these farm families are not able to make full use of current extension programs designed for families operating economic units nor are extension facilities adequate to provide the assistance needed to produce desirable results.

- (b) In order to further the purposes of section 2 in such areas and to encourage complementary development essential to the welfare of such areas, there are hereby authorized to be appropriated such sums as the Congress from time to time shall determine to be necessary for payments to the States on the basis of special needs in such areas as determined by the Secretary of Agriculture.
- (c) In determining that the area has such special need, the Secretary shall find that it has a substantial number of disadvantaged farms or farm families for one or more of the reasons heretofore enumerated. The Secretary shall make provisions for the assistance to be extended to include one or more of the following: (1) intensive on-the-farm educational assistance to the farm family in appraising and resolving its problems; (2) assistance and counseling to local groups in appraising resources for capability of improvements in agriculture or introduction of industry designed to supplement farm income; (3) cooperation with other agencies and groups in furnishing all possible information as to existing employment opportunities, particularly to farm families having under-employed workers; and (4) in cases where the farm families, after analysis of its opportunities and existing resources, finds it advisable to seek a new farming venture, the providing of information, advice, and counsel in connection with making such change.
- (d) No more than 10 per centum of the sums available under this section shall be allotted to any one State. The Secretary shall use project proposals and plans of work submitted by the State Extension directors as a basis for determining the allocation of funds appropriated pursuant to this section.
- (e) Sums appropriated pursuant to this section shall be in addition to, and not in substitution for, appropriations otherwise available under this Act. The amounts authorized to be appropriated pursuant to this section shall not exceed a sum in any year equal to 10 per centum of sums otherwise appropriated pursuant to this Act.

SEC. 9 [7 U.S.C. 348]

The Secretary of Agriculture is authorized to make such rules and regulations as may be necessary for carrying out the provisions of this Act.

SEC. 10 [7 U.S.C. 349]

The term "State" means the States of the Union, Puerto Rico, the Virgin Islands, and Guam.

A3. Agricultural Marketing Act of 1946 — Act of 1946 Providing for Further Research into Basic Laws and Principles Relating to Agriculture and to Improve and Facilitate the

Marketing and Distribution of Agricultural Products (Public Law 733, 79th Congress)

TITLE II

This title may be cited as the “Agricultural Marketing Act of 1946.”

SEC. 202. The Congress hereby declares that a sound, efficient, and privately operated system for distributing and marketing agricultural products is essential to a prosperous agriculture and is indispensable to the maintenance of full employment and to the welfare, prosperity, and health of the Nation. It is further declared to be the policy of Congress to promote through research, study, experimentation, and through cooperation among Federal and State agencies, farm organizations, and private industry a scientific approach to the problems of marketing, transportation, and distribution of agricultural products similar to the scientific methods which have been utilized so successfully during the past eighty-four years in connection with the production of agricultural products so that such products capable of being produced in abundance may be marketed in an orderly manner and efficiently distributed. In order to obtain these objectives, it is the intent of Congress to provide for (1) continuous research to improve the marketing, handling, storage, processing, transportation, and distribution of agricultural products; (2) cooperation among Federal and State agencies, producers, industry organizations, and others in the development and effectuation of research and marketing programs to improve the distribution processes; and (3) integrated administration of all laws enacted by Congress to aid the distribution of agricultural products through research, market aids and services, and regulatory activities, to the end that marketing methods and facilities may be improved, that distribution costs may be narrowed, that dietary and nutritional standards may be improved, that new and wider markets for American agricultural products may be developed, both in the United States and in other countries, with a view to making it possible for the full production of American farms to be disposed of usefully, economically, profitably, and in an orderly manner. In effectuation the purposes of this title, maximum use shall be made of existing research facilities owned or controlled by the Federal Government or by State agricultural experiment stations and of the facilities of the Federal and State extension services. To the maximum extent practicable marketing research work done hereunder in cooperation with the State shall be done in cooperation with the State agricultural experiment stations; marketing educational and demonstrational work done hereunder in cooperation with the States shall be done in cooperation with the State agricultural extension service; market information, inspection, regulatory work and other marketing service done hereunder in cooperation with the State agencies shall be done in cooperation with the State departments of agriculture, and State bureaus and departments of markets.

SEC. 203 The Secretary of Agriculture is directed and authorized:

(a) To conduct, assist, and foster research, investigation, and experimentation to

determine the best methods of processing, preparation for marketing, packaging, handling, transporting, storing, distribution, and marketing agricultural products. Provided, That the results of such research shall be made available to the public for the purpose of expanding the use of American agricultural products in such manner as the Secretary of Agriculture may determine.

- (b) To determine costs of marketing agricultural products in their various forms and through the various channels and to foster and assist in the development and establishment of more efficient marketing methods (including analyses of methods and proposed methods), practices, and facilities, for the purpose of bringing about more efficient and orderly marketing, and reducing the price spread between the producer and the consumer.
- (c) To develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.
- (d) To conduct, assist, foster, and direct studies and informational programs designed to eliminate artificial barriers to the free movement of agricultural products.
- (e) To foster and assist in the development of new or expanded markets (domestic and foreign) and new and expanded uses and in the moving of larger quantities of agricultural products through the private marketing system to consumers in the United States and abroad.
- (f) To conduct and cooperate in consumer education for the more effective utilization and greater consumption of agricultural products: Provided, That no money appropriated under the authority of this Act shall be used to pay for newspaper or periodical advertising space or radio time in carrying out the purposes of this section and Section 203 (e).
- (g) To collect and disseminate marketing information, including adequate outlook information on a market-area basis, for the purpose of anticipating and meeting consumer requirements, aiding in the maintenance of farm income, and bringing about a balance between production and utilization of agricultural products.
- (h) To inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce, under such rules and regulations the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed at the best advantage, that trading may be facilitated and that consumers may be able to obtain the quality products which they desire, except that no person shall be required to use the service authorized by this subsection. Any official certificate issued under the authority of this subsection shall be received by all officers and all courts of the United States as prima facie evidence

of the truth of the statement therein contained.

- (i) To determine the needs and develop or assist in the development of plans for efficient facilities and methods of operating such facilities for the proper assembly, processing, transportation, storage, distribution, and handling of agricultural products.
- (j) To assist in improving transportation services and facilities and in obtaining equitable and reasonable transportation rates and services and adequate transportation facilities for agricultural products and farm supplies by making complaint or petition to the Interstate Commerce Commission, the Maritime Commission, the Civil Aeronautics Board, or other Federal or State transportation regulatory body with respect to rates, charges, tariffs, practices, and services, or by working directly with individual carriers or groups of carriers.
- (k) To collect, tabulate, and disseminate statistics on marketing agricultural products, including but not restricted to statistics on market supplies, storage stocks, quantity, quality, and condition of such products in various positions in the marketing channel, utilization of such products, and shipments and unloads thereof.
- (l) To develop and promulgate, for the use and at the request of any Federal agency or State, procurement standards and specifications for agricultural products, and submit such standards and specifications to such agency or State for use or adoption for procurement purposes.
- (m) To conduct, assist, encourage, and promote research, investigation, and experimentation to determine the most efficient and practical means, methods, and processes for the handling, storing, preserving, protecting, processing, and distributing of agricultural commodities to the end that such commodities may be marketed in an orderly manner and to the best interest of the producers thereof.
- (n) To conduct such other research and services and to perform such other activities as will facilitate the marketing, distribution, processing, and utilization of agricultural products through commercial channels.

SEC. 204

- (a) In order to conduct research and service work in connection with the preparation for marketing, processing, packaging, handling, storing, transporting, distribution, and marketing of agricultural products as authorized by this title, there is hereby authorized to be appropriated the following sums:
 - (1) \$2,500,000 for the fiscal year ending June 30, 1947, and each subsequent fiscal year.
 - (2) An additional \$2,500,000 for the fiscal year ending June 30, 1949, and each subsequent fiscal year.

- (3) An additional \$5,000,000 for the fiscal year ending June 30, 1950, and each subsequent fiscal year.
- (4) An additional \$5,000,000 for the fiscal year ending June 30, 1951, and each subsequent fiscal year.
- (5) In addition to the foregoing, such additional funds beginning with the fiscal year ending June 30, 1952, and thereafter, as the Congress may deem necessary.

Such sums appropriated in pursuance of this title shall be in addition to, and not in substitution for, sums appropriated or otherwise made available to the Department of Agriculture.

- (b) The Secretary of Agriculture is authorized to make available from such funds such sums as he may deem appropriate for allotment to State departments of agriculture, State bureaus and departments of markets, State agricultural experiment stations, and other appropriate State agencies for cooperative projects in marketing service and in marketing research to effectuate the purposes of Title II of this Act: Provided, That no such allotment and no payment under any such allotment shall be made for any fiscal year to any State agency in excess of the amount which such State agency makes available out of its own funds for such research. The funds which State agencies are required to make available in order to qualify for such an allotment shall be in addition to any funds now available to such agencies for marketing services and for marketing research. The allotments authorized under this section shall be made to the agency or agencies best equipped and qualified to conduct the specific project to be undertaken. Such allotments shall be covered by cooperative agreements between the Secretary of Agriculture and the cooperating agency and shall include appropriate provisions for preventing duplications or overlapping of work within the State or States cooperating. Should duplication or overlapping occur subsequent to approval of a cooperative project or allotment of funds, the Secretary of Agriculture is authorized and directed to withhold unexpended balances on such projects notwithstanding the price approval thereof.

SEC. 205

- (a) In carrying out the provisions of Title II of this Act, the Secretary of Agriculture may cooperate with other branches of the Government, State agencies, private research organizations, purchasing and consuming organizations, boards of trade, chambers of commerce, other associations of business or trade organizations, transportation and storage agencies and organizations, or other persons or corporations engaged in the production, transportation, storing, processing, marketing and distribution of agricultural products whether operating in one or more jurisdictions. The Secretary of Agriculture shall have authority to enter into contracts and agreements under the terms of regulations promulgated by him with States and agencies of States, private firms, institutions, and individuals for the purpose of conducting research and service work, making and compiling reports and surveys, and carrying out other functions relating thereto when in his

judgment the services or functions to be performed will be carried out more effectively, more rapidly, or at less cost than if performed by the Department of Agriculture.

Contracts hereunder may be made for work to be performed within a period not more than four years from the date of any such contract, and advance, progress, or other payments may be made. The provisions of section 3648 (31 U.S.C., sec. 529) and section 3709 (41 U.S.C., sec. 5) of the Revised Statutes shall not be applicable to contracts or agreements made under the authority of this section. Any unexpended balances of appropriations obligated by contracts as authorized by this section may, notwithstanding the provisions of section 5 of the Act of June 20, 1874, as amended (31 U.S.C., sec. 713), remain upon the books of the Treasury for not more than five fiscal years before being carried to the surplus fund and covered into the Treasury. Any contract made pursuant to this section shall contain requirements making the result of such research and investigations available to the public by such means as the Secretary of Agriculture shall determine.

- (b) The Secretary of Agriculture shall promulgate such orders, rules, and regulations as he deems necessary to carry out the provisions of this title. In his annual report to Congress he shall include a complete statement of research work being performed under contracts or cooperative agreements under this title, showing the names of the agencies cooperating and the amounts expended thereon, segregated by Federal and non-federal funds.

SEC. 206

In order to facilitate administration and to increase the effectiveness of the marketing research, service, and regulatory work of the Department of Agriculture to the fullest extent practicable, the Secretary of Agriculture is authorized, notwithstanding any other provisions of law, to transfer, group, coordinate, and consolidate the functions, powers, duties and authorities of each and every agency, division, bureau, service, section, or other administrative unit in the Department of Agriculture primarily concerned with research, service, or regulatory activities in connection with the marketing, transportation, storage, processing, distribution of, or service or regulatory activities in connection with the utilization of agriculture products into a single administrative agency. In making such changes as may be necessary to carry out effectively the purpose of this title, the records, property, personnel, and funds of such agencies, divisions, bureaus, services, sections, or other administrative units in the Department of Agriculture affected thereby are authorized to be transferred to and used by such administrative agency to which the transfer may be made, but such unexpended balances of appropriations so transferred shall be used only for the purposes for which such appropriations were made.

SEC. 207

When used in this title, the term “agricultural products” includes agricultural, horticultural, viticultural, and dairy products, livestock and poultry, bees, forest products, fish and shellfish, and any and all products raised or produced on farms and any processed or manufactured product thereof.

SEC. 208

The Secretary of Agriculture shall have the power to appoint, remove and fix, in accordance with existing law, the compensation of such officers and employees, and to make such expenditures as he deems necessary, including expenditures for rent outside the District of Columbia, travel, supplies, books, equipment, and such other expenditures as may be necessary to the administration of this title: Provided, That the Secretary of Agriculture may appoint and fix the compensation of any technically qualified person, firm or organization by contract or otherwise on a temporary basis and for a term not to exceed six months in any fiscal year to perform research, inspection, classification, technical, or other special services, without regard to the civil service laws or the Classification Act of 1923, as amended.

TITLE III

SEC. 301

In order to aid in implementing the research and service work authorized under Titles I and II of this Act, and to assist in obtaining the fullest cooperation among Federal and State agencies, producers, farm organizations, and private industry, in the development of and in effectuating such research and service programs, and in order to secure the greatest benefit from the expenditure of funds, the Secretary of Agriculture shall establish a national advisory committee. The functions of such advisory committee shall be to consult with the Secretary of Agriculture and other appropriate officials of the Department of Agriculture, to make recommendations relative to research and service work authorized by this Act, and to assist in obtaining the cooperation of producers, farm organizations, industry groups, and Federal and State agencies in the furtherance of such research and service programs. The chairman of the committee shall be the Secretary of Agriculture or such other official of the Department of Agriculture as he shall designate. The committee shall consist of eleven members, six of whom shall be representatives of producers or their organizations. The committee shall meet at least once each quarter and at such other times as are deemed necessary. Members of the Committee may not appoint alternates to serve in their stead. Committee members other than the chairman shall not be deemed to be employees of the United States and are not entitled to compensation, but the Secretary of Agriculture is authorized to allow their traveling and subsistence expenses necessary in connection with their attendance at meetings called by him for the purposes of this section.

SEC. 302

In the furtherance of the research and service work authorized by this Act, the Secretary

of Agriculture may, in addition to the national advisory committee, establish appropriate committees, including representatives of producers, industry, government, and science, to assist in effectuating specific research and service programs.

A4. Cooperative Forestry Assistance Act of 1978 (PL 95-313)

SEC. 2

(a) Congress finds and declares that—

(1) most of the Nation's productive forest land is in private, State and local governmental ownership, and the Nation's capacity to produce renewable forest resources is significantly dependent on these non-Federal forest lands;

(2) adequate supplies of timber and other forest resources are essential to the Nation, and adequate supplies are dependent upon efficient methods for establishing, managing, and harvesting trees and processing, marketing, and using wood and wood products;

(3) managed forest lands provide habitats for fish and wildlife, as well as aesthetics, outdoor recreation opportunities, and other forest resources;

(4) insects and diseases affecting trees occur and sometimes create emergency conditions on all land, whether Federal or non-Federal, and efforts to prevent and control such insects and diseases often require coordinated action by both Federal and non-Federal land managers;

(5) fires in rural areas threaten human lives, property, and forest and other resources, and Federal-State cooperation in forest fire protection has proven effective and valuable;

(6) trees and forests are of great environmental and economic value to urban areas; and

(7) managed forests contribute to improving the quality, quantity, and timing of water yields, which are of broad benefit to society.

(b) The purpose of this Act is to authorize the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary"), with respect to non-Federal forest lands, to assist in —

(1) the advancement of forest resources management;

(2) the encouragement of the production of timber;

- (3) the prevention and control of insects and diseases affecting trees and forests;
 - (4) the prevention and control of rural fires;
 - (5) the efficient utilization of wood and wood residues, including the recycling of wood fiber;
 - (6) the improvement and maintenance of fish and wildlife habitat; and
 - (7) the planning and conduct of urban forestry programs.
- (c) It is in the national interest for the Secretary to work through and in cooperation with State foresters or equivalent State officials in implementing Federal programs affecting non-Federal forest lands.
 - (d) This Act shall be deemed to complement the policies and direction set forth in the Forest and Rangeland Renewable Resources Planning Act of 1974.
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A5. Renewable Resources Extension Act of 1978 (PL 95-306)

SEC. 2 Congress finds that—

- (a) The extension program of the Department of Agriculture and the extension activities of each State provide useful and productive educational programs for private forest and range landowners and processors and consumptive and nonconsumptive users of forest and rangeland renewable resources, and these educational programs complement research and assistance programs conducted by the Department of Agriculture;
- (b) to meet national goals, it is essential that all forest and rangeland renewable resources (hereinafter in this Act referred to as “renewable resources”), including fish and wildlife, forage, outdoor recreation opportunities, timber, and water be fully considered in designing educational programs for landowners, processors, and users;
- (c) more efficient utilization and marketing of renewable resources extend available supplies of such resources, provide products to consumers at prices less than they would otherwise be, and promote reasonable returns on the investments of landowners, processors, and users;
- (d) trees and forests in urban areas improve the aesthetic quality, reduce noise, filter impurities from the air and add oxygen to it, save energy by moderating

temperature extremes, control wind and water erosion, and provide habitat for wildlife; and

- (e) trees and shrubs used as shelterbelts protect farm lands from wind and water erosion, promote moisture accumulation in the soil, and provide habitat for wildlife.

TYPES OF PROGRAMS; ELIGIBLE COLLEGES AND UNIVERSITIES

SEC. 3

- (a) The Secretary of Agriculture (hereinafter in this Act referred as to the “Secretary”), under conditions the Secretary may prescribe and in cooperation with the State directors of cooperative extension service programs and eligible colleges and universities, shall—
 - (1) provide educational programs that enable individuals to recognize, analyze, and resolve problems dealing with renewable resources, including forest- and rangebased outdoor recreation opportunities, trees and forests in urban areas, and trees and shrubs in shelterbelts;
 - (2) use educational programs to disseminate the results of research on renewable resources;
 - (3) conduct educational programs that transfer the best available technology to those involved in the management and protection of forests and rangelands and the processing and use of their associated renewable resources;
 - (4) develop and implement educational programs that give special attention to the educational needs of small, private non-industrial forest landowners;
 - (5) develop and implement educational programs in range and fish and wildlife management;
 - (6) assist in providing continuing education programs for professionally trained individuals in fish and wildlife, forest, range, and watershed management and related fields;
 - (7) help forest and range landowners in securing technical and financial assistance to bring appropriate expertise to bear on their problems; and
 - (8) help identify areas of needed research regarding renewable resources.
- (b) As used in this Act, the term “eligible colleges and universities” means colleges and universities eligible to be supported and maintained, in whole or in part, with funds made available under the provisions of the Act of July 2, 1862 (12 Stat. 503-

505, as amended; 7 U.S.C. 301-305, 307, 308), and the Act of August 30, 1890 (26 Stat. 417-419), as amended; 7 U.S.C. 321-326,328) including Tuskegee Institute, and colleges and universities eligible for assistance under the Act of October 10, 1962 (76 Stat. 806-807 as amended; 16 U.S.C. 582a, 582a-1 — 582a-7).

- (c) In implementing this section, all appropriate educational methods may be used, including, but not limited to, meetings, short courses, workshops, tours, demonstrations, publications, news releases, and radio and television programs.

STATE RENEWABLE RESOURCES EXTENSION PROGRAMS

SEC. 4

- (a) The State director of cooperative extension programs (hereinafter in this Act referred to as the “State director”) and the administrative heads of extension for eligible colleges and universities in each State shall jointly develop, by mutual agreement, a single comprehensive and coordinated renewable resources extension program in which the role of each college and university is well-defined. In meeting this responsibility, the State director and the administrative heads of extension for eligible colleges and universities shall consult and seek agreement with the administrative technical representatives and the forest representatives provided for by the Secretary in implementation of the Act of October 10, 1962 (76 Stat. 806-807, as amended: 16 U.S.C. 582a, 582a-1 — 582a-7), in the State. Each State’s renewable resources extension program shall be submitted to the Secretary annually. The National Agricultural Research and Extension Users Advisory Board established under section 1408 of the Food and Agriculture Act of 1977 shall review and make recommendations to the Secretary pertaining to programs conducted under this Act.
- (b) The State director and the administrative heads of extension for eligible colleges and universities in each State shall encourage close cooperation between extension staffs at the county and State levels, and State and Federal research organizations dealing with renewable resources, State and Federal agencies that manage forests and rangelands and their associated renewable resources, State and Federal agencies that have responsibilities associated with the processing or use of renewable resources, and other agencies or organizations the State director and administrative heads of extension deem appropriate.
- (c) Each State renewable resources extension program shall be administered and coordinated by the State director, except that, in States having colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326,328), including Tuskegee Institute, the State renewable resources extension program shall be administered by the State director and the administrative head or heads of extension for the college or colleges eligible to receive such funds.

- (d) In meeting the provisions of this section, each State director and administrative heads of extension for eligible colleges and universities shall appoint and use one or more advisory committees comprised of forest and range landowners, professionally trained individuals in fish and wildlife, forest, range, and watershed management, and related fields, as appropriate, and other suitable persons.
- (e) For the purposes of this Act, the term "State" means any one of the fifty States, the Commonwealth of Puerto Rico, Guam, the District of Columbia, and the Virgin Islands of the United States.

NATIONAL RENEWABLE RESOURCES EXTENSION PROGRAM

SEC. 5

- (a) The Secretary shall prepare a five-year plan for implementing this Act, which is to be called the "Renewable Resources Extension Program" and shall submit such plan to Congress no later than the last day of the first half of the fiscal year ending September 30, 1980, and the last day of the first half of each fifth fiscal year thereafter. The Renewable Resources Extension Program shall provide national emphasis and direction as well as guidance to State directors and administrative heads of extension for eligible colleges and universities in the development of their respective State renewable resources extension programs, which are to be appropriate in terms of the conditions, needs, and opportunities in each State. The Renewable Resources Extension Program shall contain, but not be limited to, brief outlines of general extension programs for fish and wildlife management (for both game and nongame species), range management, timber management (including brief outlines of general extension programs for timber utilization, timber harvesting, timber marketing, wood utilization, and wood products marketing), and watershed management (giving special attention to water quality protection), as well as brief outlines of general extension programs for recognition and enhancement of forest- and range-based outdoor recreation opportunities, for planting and management of trees and forests in urban areas, and for planting and management of trees and shrubs in shelterbelts.
- (b) In preparing the Renewable Resources Extension Program, the Secretary shall take into account the respective capabilities of private forests and rangelands for yielding renewable resources and the relative needs for such resources identified in the periodic Renewable Resource Assessment provided for in Section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974 and the periodic appraisal of land and water resources provided for in Section 5 of the Soil and Water Resources Conservation Act of 1977.
- (c) To provide information that will aid Congress in its oversight responsibilities and to provide accountability in implementing this Act, the Secretary shall prepare an annual report, which shall be furnished to Congress at the time of submission of each annual fiscal budget, beginning with the annual, fiscal budget for the fiscal year ending September 30, 1981. The annual report shall set forth

accomplishments of the Renewable Resources Extension programs, its strengths and weaknesses, recommendations for improvement, and costs of program administration, each with respect to the preceding fiscal year.

APPROPRIATIONS AND AUTHORIZATION

SEC. 6

There are hereby authorized to be appropriated to implement this Act \$15,000,000 for the fiscal year ending September 30, 1979, and \$15,000,000 for each of the next nine fiscal years. Generally, states shall be eligible for funds appropriated under this Act according to the respective capabilities of their private forests and rangelands for yielding renewable resources and relative needs for such resources identified in the periodic Renewable Resource Assessment provided for in section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974 and the periodic appraisal of land and water resources provided for in section 5 of the Soil and Water Resources Conservation Act of 1977.

REGULATIONS AND COORDINATION

SEC. 7

The Secretary is authorized to issue such rules and regulations as the Secretary deems necessary to implement the provisions of this Act and to coordinate this Act with title XIV of the Food and Agriculture Act of 1977.

EFFECTIVE DATES

SEC. 8

The provisions of this Act shall be effective for the period beginning October 1, 1978, and ending September 30, 1988.

Approved June 30, 1978

A6. Renewable Resources Extension Act Amendments of 1987 (PL 100-231)

SEC. 2. EXTENSION

The Renewable Resources Extension Act of 1978 (16 U.S.C. 1600 note) is amended—
(1) in section 6 (16 U.S.C. 1675) by striking out the first sentence and inserting in lieu thereof the following: “There are authorized to be appropriated to implement this Act \$15,000,000 for the fiscal year ending September 30, 1988, and \$15,000,000 for each of the next twelve fiscal years”; and

(2) in section 8 (16 U.S.C. 1671 note) by striking out “1988” and inserting in lieu thereof “2000.”

SEC. 3. PROGRAM DEVELOPMENT AND EVALUATION

Section 5 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1674) is amended—

(1) in subsection (a) by striking out “Congress” and inserting in lieu thereof the following: “the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate”; and

(2) by adding at the end thereof the following new subsection:

“(d) To assist Congress and the public in evaluating the Renewable Resources Extension Program, the program shall include a review of activities undertaken in response to the preceding five-year plan and an evaluation of the progress made toward accomplishing the goals and objectives set forth in such preceding plan. Such review and evaluation shall be displayed in the program, for the Nation as a whole, and for each State.”

A7. The Renewable Resources Extension Act Amendments Contained in Sections 1219 and 1251 of the Food, Agriculture, Conservation, and Trade Act of 1990 (PL 101-624)

SEC. 5A. EXPANDED PROGRAMS

(a) IN GENERAL—The Secretary, acting through the Extension Service and the State cooperative extension services, and in consultation with State foresters or equivalent State officials, school boards, and universities, shall expand forestry and natural resources education programs conducted under this Act for private forest owners and managers, public officials, youth, and the general public, and shall include guidelines for the transfer of technology.

(b) ACTIVITIES—

“(1) IN GENERAL—In expanding the programs conducted under this Act, the Secretary shall ensure that activities are undertaken to promote policies and practices that enhance the health, vitality, productivity, economic value, and environmental attributes of the forest lands of the United States.

“(2) TYPES—The activities referred to in paragraph (1) shall include—

“(A) demonstrating and teaching landowners and forest managers the concepts of multiple-use and sustainable natural resource management;

“(B) conducting comprehensive environmental education programs that assist citizens to participate in environmentally positive activities such as tree planting, recycling, erosion prevention, and waste management; and

“(C) educational programs and materials that will improve the capacity of schools, local governments and resource agencies to deliver forestry and natural resources information to young people, environmentally concerned

citizens, and action groups.”

(c) PROGRAM AUTHORIZATIONS—Section 3(a) of such Act 16 U.S.C. 1672(a) is amended—

- (1) in paragraph (7), by striking “and” at the end thereof;
- (2) in paragraph (8), by striking the period and inserting “; and”; and
- (3) by adding at the end thereof the following new paragraph:

“(9) conduct a comprehensive natural resource and environmental education program for landowners and managers, public officials, and the public, with particular emphasis on youth.”

(d) EXTENSION PROGRAM PLAN—Section 5(a) of such Act (16 U.S.C. 1674(a)) is amended by inserting before the period at the end thereof the following: “, and give special attention to water quality protection and natural resource and environmental education for landowners and managers, public officials, and the public.”

SEC. 1219. URBAN AND COMMUNITY FORESTRY ASSISTANCE

(b) AMENDMENT TO RENEWABLE RESOURCES EXTENSION ACT

(1) PROMOTION OF PUBLIC UNDERSTANDING—Section 3(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1672(a)) is amended—

- (A) by striking “and” at the end of paragraph (7);
- (B) by striking the period at the end of paragraph (8) and inserting “; and”; and
- (C) by adding at the end the following new paragraph:

“(9) in cooperation with State foresters or equivalent State officials, promote public understanding of the energy conservation, economic, social, environmental, and psychological values of trees and open space in urban and community area environments and expand knowledge of the ecological relationships and benefits of trees and related resources in urban and community environments.”

(2) URBAN AND COMMUNITY FORESTRY—Section 5(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1674(a)) is amended in the final sentence by striking “for planting and management of trees and forests in urban areas,” and inserting “for urban and community forestry activities.”

SECTION B - STATE LAWS

- B1. Kansas County Extension Council Law
Sections 2-608 through 6-622,
Kansas Statutes Annotated as Amended, 1991

2-608. Compensation of extension agents; contribution

2 **from federal and state funds.** If a county extension council
3 has been organized as specified in K.S.A. 2-611 and amendments
4 thereto or an extension district has been established under
5 K.S.A. 2-623 and amendments thereto, for the purpose of giving
6 instruction in agriculture, marketing, home economics, 4-H
7 club and youth work, community and resource development,
8 and economic development initiatives to the people of the
9 county or extension district, as the case may be, through
10 practical demonstrations, meetings, publications, and
11 otherwise, and the employment of an extension agent or agents
12 to prosecute such instructions, the Kansas State University of
13 Agriculture and Applied Science shall contribute from federal
14 and state funds granted for cooperative extension work an
15 amount of not less than \$1,500, as far as such funds are
16 available, towards the salary of each extension agent employed.

2-609. Same; conditions; limitation regarding additional agents.

2 (a) Before allocations of funds are made by the director of
3 extension of Kansas State University of Agriculture and Applied
4 Science pursuant to K.S.A. 2-608 and amendments thereto, the
5 county extension council shall present to the director of extension
6 and to the board of county commissioners of its county, a list of
7 members of the extension council and of its executive board
8 and the officers of the governing body, with the statement
9 signed by the chairperson of the board certifying that these
10 members and officers have been duly elected as specified in
11 K.S.A. 2-611 and amendments thereto.

12 (b) Before allocations of funds are made by the director of
13 extension of Kansas State University of Agriculture and Applied
14 Science pursuant to K.S.A. 2-608 and amendments thereto, the
15 governing body of the extension district shall present to the
16 director of extension a list of members of the governing body
17 of the extension district and the officers of the governing body,
18 with the statement signed by the chairperson of the
19 governing body certifying that these members and officers
20 have been duly elected as specified in K.S.A. 2-624 and
21 amendments thereto.

22 (c) No allocation of funds shall be made by the director of
23 extension of Kansas State University of Agriculture and Applied
24 Science pursuant to K.S.A. 2-608 and amendments thereto for
25 funding for any additional extension agent for the county
26 extension council of any county which currently employs four
27 or more extension agents, unless funds have been allocated
28 by the director of extension for an additional extension agent

29 for each county extension council of each county which currently
30 employs less than two extension agents and which requests funds
31 for an additional extension agent.

2-610. County appropriations; budgets, approval; tax levies,

2 **use of proceeds.** (a) On or before July 15 each year, the
3 executive board of the county extension council shall
4 file with the county commissioners in the office of the
5 county clerk:

6 (1) A list of current members of the county extension
7 council and its executive board; (2) a certification of
8 election of officers as provided in Subsection (c) of
9 Supp. 2-611, and amendments thereto; (3) a
10 certification by the director of extension of Kansas State
11 University of Agriculture and Applied Science that the county
12 extension council is properly functioning and entitled to
13 receive the appropriations provided by law; and (4) a proposed
14 budget in cooperation with the director of extension of Kansas
15 State University of Agriculture and Applied Science for the
16 the ensuing calendar year.

17 (b) If the commission does not approve the proposed budget
18 within 10 days after receipt thereof, it shall return the
19 budget to the board. Upon receipt of the returned budget,
20 the board shall consider amendments or modifications and may
21 consult with the commission concerning the budget. Within 10
22 days after receipt of the returned budget, the board shall
23 resubmit its proposed budget, with or without amendment or
24 modification, to the commission. Within 10 days after
25 resubmission of the proposed budget, the commission shall
26 approve, or amend or modify and approve as amended or modified,
27 such proposed budget. The commission shall adopt the proposed
28 budget as approved and shall make the same a part of the regular
29 county budget. The board of county commissioners shall make an
30 appropriation and certify to the county clerk the amount of tax
31 necessary to be levied on all tangible taxable property of the
32 county sufficient to provide a program of county extension
33 work and to pay a portion of the principal and interest on
34 bonds issued under the authority of K.S.A. 12-1774, and
35 amendments thereto, by cities located in the county, which levy
36 shall not exceed the limitation prescribed by K.S.A. 79-1947,
37 and amendments thereto.

**2-611. County extension councils; election of members;
2 meetings; development of programs; election, term of office,
3 oath, powers and duties of executive board; bond of treasurer;
4 expiration of terms; qualification of members.** (a) Except as

5 otherwise provided in this section, the citizens of voting age
6 residing in each of the county commissioner districts in each
7 county in this state are qualified to participate in the meeting
8 which shall be held in each such district in each year not earlier
9 than September 1, and at least 10 days before the annual meeting
10 of the county extension council upon a date and at a time
11 and place determined and fixed by the executive board of the
12 county extension council and shall elect annually from among
13 their number four members of the county extension council.
14 In Leavenworth county, such election shall be held at the
15 time of the annual Leavenworth county fair. Of the four
16 members, one shall be elected to represent agriculture and
17 shall be actively engaged in agricultural pursuits, one shall
18 be elected to represent home economics work, one shall be
19 elected to represent 4-H club and youth work, and one shall be
20 elected to represent educational programs in economic
21 development initiatives. The county extension council executive
22 board members of each county may choose to hold a countywide
23 election meeting in lieu of holding a meeting in each district.
24 Prior to adjournment of the countywide meeting the citizens of
25 each county commissioner district shall separate into groups for
26 the purpose of electing the county extension council members who
27 shall represent the district on the county extension council. The
28 countywide meeting shall be subject to the same conditions
29 herein above provided for county commissioner district election
30 meetings.

31 (b) The executive board of the county extension council, as
32 provided for in Subsection (f), may choose, as an alternate
33 method of electing county extension council members, to mail
34 a ballot to each citizen of voting age residing in the county
35 at least three weeks before the annual meeting of the county
36 extension council. The ballots shall contain the names and
37 resident addresses of all persons who are candidates for county
38 extension council membership. The incumbent county extension
39 council members shall select not less than two persons as
40 candidates for each position to be filled. After the ballot has
41 been marked, each voter shall mail or otherwise transmit the
42 ballot to the county extension office of the county at least
43 seven days prior to the annual meeting of the county extension
44 council.

45 (c) In any county having three county commissioner districts, the
46 citizens may elect county extension council members at large or
47 by county commissioner district as determined by the executive
48 board of the county extension council for the county. In any

49 county having other than three county commissioner districts, the
50 citizens shall elect county extension council members at large.
51 A county extension council elected at large shall also have a
52 total elected membership of 24, with six members elected to
53 represent agriculture who shall be actively engaged in agri-
54 cultural pursuits, with six members elected to represent home
55 economics, six members elected to represented 4-H club and
56 youth work, and six members elected to represent educational
57 programs in economic development initiatives. When county
58 extension council members are elected at large, 12 shall be
59 elected annually, three of whom shall represent agriculture,
60 three of whom shall represent home economics, three of whom
61 shall represent 4-H club and youth work, and three of whom shall
62 represent educational programs in economic development initiatives.
63 County extension council members elected at large shall serve
64 under the same conditions as county extension council members
65 elected by county commissioner districts, except the provision
66 that three members of the executive board shall be elected from
67 each county commissioner district shall not apply.

68 (d) The 24 members so elected in the three county commissioner
69 districts, or at large, in any county shall constitute and be the
70 county extension council, and it shall be the duty of the council
71 to plan the educational extension programs of the county.

72 (e) At the annual meeting of the county extension council, the
73 council members elected to represent agricultural pursuits, home
74 economics work, 4-H club and youth work or educational programs in
75 economic development initiatives, may meet separately and elect a
76 group chairperson. Each group shall meet as necessary for the
77 purpose of developing educational program plans on extension work
78 in agricultural pursuits, in home economics work, in 4-H club and
79 youth work, or economic development initiatives. All program plans
80 shall be subject to final approval by the executive board of the
81 county extension council.

82 (f) The county extension council shall meet annually not earlier
83 than October 1, and not later than December 20, and shall elect
84 from among its own members an executive board consisting of a
85 chairperson, a vice-chairperson, a secretary and a treasurer and
86 five additional members. The date, time and place of the annual
87 meeting shall be determined and fixed by the executive board. No
88 more than three members of the executive board shall be elected
89 from any county commissioner district, and at least one member
90 shall be elected from each county extension council member group
91 namely, agricultural pursuits, home economics, 4-H club and youth

92 work, and educational programs in economic development initiatives.
93 The executive board of the county extension council is authorized
94 to transact all business of the council, shall have control of all
95 the property of the council, and may employ and fix the
96 compensation of such persons as are necessary for the conduct of
97 the business of the council, except as herein otherwise expressly
98 provided.

99 (g) Members of the county extension council and of the executive
100 board shall receive no compensation for their services as members
101 of the council or of the executive board. The members of the
102 executive board, after their election and prior to entering
103 upon the duties of their respective offices, shall take and sign
104 the usual oath of public officers and the same shall be filed
105 in the office of the county clerk.

106 (h) (1) The treasurer of the executive board after election as
107 treasurer and before entering upon the duties of the office as
108 treasurer shall execute to the council a corporate surety bond,
109 of 100% of the amount as nearly as can be ascertained that shall
110 be in the treasurer's hands at any one time. All the bonds shall
111 be conditioned to the faithful discharge of the duties of the
112 office of treasurer. The amount and sufficiency of all bonds
113 shall be determined by the county clerk, and upon the county
114 clerk's approval endorsed on the bond, shall be filed with the
115 county clerk, who shall immediately notify the secretary of the
116 executive board and the county treasurer of the approval and
117 filing. The cost of any corporate surety bond so furnished shall
118 be paid by the executive board. In the event of the breach of
119 any condition thereof, the chairperson of the executive board
120 shall, and if the chairperson does not, any member of the county
121 may, cause a suit to be commenced thereon in the member's own
122 name for the benefit of the council, in which suit it shall not
123 be necessary to include the treasurer as a party to the suit and
124 the money collected shall be applied to the use of the council,
125 as the same should have been applied by the treasurer.

126 (2) Public notices of each annual election meeting or mail
127 ballot election for county commissioner districts or at large,
128 and the annual meeting of the county extension council provided
129 for in this section shall be published once at least one week
130 but not more than three weeks prior to the date fixed for such
131 election or annual council meeting in a newspaper having general
132 circulation in the county. The executive board shall call each
133 of the annual election meetings and the annual meeting of the
134 extension council and shall cause the notices of meetings to be

135 published as herein required. The notices shall state the date,
136 time and place of the meeting. The cost of publishing the
137 notices shall be paid by the executive board of the county
138 extension council.

139 (3) The elected officers and the members of the executive
140 board shall hold office for one year and until their successors
141 are elected and qualify. Vacancies in the membership of the
142 executive board shall be filled for the unexpired term from the
143 remaining members of the county extension council by the executive
144 board. Vacancies among the officers of the executive board shall
145 be filled for the unexpired term by election from the members of
146 the executive board. Each year not earlier than January 2, and
147 not later than January 15, the retiring executive board shall
148 meet with the newly-elected executive board at a time and place
149 designated by the chairperson of the retiring executive board.
150 At the meeting the retiring executive board shall conclude all
151 business of the past year and pay all lawful bills for the year
152 in which it has served and provide the new executive board with
153 all reports, records and other information which may be necessary
154 to the operation of the county extension program during the
155 ensuing year.

156 (4) Members of the county extension council shall hold office
157 for a term of two years and until their successors are elected
158 and qualify, and no member of the council shall hold office for
159 for more than two consecutive terms. Vacancies in the
160 membership of the county extension council shall be filled by
161 appointment by the executive board for the unexpired term of
162 office.

163 (i) Notwithstanding any other provision of this section, the
164 terms of all members of any county extension council serving
165 the effective date of this act shall expire in 1987, and 24
166 members shall be elected to constitute and be the county
167 extension council by one of the election methods authorized by
168 this section. Of the members elected to the county extension
169 council in 1987, six members shall be elected to represent
170 agriculture who shall be actively engaged in agricultural
171 pursuits, six members shall be elected to represent home
172 economics, six members shall be elected to represent 4-H club
173 and youth work and six members shall be elected to represent
174 educational programs in economic development initiatives.
175 Three of each of the six members elected to represent each
176 county extension council member group shall hold office for
177 a one-year term and until their successors are elected and

178 qualify, and three of each six-member group shall hold office
179 for a two-year term and until their successors are elected
180 and qualify.

2-612. Deposit of moneys; duties of treasurers. All moneys
2 received by the treasurer for the council or executive board
3 shall be deposited by the treasurer in a bank
4 designated by the executive board and authorized
5 to receive public deposits. The treasurer shall pay out,
6 on the warrant of the secretary of the executive board, or
7 by a combination warrant check, in either case, signed by
8 the chairperson of the executive board all moneys which shall
9 come to the treasurer's hands for the use of the council or
10 executive board, and the treasurer shall not pay any sum from
11 the funds of the council or executive board in any other manner.
12 The treasurer shall keep a record of all the moneys received
13 and disbursed, specifying the person or persons from whom
14 received and to whom paid, and the object for which same has
15 been paid out. The treasurer shall present to the executive
16 board at each regular meeting of the board a report in writing
17 containing a statement of all moneys received from the county
18 treasurer and from any other source since the last regular
19 meeting of the executive board; and of the disbursements
20 made with the items of such disbursements, and exhibit the
21 warrants or checks or combination warrants and checks therefor,
22 which report shall be recorded by the secretary of the
23 executive board; and at the close of the treasurer's term of
24 office shall settle with the executive board; and shall hand
25 over to the successor all records and papers received as
26 treasurer, together with all moneys remaining in the hands
27 of the treasurer.

2-613. Duties of county treasurers. The county treasurer
2 shall pay to the treasurer of the executive board of the
3 council of the county treasurer's county all moneys in the
4 county treasury belonging to said council, upon the order of
5 the treasurer of the executive board of the council counter-
6 signed by the secretary of the executive board: Provided,
7 That the county treasurer shall not pay to said treasurer of
8 the executive board any such moneys unless and until the
9 county treasurer has been notified by the county clerk that
10 said treasurer of the executive board has filed his or her
11 bond and same has been approved by the county clerk.

2-614. Duties of executive board secretary; records open to public. The secretary of the executive board shall: (1)
2

3 record the proceedings of all meetings of the executive board
4 in books provided for that purpose within 20 days following
5 the meeting; (2) prepare and submit to each meeting of the
6 executive board a report on the work and activities of the
7 county extension council since the last meeting of the
8 board; and (3) perform such other duties as are usually
9 performed by secretaries and as may be prescribed by the
10 executive board. The records of the secretary shall be open
11 to the public inspection at all reasonable times.

**2-615. County extension service agents; qualifications,
2 appointment and compensation; jointly employed
3 agents; approval of county council or district
4 accounts and expenditures.** (a) Except as otherwise
5 provided for jointly employed agents, the executive board of
6 the county extension council or the governing body of the
7 extension district, as the case may be, and the director of
8 extension, or the director's authorized representative, shall
9 appoint an extension agent and determine the amount of the
10 extension agent's compensation. The extension agent shall be
11 under the general supervision of the executive board or the
12 governing body of the extension district, as the case may be,
13 and the director of extension. The director of extension of
14 Kansas State University of Agriculture and Applied Science shall
15 determine the qualifications of each extension agent.

16 (b) The executive boards of two or more county extension
17 councils and the director of extension, or the director's
18 authorized representative, may enter into an agreement
19 to jointly employ an extension agent or agents under like
20 conditions as the executive board of a single county. Any such
21 agreement may determine the amount of compensation to
22 be paid for each such agent by each executive board of
23 the county extension council and the director of extension, the
24 program and service priorities that will be applicable to each
25 such agent and the time each such agent is to spend in each
26 county. In any case where one or more extension agents are to
27 be jointly employed pursuant to such an agreement, each such
28 agent may be employed and supervised by a multicounty
29 extension governing board and the director of extension, or the
30 director's authorized representative, in accordance with the
31 agreement entered into by the executive boards of the county
32 extension councils of the respective counties. Any such
33 multicounty extension governing board shall be composed of
34 the chairperson, vice-chairperson, secretary and treasurer of
35 each executive board entering into the agreement.

36 (c) All accounts and all expenditures of funds of the county
37 extension council or the governing body of an extension
38 district, as the case may be, from whatever source derived
39 shall be subject to the approval of the executive board and the
40 director of extension of Kansas State University of Agriculture
41 and Applied Science.

2-616. Purpose of extension councils and districts; certain fees

2 **authorized; limitations.** (a) Each county extension council
3 or extension district shall have for its sole purpose the giving
4 of instruction and practical demonstrations in agriculture,
5 marketing, home economics, 4-H club and youth work,
6 community and resource development, and economic
7 development initiatives to all persons in the county or
8 extension district, as the case may be, and the imparting to
9 such persons of information on those subjects through
10 practical demonstrations, meetings, publications, or otherwise,
11 in accordance with the program and service prescribed by the
12 council or the governing body of the extension district, as the
13 case may be. Extension councils and extension districts shall
14 not engage in commercial or other private enterprises,
15 legislative programs, or other activities not authorized by this
16 act and shall not give preferred service to any individual,
17 group or organization.

18 (b) County extension councils and the governing bodies of
19 extension districts may collect fees for specific services which
20 require special equipment or personnel, such as a soil testing
21 laboratory, seed testing service or other educational service,
22 but such councils and governing bodies shall not collect
23 membership dues nor shall such councils and governing bodies
24 collect dues for or pay dues to any local, state or national
25 organization or association. The furnishing of supplies or
26 services deemed necessary by the director of extension and
27 the executive board of the county extension council or the
28 governing body of the extension district, as the case may be,
29 to the conduct of any educational program authorized under
30 this act shall not be considered private enterprise or
31 commercial activity within the meaning of this act.

32 (c) Nothing in this act or any act amendatory thereof shall
33 prevent any county extension council, any multicounty
34 extension governing board, or any extension district, or any
35 extension agents employed by such council, board or district,
36 from using or seeking opportunities to reach an audience of
37 persons interested in extension work through the help of

38 interested farm organizations, civic organizations or any other
39 group. In using or seeking such opportunities the county
40 extension council, multicounty extension governing board, or
41 extension district, or the agents employed by such council,
42 board or district, shall make available to all groups and
43 organizations in the county, multicounty area or extension
44 district, as the case may be, equal opportunity to cooperate
45 in the educational extension program. Extension agents shall
46 not require uniform bylaws, rules, regulations and methods
47 of procedure in groups, clubs or organizations wishing to do
48 extension work. This prohibition shall not prevent extension
49 agents from suggesting bylaws, regulations and methods of
50 procedure for such groups, clubs or organizations.

2-617. Repealed, 1972.

2-618. Repealed, 1972.

2 **2-619. Invalidity of part.** If any section, subsection, clause,
3 sentence or phase of this act is for any reason held to be
4 unconstitutional and invalid, such decision shall not affect
the validity of the remaining portion of this act.

2 **2-620. Extension councils in certain counties; office**
3 **facilities; tax levy, use of proceeds; protest petition**
4 **and election.** In any county having a population of not less
5 than sixty thousand (60,000) nor more than seventy-five
6 thousand (75,000), the board of county commissioners may levy,
7 for a period not to exceed two years, a tax on all taxable
8 tangible property in such county not in excess of one-
9 quarter (1/4) mill on each dollar of assessed valuation of such
10 property for the purpose of creating and providing a special
11 fund to be used for the purpose of real estate, including
12 any buildings or structures thereon, and to make improvements
13 on such real estate for the purpose of providing office and
14 meeting room facilities for an extension council operating
15 under Article 6 of Chapter 2 of the Kansas Statutes Annotated
16 and acts amendatory thereof and to pay a portion of the
17 principal and interest on bonds issued under the authority
18 of K.S.A. 12-1774, and amendments thereto, by cities located
19 in the county. No levy shall be made under the provisions of
20 this act until a resolution authorizing the making of such a
21 levy be passed by the board of county commissioners specifying
22 the amount to be raised each year by such levy and published
23 for three successive issues in the official county newspaper
within the county, whereupon such a levy may be made unless a

24 petition in opposition to the same, signed by not less than
25 ten percent (10%) of the qualified electors of such county,
26 as determined by the vote for secretary of state in the last
27 preceding election, is filed with the county clerk of such
28 county within thirty (30) days following the last publication
29 of said resolution.

30 In the event such petition is filed it shall be the duty of
31 the board of county commissioners to submit the question to
32 the voters at an election called for such purpose at the
33 next general election.

2-621. Repealed, 1981

2-622. Repealed, 1981.

B2. Kansas Extension District Law
Sections 2-623 through 2-628,
Kansas Statutes Annotated, 1991

2 **2-623. Extension districts, establishment or expansion; agreement**
3 **therefor, terms, prior approval by attorney general;**
4 **publication of notice of proposed new district or expansion,**
5 **protest petition and election; district name, powers,**
6 **personnel and property; governing body, appointment**
7 **or election and terms of office of first members. (a) Prior**
8 to July 1 of any year, any two or more county extension councils
9 may establish an extension district composed of all of the
10 counties of such councils by entering into an agreement in
11 accordance with this section to combine the extension programs
12 for each county involved into one extension program serving the
13 extension district. No such agreement shall be effective unless
14 such agreement has received the prior approval of (1) the board
15 of county commissioners of each county included in the proposed
16 extension district, subject to the provisions of subsection (i); (2)
17 the executive board of the extension council of each county
18 included in the proposed extension district and the director of
19 extension of Kansas State University of Agriculture and Applied
20 Science, or the director's authorized representative, acting
21 together as a body; and (3) the attorney general in accordance
with subsection (h).

22 (b) Prior to July 1 of any year, one or more county extension

23 councils and the governing body of any existing extension
24 district may establish a new extension district by entering into
25 an agreement in accordance with this section to combine the
26 extension programs for each such county and such district
27 into one extension program serving a new extension district
28 composed of all counties represented by such county extension
29 councils and the area served by the existing extension district.
30 No such agreement shall be effective unless such agreement
31 has received the prior approval of (1) the board of county
32 commissioners of each county being added to the existing
33 extension district, subject to the provisions of subsection (i);
34 (2) the executive board of the county extension council of each
35 county being added to the existing extension district, the
36 governing body of the existing extension district and the
37 director of extension of Kansas State University of Agriculture
38 and Applied Science, or the director's authorized representative,
39 acting together as a body; and (3) the attorney general in
40 accordance with subsection (h).

41 (c) On July 1 after the approval under subsection (a) or (b)
42 of an agreement to establish an extension district, such
43 extension district is hereby established and shall constitute a
44 body corporate and politic possessing the usual powers of a
45 corporation for public purposes under the name of "extension
46 district no. ____ (the number designated by the director of
47 extension), _____ counties (naming the counties included
48 within the district), state of Kansas." Each extension district is
49 a taxing subdivision and has the power to contract, sue and be
50 sued and to acquire, hold and convey real and personal property
51 in accordance with law.

52 (d) Upon the establishment of an extension district under
53 subsection (a) or (b), all of the personnel and property of each
54 of the extension programs which are combined into the new
55 district extension programs shall be transferred to the new
56 extension district and shall be subject to the authority of the
57 governing body of the extension district in accordance with the
58 agreement to establish the extension district.

59 (e) Upon the establishment of an extension district under
60 subsection (a), the board of county commissioners of each county
61 joining in the establishing of an extension district shall appoint
62 four qualified electors to membership on the governing body of
63 the district. The terms of all members so appointed shall
64 commence on July 1 following their appointment. Of the
65 members so appointed two members shall serve for terms

66 ending upon the election and qualification of their successors
67 at an election held on the first Tuesday in April of the first odd-
68 numbered year following their appointment and two members
69 shall serve for terms ending upon the election and qualification
70 of their successors at an election held on the first Tuesday in
71 April of the second odd-numbered year following their
72 appointment.

73 (f) In the case of one or more counties being included in an
74 existing extension district under section (b), the board of county
75 commissioners of each county being included in an existing
76 extension district shall appoint four qualified electors of the
77 county to membership on the governing body of the expanded
78 district. The terms of all members so appointed shall commence
79 on July 1 following their appointment. Of the members so
80 appointed two members shall serve for terms ending upon the
81 election and qualification of their successors at an election held
82 on the first Tuesday in April of the first odd-numbered year
83 following their appointment and two members shall serve for
84 terms ending upon the election and qualification of their
85 successors at an election held on the first Tuesday in April
86 of the second odd-numbered year following their appointment.
87 The offices of the members of the governing body of the existing
88 extension district shall continue in existence and the persons in
89 such offices shall be members of the governing body of the
90 expanded extension district which is established on July 1
91 for the remainder of their existing terms of office.

92 (g) In addition to other required provisions, each agreement
93 entered into under this section shall specify the permissible
94 method or methods to be employed in disposing of the assets
95 and liabilities of the extension district in the event that one or
96 more counties withdraw from the extension district under K.S.A.
97 2-628 and amendments thereto.

98 (h) Each agreement entered into under this section or under
99 K.S.A. 2-628 and amendments thereto, prior to and as a
100 condition precedent to its entry into force, shall be submitted
101 to the attorney general who shall determine whether the
102 agreement is in proper form and compatible with this act and
103 other laws of Kansas. The attorney general shall approve any
104 agreement submitted for approval under this section or K.S.A.
105 2-628 and amendments thereto unless the attorney general finds
106 that the submitted agreement does not meet the requirements
107 of this act. In such case, the attorney general shall specify in
108 writing to the proposed parties to the agreement and to each

109 other entity required to approved the agreement, the specific
110 respects in which the proposed agreement fails to meet the
111 requirements of law. Failure by the attorney general to
112 disapprove an agreement submitted pursuant to this subsection
113 within 90 days of its submission shall constitute approval of the
114 agreement by the attorney general.

115 (i) Prior to approving an agreement under this section, the
116 board of county commissioners of each county to be included
117 in a proposed extension district under subsection (a) or to be
118 added to an existing extension district under subsection (b), as
119 the case may be, shall adopt a resolution stating the intention
120 of the board of county commissioners to approve such agreement
121 and specifying the counties that are to be included in the
122 extension district. Such resolution shall be published once each
123 week for two consecutive weeks in the official county newspaper.
124 If, within 60 days following the last publication of the resolution,
125 a petition in opposition to the approval of the agreement and the
126 inclusion of the county in the extension district is signed by not
127 less than 5% of the qualified electors of the county and is filed
128 with the county election officer, such board of county
129 commissioners shall not approve such agreement and the
130 county shall not be included in the extension district unless
131 and until the same is approved by a majority of the qualified
132 electors of the county voting thereon at a primary election or
133 general election or at a special election called and held for such
134 purpose. Any such special election shall be called, noticed and
135 held in accordance with the provisions of K.S.A. 10-120, and
136 amendments thereto.

2-624. Same; governing body, terms, composition and election;

2 **vacancies; annual organization.** (a) The governing body of
3 each extension district shall be composed of four representatives
4 from each county included in the extension district. At the
5 conclusion of the terms of the members first appointed to
6 membership on the governing body of the district, the four
7 members representing each county in an extension district shall
8 be elected in a county-wide election by the qualified electors of
9 the county.

10 (b) At the conclusion of the terms of the members first appointed
11 to membership on the governing body of the district, each
12 member of the governing body shall hold office for a term of
13 four years and until such member's successor is elected and
14 qualified. Each such term of office shall commence on the date
15 of receipt of certification of election by the member elected

16 and shall continue until the member's successor is elected
17 and qualified.

18 (c) (1) Except as otherwise provided in this act, an election to
19 elect successors to members of the governing body whose terms
20 are expiring shall be held on the first Tuesday in April in each
21 odd-numbered year.

22 (2) Elections to choose members of the governing body of an
23 extension district shall be conducted, the returns made and the
24 results ascertained in the manner provided by law for general
25 county elections except as otherwise provided by this act. Not
26 later than 12:00 noon of the Wednesday next following the
27 Tuesday, five weeks preceding the first Tuesday in April in odd-
28 numbered years, each person desiring to be a candidate for
29 membership on the governing body, in any election, shall file a
30 declaration of candidacy with the county election officer of the
31 county represented by the member of the governing body whose
32 county election officer is making up the ballots and in placing
33 the names thereon shall place the names on the ballots in
34 alphabetical order.

35 (3) The county election officer of each county within the
36 extension district shall appoint election boards as provided by
37 law for other elections and shall designate places for holding
38 the election. The county election officer shall cause to be
39 ascertained the names of all persons within the district who
40 are qualified electors, and shall furnish lists thereof to the judges
41 of the election. Notice of the time and place of holding each
42 election, signed by the county election officer, shall be given in
43 a newspaper published in the county and posted in a conspicuous
44 place in the office of the governing body at least five days before
45 the holding thereof.

46 (4) All election expenses shall be paid by the extension district.
47 Election officials shall receive the same compensation as provided
48 under the general election laws.

49 (d) Any vacancy in the membership of the governing body of an
50 extension district shall be filled by appointment by the
51 governing body for the unexpired term of office. Each member
52 so appointed shall be a resident of the county which was
53 represented by the member creating the vacancy.

54 (e) The governing body of each extension district shall organize
55 annually in July by electing from among its members a

56 chairperson, vice-chairperson, secretary and treasurer.

2-625. Same; educational extension programs, subjects; program development committees and plans; annual

budget and tax levy, limitations. (a) The governing body of each extension district shall plan and conduct the educational extension programs for the extension district in accordance with this act. The governing body of the extension district shall appoint program development committees to develop educational program plans on extension work in agricultural pursuits, in home economics work, in 4-H club and youth work, and in economic development initiatives. Each program development committee shall consist of six or more members from each county. Each program development committee shall be chaired by a member of the governing body of the extension district and shall meet as needed to plan educational programs to meet the needs of the extension district. All program plans shall be subject to final approval of the governing body of the extension district.

(b) The governing body of the extension district and the director of extension of Kansas State University of Agriculture and Applied Science, or the director's authorized representative, shall meet and adopt the annual budget for the extension district to provide for the extension programs, acting together as a body, in accordance with and subject to the provisions of K.S.A. 79-2925 *et seq.*, and amendments thereto, regarding the budgets of taxing subdivisions, except as otherwise specified by this act.

(c) The governing body of the extension district, in the same manner as provided by law applying to other taxing subdivisions, may make an annual tax levy upon all the taxable tangible property of the extension district for the purpose of raising funds to be used to plan and conduct the educational extension programs of the extension district, to be levied and collected as other taxes, at a rate fixed in accordance with the approved budget and of not to exceed the greater of (1) the rate of 2.5 mills or (2) the rate determined to yield an amount equal to the product of \$75,000 multiplied by the number of counties within the extension district. The governing body shall certify the levy so fixed to the county clerk of each county in the extension district who is hereby authorized and required to place such levy on the tax rolls of the county to be collected by the county treasurer and paid by the county treasurer to the treasurer of the extension district.

2-626. Same; duties of secretary of governing body; open records.

2 (a) The secretary of the governing body of the extension
3 district shall: (1) Record the proceedings of all meetings
4 of the governing body in books provided for that purpose
5 within 20 days following the meeting; (2) prepare and
6 submit to each meeting of the governing body a report on the
7 work and activities of the extension district since the last
8 meeting of the governing body; and (3) perform such other
9 duties as are usually performed by secretaries and as may be
10 prescribed by the governing body.

11 (b) The records of the secretary shall be open to public
12 inspection at all reasonable times.

2-627. Same; duties of treasurer of governing body; bond;

2 **disposition of district moneys.** (a) Upon taking office, the
3 treasurer for an extension district shall give bond in an amount
4 fixed and approved by the governing body of the extension
5 district for the safekeeping and due disbursement of all funds
6 of the extension district in the custody of the treasurer.

7 (b) All moneys received by the treasurer for an extension
8 district shall be deposited by the treasurer in a bank
9 designated by the governing body of the extension district and
10 authorized to receive public deposits. The treasurer shall make
11 all payments for the extension district on the warrant of the
12 secretary of the governing body of the extension district or by
13 a combination warrant check signed by the chairperson of the
14 governing body. The treasurer shall not pay any sum from the
15 funds of the extension district in any other manner.

16 (c) The treasurer shall keep a record of all the moneys received
17 and disbursed which specify the person or persons from whom
18 money was received and to whom money was paid and the object
19 for which the money was paid. The treasurer shall present to
20 the governing body of the extension district at each regular
21 meeting a report in writing containing a statement of all moneys
22 received from each county treasurer and from any other source
23 since the last regular meeting of the governing body and a
24 statement of the disbursements made with the items of such
25 disbursements, and exhibit the warrants or checks or
26 combination warrants and checks therefor. This report shall
27 be recorded by the secretary of the governing body.

28 (d) At the close of the treasurer's term of office, the treasurer

29 shall settle with the governing body of the extension district and
30 shall hand over to the treasurer's successor all records and
31 papers received as treasurer, together with all moneys
32 remaining in the hands of the treasurer.

**2-628. Same; withdrawal of counties from extension districts;
2 procedure; effect; disposition of property and obligations;
3 supplemental agreements.** (a) (1) Prior to July 1 of any year,
4 the board of county commissioners of any county included within
5 an extension district, the governing body of the extension district
6 and the director of extension or the director's authorized
7 representative may agree to withdraw such county from the
8 extension district by a majority voting in favor of the withdrawal.

9 (2) The board of county commissioners in such county shall
10 request such withdrawal by adopting a resolution therefor. No
11 such resolution may be adopted by a board of county
12 commissioners unless the proposed withdrawal resolution is on
13 the published agenda of the meeting at which it is to be
14 considered for adoption and the governing body of the extension
15 district and the board of county commissioners of each other
16 county included within the extension district have received
17 written notice of the proposed withdrawal resolution prior to
18 such meeting.

19 (3) Immediately following notification, the chairperson of the
20 governing body of the extension district shall call a meeting of
21 the body to establish whether the governing body of the
22 extension district is in favor of such county withdrawing from
23 the extension district.

24 (4) Any agreement to withdraw a county from an extension
25 district shall be effective on the January 1 occurring after a
26 majority has voted in favor of the agreement pursuant to
27 subparagraph (a) (1).

28 (b) If one county withdraws from an extension district
29 composed of two counties, the extension district is dissolved on
30 the January 1 occurring after adoption of the withdrawal
31 resolution. The property and obligations of the dissolved
32 extension district shall be transferred to and assumed by the
33 two counties in accordance with the agreement entered into to
34 establish or expand the extension district under K.S.A. 2-623,
35 and amendments thereto, as the case may be, or in accordance
36 with a supplemental agreement which may be entered into by
37 such counties for that purpose.

38 (c) If a county withdraws on January 1 of any year from an
39 extension district composed of three or more counties, the
40 extension district shall continue in existence and shall be
41 composed of all counties remaining within the extension district.
42 On the January 1 that a county withdraws from an extension
43 district, the governing body of the extension district shall be
44 reconstituted and shall be composed of those persons who were
45 members of the governing body prior to January 1 and who
46 were elected by the electors of counties remaining within the
47 extension district. The members of the reconstituted governing
48 body shall continue to serve for the remainder of the terms to
49 which they were elected and shall organize as provided in
50 K.S.A. 2-624 and amendments thereto. All property and
51 obligations of the extension district prior to any such January 1
52 shall remain the property and obligations of the extension
53 district unless otherwise agreed to under the agreement
54 entered into to establish or expand the extension district under
55 K.S.A. 2-623, and amendments thereto, as the case may be, or
56 in accordance with a supplemental agreement which may be
57 entered into by the board of county commissioners of the
58 withdrawn county and the reconstituted governing body of the
59 continued extension district for that purpose.

B3. Tax Levies for 4-H Buildings - Sections 19-1561 to 19-1561g Inclusive, Kansas Statutes Annotated 1963.

19-1561. 4-H clubs; site, buildings, equipment; tax levy, use of proceeds; election required; condemnation proceedings. The board of county commissioners of any county is hereby authorized to make an annual levy of not to exceed one mill upon all tangible property of the county for the purpose of creating and providing a building fund to be used for the acquiring of a site for, the erecting and equipping of, and the furnishing of a building or buildings to be used for 4-H club purposes, livestock shows, and other agricultural or civic activities and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 1979 Supp. 12-1774, and amendments thereto, by cities located in the county. Said levy may be made annually for a period of not to exceed two years. The tax herein authorized shall be in addition to all other levies authorized or limited by law. Before any such levy shall be made, the question shall be submitted on a resolution duly adopted by the board of county commissioners to the qualified electors at any general election or at a special election called for that purpose, and no levy shall be made until a majority of the qualified electors of such county voting on such question shall have voted in favor of such levy.

The board of county commissioners shall determine the amount to be raised by such levy.

Such fund may be used for the purposes as in this act provided and any time after the first levy has been made if there be sufficient funds obtained, the county commissioners may proceed to acquire the site by gift or purchase, and let the contract for such building or buildings under the law as now provided for the construction of county buildings. If the board of county commissioners cannot agree with any owner as to the price of any land for such site, condemnation proceedings may be instituted by said board and prosecuted in the name of the county under the provisions of the law in similar cases.

19-1561a. Same; donations. Any person or persons, firm, organization, corporation or society desiring to make donation of money, personal property or real estate for the benefit of the activities mentioned in K.S.A. 19-1561 shall have the right to vest title of the money or real estate so donated in said county to be controlled, when accepted, by the board of county commissioners according to the terms of the deed, gift, devise or bequest of such property: Provided, That such donations may be issued (used) for the purpose of acquisition of a site, the erecting, equipping and furnishing of a building or buildings for such activities if not inconsistent with the terms of the deed, gift, devise or bequest of such property, and the same may be used in addition to the maximum amount stated in the resolution submitting the question to the electors.

19-1561b. 4-H clubs; additional equipment, repair of buildings; premiums and rewards; tax levy, use of proceeds; report to county of premiums and rewards awarded. Upon the erection of such building or buildings and furnishings as herein provided, the board of county commissioners of the county wherein such building or buildings and furnishings are located is hereby authorized and empowered to levy annually a tax upon all taxable tangible property within said county for the purpose of purchasing additional equipment, maintaining and repairing such building or buildings and furnishings and for the payment of premiums and rewards awarded at agricultural livestock and 4-H club activities and approved by the board of county commissioners and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 1979 Supp. 12-1774 and amendments thereto, by cities located in the county. In any county in which there is a fair recognized by the state board of agriculture as an official county fair the amount of the payment for premiums and rewards under this section shall not exceed the amount of the payment by the county for premiums and awards for such county fair.

The board of county commissioners is authorized to pay any tax moneys collected and approved by said board for the payment of rewards and premiums to the executive board of the county agricultural extension council, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 1979 Supp. 12-1774, and amendments thereto, by cities located in the county. The said executive board is authorized to accept such payments and upon acceptance of such moneys shall provide for the awarding of rewards and premiums for the authorized activities and shall make reports, under oath, to the county commissioners of the receipts and expenditures of the moneys so received on or before December 31 of each year.

19-1561c. Control and management of buildings; appointment of board; terms. Upon

the erection of such building or buildings, the board of county commissioners of such county shall have the control and management of such building or buildings, and they may vest the authority to manage such building or buildings in a board of three members, such members to be appointed as follows: One member to be appointed by the board of county commissioners of such county, one member to be appointed by the executive board of the agricultural extension council of the county or such other agency as may be hereafter recognized for carrying into effect the extension work in said county, and one member to be selected by the persons so appointed. Such board shall serve at the pleasure of the board of county commissioners.

19-1561d. Tax levies voted under 19-1561. The provisions of this act shall apply to any county which has, prior to the effective date of this act, under the provisions of section 19-1561 of the General Statutes of 1949, submitted the question of making an annual tax levy for acquiring a site, for the erecting and equipping of and the furnishing of a building or buildings to be used for 4-H club purposes, livestock shows, and other agricultural or civic activities to the qualified electors of the county, and a majority of those voting on the question shall have voted in favor of such levy.

19-1561e. Same; non-fund warrants; limitation; payment; cash basis and budget law inapplicable. In any county such as described in K.S.A. 19-1561d, the board of county commissioners may issue no-fund warrants in an amount not exceeding twenty thousand dollars (\$20,000) to be used for the purposes for which the tax levies described K.S.A. 19-1561d were authorized: Provided, That the amount of such warrants plus the interest payable thereon shall not exceed the total amount authorized to be raised by the tax levy under the authority conferred by K.S.A. 19-1561. Such no-fund tax warrants shall be paid by the levies made under K.S.A. 19-1561 and such warrants shall be issued, registered and bear interest in the manner and be in the form prescribed by K.S.A. 79-2940 except they shall not bear the notation required by said section and may be issued without the approval of the state commission of revenue and taxation. None of the provisions of the cash basis and budget laws of this state shall apply to any expenditures made, the payment of which has been provided for by the issuance of warrants under this act.

19-1561f. Tax levies voted under 19-1561; maximum levies not made. The provisions of this act shall apply to any county which has, prior to the effective date of this act, under the provisions of section 19-1561 of the General Statutes of 1949, submitted the question of making an annual tax levy for acquiring a site for, the erecting and equipping of and the furnishing of a building or buildings to be used for 4-H club purposes, livestock shows, and other agricultural or civic activities to the qualified electors of the county, and a majority of those voting on the question shall have voted in favor of such levy and which county did not make the maximum tax levies authorized by law for such purposes but did make tax levies for such purposes not exceeding in the aggregate one and fifteen hundredths (1.15) mills.

19-1561g. Same; no-fund warrants for certain expenditures; limitation; redemption. In any county such as is described in K.S.A. 19-1561f, and which has let a contract for the construction of a building for 4-H club purposes, livestock shows and other agricultural or

civic activities and due to a lack of funds such contract does not include necessary or desirable plumbing and heating fixtures, flooring or desirable additions or veneer to the exterior walls, the board of county commissioners may expend a sum not exceeding ten thousand dollars (\$10,000) for the purpose of providing such necessary or desirable plumbing and heating fixtures, flooring and additions or veneer to the exterior walls, and in order to provide funds for such purposes, the board of county commissioners may issue no-fund warrants in an amount not exceeding ten thousand dollars (\$10,000). Such no-fund warrants shall be in the form issued, bear interest, be redeemed and any surplus existing for such redemption shall be handled in the manner prescribed by K.S.A. 79-2940 or any amendments thereto except such no-fund warrants shall not bear the notation required by said K.S.A. 79-2940 or be subject to the approval of the state commission of revenue and taxation. At the first tax levying period after said no-fund warrants are issued, the board of county commissioners shall make a tax levy on all the taxable tangible property of the county sufficient to redeem said warrants and pay the interest thereon. Such tax levy shall be in addition to all other tax levies authorized or limited by law and shall not be subject to any of the limitations prescribed by K.S.A. 79-1947 or acts amendatory thereof.

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- B4. Kansas Tort Claims Act
Sections 75-6101 to 75-6116, Inclusive.
Kansas Statutes Annotated 1991.

75-6101. Citation of act; claims to which act applicable; act applicable to municipalities.

- (a) K.S.A. Supp. 75-6101 to 75-6116, inclusive, shall be known and may be cited as the Kansas tort claims act.
- (b) The Kansas tort claims act shall be applicable to claims arising from acts or omissions occurring on and after the effective date of this act.
- (c) Municipalities may not exempt themselves from the provisions of the Kansas tort claims act by charter ordinance, charter resolution or other action.

75-6102. Definitions. As used in K.S.A. Supp. 75-6101 through 75-6118, and amendments thereto, unless the context clearly requires otherwise.

- (a) “State” means the state of Kansas and any department or branch of state government, or any agency, authority, institution, or other instrumentality thereof.
- (b) “Municipality” means any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or municipality thereof.
- (c) “Governmental entity” means state or municipality.

- (d) “Employee” means any officer, employee, servant or member of a board, commission, committee, division, department, branch, or council of a governmental entity including elected or appointed officials and persons acting on behalf or in service of a governmental entity in any official capacity. “Employee” does not include an independent contractor under contract with a governmental entity. “Employee” does include former employees for acts or omissions within the scope of their employment during their former employment with the governmental entity.
- (e) “Community service work” means public or community service performed by a person (1) as a result of a contract of diversion entered into by such person as authorized by law, (2) pursuant to the assignment of such person by a court to a community corrections program, (3) as a result of suspension of sentence or as a condition of probation pursuant to court order, (4) in lieu of a fine imposed by court order or (5) as a condition of placement ordered by a court pursuant to K.S.A. 38-1663 and amendments thereto.

75-6103. Liability of governmental entities for damages caused by employee acts or omissions, when; applicable procedure.

- (a) Subject to the limitations of this act, each governmental entity shall be liable for damages caused by the negligent or wrongful act or omission of any of its employees while acting within the scope of their employment under circumstances where the governmental entity, if a private person, would be liable under the laws of this state.
- (b) (1) Except as otherwise provided in this act, either the code of civil procedure or, subject to provision (2) of this subsection, the code of civil procedure for limited actions shall be applicable to actions within the scope of this act. Actions for claims within the scope of the Kansas tort claims act brought under the code of civil procedure for limited actions are subject to the limitations provided in K.S.A. 61-1603.

Actions within the scope of the Kansas tort claims act may not be brought under the small claims procedure act.

75-6104. Liability of governmental entities for damages caused by employee acts or omissions, when; exceptions from liability. A governmental entity or an employee acting within the scope of the employee’s employment shall not be liable for damages resulting from:

- (a) Legislative functions, including, but not limited to, the adoption or failure to adopt any statute, regulation, ordinance or resolution;
- (b) judicial function;
- (c) enforcement of or failure to enforce a law, whether valid or invalid, including, but not limited to, any statute, regulation, ordinance or resolution;

- (d) adoption or enforcement of, or failure to adopt or enforce, any written personnel policy which protects persons' health or safety unless a duty of care, independent of such policy, is owed to the specific individual injured, except that the finder of fact may consider the failure to comply with any written personnel policy in determining the question of negligence;
- (e) any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a governmental entity or employee, whether or not the discretion is abused and regardless of the level of discretion involved.
- (f) the assessment or collection of taxes or special assessments;
- (g) any claim by an employee of a governmental entity arising from the tortious conduct of another employee of the same governmental entity, if such claim is (1) compensable pursuant to the Kansas worker's compensation act or (2) not compensable pursuant to the Kansas worker's compensation act because the injured employee was a firemen's relief association member who was exempt for such act pursuant to K.S.A. 44-505d at the time the claim arose;
- (h) the malfunction, destruction or unauthorized removal of any traffic or road sign, signal or warning device unless it is not corrected by the governmental entity responsible within a reasonable time after actual or constructive notice of such malfunction, destruction or removal. Nothing herein shall give rise to liability arising from the act or omission of any governmental entity in placing or removing any of the above signs, signals or warning devices when such placement or removal is the result of a discretionary act of the governmental entity;
- (i) any claim which is limited or barred by any other law or which is for injuries or property damage against an officer, employee or agent where the individual is immune from suit or damages;
- (j) any claim based upon emergency management activities, except that governmental entities shall be liable for claims to the extent provided in article 9 of chapter 48 of the Kansas Statutes Annotated;
- (k) the failure to make an inspection, or making an inadequate or negligent inspection, of any property other than the property of the governmental entity, to determine whether the property complies with or violates any law or regulation or contains a hazard to public health or safety;
- (l) snow or ice conditions or other temporary or natural conditions on any public way or other public place due to weather conditions, unless the condition is affirmatively caused by the negligent act of the governmental entity;

- (m) the plan or design for the construction of or an improvement to public property, either in its original construction or any improvement thereto, if the plan or design is approved in advance of the construction or improvement by the governing body of the governmental entity or some other body or employee exercising discretionary authority to give such approval and if the plan or design was prepared in conformity with the generally recognized and prevailing standards in existence at the time such plan or design was prepared;
- (n) failure to provide, or the method of providing, police or fire protection;
- (o) any claim for injuries resulting from the use of any public property intended or permitted to be used as a park, playground or open area for recreational purposes, unless the governmental entity or an employee thereof is guilty of gross and wanton negligence proximately causing such injury;
- (p) the natural condition of any unimproved public property of the governmental entity;
- (q) any claim for injuries resulting from the maintenance of an abandoned cemetery, title to which has vested in a governmental entity pursuant to K.S.A. 17-1366 through 17-1368, and amendments thereto, unless the governmental entity or an employee thereof is guilty of gross and wanton negligence proximately causing the injury;
- (r) the existence, in any condition, of a minimum maintenance road, after being properly so declared and signed as provided in K.S.A. 68-5, 102 and amendments thereto; or
- (s) any claim for damages arising from the performance of community service work other than damages arising from the operation of a motor vehicle as defined by K.S.A. 40-3103 and amendments thereto.

The enumeration of exceptions to liability in this section shall not be construed to be exclusive nor as legislative intent to waive immunity from liability in the performance or failure to perform any other act or function of a discretionary nature.

75-6105. Same; maximum liability for claims; apportionment of multiple claims; no liability for punitive or exemplary damages or interest.

- (a) Subject to the provisions of K.S.A. 75-6111 and amendments thereto, the liability for claims within the scope of this act shall not exceed five hundred thousand dollars (\$500,000) for any number of claims arising out of a single occurrence or accident.
- (b) When the amount awarded to or settled upon multiple claimants exceeds the

limitations of this section, any party may apply to the district court which has jurisdiction of the cause to apportion to each claimant the proper share of the total amount limited herein. The share apportioned to each claimant shall be in the proportion that the ratio of the award or settlement made to the claimant bears to the aggregate awards and settlements for all claims arising out of the occurrence or accident.

- (c) A governmental entity shall not be liable for punitive or exemplary damages or for interest prior to judgment. An employee acting within the scope of the employee's employment shall not be liable for punitive or exemplary damages or for interest prior to judgment, except for any act or omission of the employee because of actual fraud or actual malice.

75-6106. Same; settlement of claims, procedure; effect of settlement.

- (a) Subject to the terms of an insurance contract, if any, a claim against the state or employee thereof acting within the scope of the employee's office or employment may be compromised or settled for and on behalf of the state and any such employee by the attorney general, with the approval of the state finance council. The approval of settlements and compromises by the state finance council is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, except that such approval also may be given when the legislature is in session.
- (b) Subject to the terms of the insurance contract, if any, claims against a municipality or employee thereof acting within the scope of the employee's office or employment may be compromised or settled by the governing body of the municipality, or in such manner as such governing body may designate.
- (c) The acceptance by a claimant of any such compromise or settlement hereunder shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the governmental entity involved and against the employee whose act or omission gave rise to the claim, by reason of the same subject matter.

75-6107. Same; judgment against governmental entity, effect; judgment against employee, effect.

- (a) The judgement in an action subject to the provisions of this act against a governmental entity shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee whose act or omission gave rise to the claim.
- (b) Any judgment against an employee whose act or omission gave rise to the claim shall constitute a complete bar to any action for injury by the claimant, by reason of the same subject matter, against a governmental entity.

75-6108. Same; defense of governmental entity or employee, when; refusal by governmental entity to provide defense, when; recovery of defense costs, when; requests to provide defense, procedure; reimbursement of defense costs, when;

- (a) Upon request of an employee in accordance with subsection (e), a governmental entity shall provide for the defense of any civil action or proceeding against such employee, in such employee's official or individual capacity or both, on account of an act or omission in the scope of such employee's employment as an employee of the governmental entity, except as provided in subsection (c).
- (b) A governmental entity may provide for a defense by its own attorney or by employing other counsel for this purpose or by purchasing insurance which requires that the insurer provide the defense. A governmental entity has no right to recover such expenses from the employee defended, except as provided in K.S.A. 75-6109 and amendments thereto.
- (c) Except as provided in K.S.A. 75-4360 and amendments thereto, a governmental entity may refuse to provide for the defense of an action against an employee if the governmental entity determines that:
 - (1) the act or omission was not within the scope of such employee's employment;
 - (2) such employee acted or failed to act because of actual fraud or actual malice;
 - (3) the defense of the action or proceeding by the governmental entity would create a conflict of interest between the governmental entity and the employee; or
 - (4) the request was not made in accordance with subsection (e).
- (d) If after a timely request in accordance with subsection (e), a governmental entity fails or refuses to provide an employee with a defense and the employee retains the employee's own counsel to defend the action or proceeding, such employee is entitled to recover from the governmental entity such reasonable attorney fees, costs and expenses as are necessarily incurred in defending the action or proceeding if the action or proceeding arose out of an act or omission in the scope of employment as an employee of the governmental entity and the trier of fact does not find that such employee acted or failed to act because of actual fraud or actual malice.

Nothing in this section shall be construed to deprive an employee of the right to petition a court of competent jurisdiction to compel the governmental entity or the governing body or an employee thereof to perform the duties imposed by this section.

- (e) An employee's request for a governmental entity to provide for the defense of the employee shall be made in writing within fifteen (15) days after service of process upon the employee in the action. In actions involving employees of the state, such request shall be filed in the office of the attorney general. In actions involving employees of a municipality, such request shall be filed with the governing body thereof or as otherwise provided by such governing body. A governmental entity, in its discretion, may provide requested defense for any of its employees who failed to make a request within the time prescribed by this subsection.
- (f) Notwithstanding any other provision of law to the contrary, a governmental entity may reimburse an employee such reasonable attorney fees, costs and expenses as are necessarily incurred in defending a claim against the employee for punitive or exemplary damages if the governmental entity finds that:
 - (1) the action or proceeding arose out of an act or omission in the scope of the employee's employment; and
 - (2) the employee reasonably cooperated in good faith in the defense of the claim.

75-6109. Same; indemnification of employee acting within scope of employment; no punitive or exemplary damages; recovery or defense costs by governmental entity.

Except as otherwise provided in the Kansas [tort] claims act, a governmental entity is liable, and shall indemnify its employees against damages, for injury or damage proximately caused by an act or omission of an employee while acting within the scope of his or her employment. A governmental entity shall not be liable under the provisions of this act for any punitive or exemplary damages against an employee, nor for payment of any costs, judgments or settlements which are paid through an applicable contract or policy of insurance. The governmental entity shall have the right to recover any payments made by it for any judgment, or portion thereof, and costs or fees incurred by or on behalf of an employee's defense if the employee fails to cooperate in good faith in the defense of the claim or action or if the truer of fact finds that the act or omission of the employee was because of such employee's actual fraud or actual malice.

75-6110. Liability of governmental entities for damages caused by employees' acts or omissions; costs for defense of municipalities or its employees; special liability expense fund, establishment and maintenance; tax levy.

- (a) Payments by municipalities for the cost of providing for its defense and the defense of employees pursuant to this act and for the payment of claims and other direct and indirect costs resulting from the implementation of this act may be paid from the general or other existing fund of such municipality or from a special liability expense fund established for such purpose pursuant to subsection (b).

- (b) Whenever the governing body of any municipality shall determine that it is advisable to establish a special fund for the payment of such costs and to establish a reserve therefor, in lieu of paying the same out of the general or other existing fund of the municipality, such governing body may create and establish a special liability expense fund for the payment of such costs and may place therein any moneys received by the municipality from any source whatsoever which may be lawfully utilized for such purpose including the proceeds of tax levies hereinafter authorized and provided.

Such fund shall not be subject to the provisions of K.S.A. 79-2925 to 79-2937, inclusive, and acts amendatory thereof or supplemental thereto, except that in making the budget of such municipality, the amounts credited to and the amount on hand in such special fund, and the amount expended therefrom, shall be included in the annual budget for the information of the residents of such municipality.

- (c) Whenever the governing body of any municipality which is authorized by law to levy taxes upon property has established a special liability expense fund under the provisions of this section and shall determine that moneys from other sources will be insufficient to pay such costs, the governing body is hereby authorized to levy an annual tax upon all taxable tangible property within the municipality in an amount determine by the governing body to be necessary for such purpose and in the case of cities, counties and school districts, to pay a portion of the principal and interest on bonds issues by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located in such county or such school district.

75-611. Same; purchase of insurance; interlocal agreements for purchase of insurance or pooling arrangements.

- (a) A governmental entity may obtain insurance to provide for (1) its defense, (2) for its liability for claims pursuant to this act, including liability for civil rights action as provided in K.S.A. 1979 supp. 75-6116, (3) the defense of its employees, and (4) for medical payment insurance when purchased in conjunction with insurance authorized by (1), (2) or (3) above.

Any insurance purchased under the provisions of this section may be purchased from any insurance company or association. In the case of municipalities any such insurance may be obtained by competitive bids or by negotiation. In the case of the state, any such insurance shall be purchased in the manner and subject to the limitations prescribed by K.S.A. 75-4114, and amendments thereto. With regards to claims pursuant to the Kansas tort claims act, insurers of governmental entities may avail themselves of any defense that would be available to a governmental entity defending itself in an action within the scope of this act except that the limitation on liability provided by subsection (a) of K.S.A. 1979 Supp. 75-6105 and amendments thereto shall not be applicable where the contract of insurance

provides for coverage in excess of such limitation in which case the limitation on liability shall be fixed at the amount for which insurance coverage has been purchased or, where the governmental entity has entered into a pooling arrangement or agreement pursuant to subsection (b)(2) and has provided for coverage in excess of such limitation by ordinance or resolution of its governing body, in which case the limitation on liability shall be fixed at the amount specified in such ordinance or resolution.

- (b) Pursuant to the interlocal cooperation act municipalities may enter into interlocal agreements provided for:
 - (1) the purchase of insurance to provide for the defense of employees and for liability for claims pursuant to this act; or
 - (2) pooling arrangements or other agreements to share and pay expenditures for judgements, settlements, defense costs and other direct or indirect expenses incurred as a result of implementation of this act including, but not limited to, the establishment of special funds to pay such expenses.

75-6112. Same; judgements against municipalities, how paid; interest; periodic payments.

- (a) Upon motion of a municipality against whom final judgement has been rendered for a claim within the scope of this act, the court in accordance with subsection (b) may include in such judgment a requirement that the judgment be paid in whole or in part by periodic payments. Periodic payments may be ordered paid over any period of time not exceeding ten years. Any judgement ordering any such payments shall specify the total amount awarded, the amount of each payment, the interval between payments and the number of payments to be paid under the judgement. Judgements paid pursuant to this section shall bear interest as provided in K.S.A. 16-204, and amendments thereto. For the good cause shown, the court may modify such judgment with respect to the amount of such payments, and the number of payments to be made or the interval between payments, but the total amount of damages awarded by such judgment shall not be subject to modification in any event and periodic payments shall not be ordered paid over a period in excess of ten (10) years.
- (b) A court may order periodic payments only if the court finds that:
 - (1) payment of the judgement is not totally covered by insurance coverage obtained therefor; and
 - (2) funds for the current budget year and other funds of the municipality which lawfully may be utilized to pay judgments are insufficient to finance both the adopted budget of expenditures for the year and the payment of that portion of the judgements not covered by insurance obtained therefor.

75-6113. Moneys for payment of judgements or settlements against municipalities, sources.

Payment of any judgments, compromises or settlements for which a municipality is liable pursuant to this act may be made from any funds or moneys of the municipality which lawfully may be utilized for such purpose or the municipality is authorized by law to levy taxes upon property such payment may be made from moneys received from the issuance of no-fund warrants of general obligation bonds. Such warrants may mature serially at such yearly dates as to be payable by not more than ten (10) tax levies. Bonds issued under the authority of this act shall be issued in accordance with the provisions of the law and shall be in addition to and not subject to any bonded debt limitation prescribed by any other law of this state.

75-6114. Repealed.

75-6116. Defense and payment of liability and defense costs of employee in civil cases.

If an employee of a governmental entity is or could be subject to personal civil liability for a loss occurring because of a noncriminal act or omission within the scope of his or her employment which violates the civil rights laws of the United States, and the act or omission was in good faith, and the employee reasonably cooperates in good faith in defense of the action, the governmental entity shall, subject to procedure requirements imposed by statute, ordinance, resolution or written policy, pay or cause to be paid any judgments or settlement of the claim or suit and all costs and fees incurred by the employee in defense thereof. A municipality may pay actions for civil rights violations in the same manner as that provided in Kansas tort claims act.

B5. Marking and Operating Publicly-Owned Motor Vehicles
Sections 8-301 through 8-305
Inclusive, Kansas State Annotated 1963

8-301. Private use forbidden. No person or employee of the state or county or any governmental subdivision shall operate or drive or cause to be operated or driven any state, county or other publicly owned automobile, automobile bus, motor bus, or other motor vehicle for private use or for private business or for pleasure.

8-304. Marking of vehicles of political subdivisions; vehicle defined. As used in this act, "vehicle" means a passenger motor vehicle having a seating capacity of less than eight (8) persons and which is the property of a political subdivision of the state of Kansas.

8-305. Marking of vehicles of political subdivisions; how marked; exceptions. All motor vehicles owned or leased by any political subdivision of the state of Kansas shall bear the name of the political subdivision owning or leasing such vehicle plainly printed on both sides thereof. This act shall not apply to the following: Municipal fire apparatus, police

patrols and ambulances; passenger vehicles used by plain clothes police officers or community corrections personnel working in the employ of any political subdivision; and motor vehicles owned or leased by any municipal university.

**8-308 to 8-311.
Repealed L. 1972**

B6. Kansas Automobile Injury Reparations Act
Effective January 1, 1974

- (a) What is the Kansas Automobile Reparations Act? The purpose of this act is to provide a means of compensating persons promptly for accidental bodily injury arising out of the ownership, operation, maintenance or use of motor vehicles in lieu of liability for damages to the extent provided herein.
- (b) Whom does it affect? Every owner shall provide motor vehicle liability insurance coverage for every motor vehicle owned by such person, unless such motor vehicle is included under an approved self-insurance plan as provided or is expressly exempted from the provisions of this act.
- (c) Motor vehicle liability insurance policies required contents. Every policy of motor vehicle liability insurance issued by an insurer to an owner residing in this state shall contain stated limits of liability, exclusive of interest and costs, with respect to each vehicle for which coverage is granted, not less than \$25,000 because of bodily injury to, or death of, one person in any one accident and, subject to the limit for one person, to a limit of not less than \$50,000 because of bodily injury to, or death of, two or more persons in any one accident, and to a limit of not less than \$10,000 because of harm to or destruction of property of others in any one accident.

NOTE: The State of Kansas currently is carrying on state-owned vehicles the following amounts of liability insurance:

\$250,000 for injuries sustained by one person
\$500,000 for all personal injuries resulting from one accident
\$ 50,000 for property damage
\$ 5,000 for medical per person
\$ 25,000 per person or \$50,000 per accident for uninsured motorist

It is recommended that county extension councils use state coverages as a guideline for insurance of county extension vehicles.

- (d) Accident involving death or personal injury.

- (1) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, but shall then forthwith return to and in every event shall remain at the scene of the accident until he or she has fulfilled the requirements of this act. Every such stop shall be made without obstructing traffic more than is necessary.
- (2) Any person failing to stop or to comply with said requirements under such circumstances shall be guilty of a Class A misdemeanor.
- (3) The director may revoke the license or permit to drive of any non-resident operating privilege of any person so convicted.

(e) Accident involving damage to vehicle or property.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene of such accident until he or she has fulfilled the requirements of this act. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor.

(f) Duty of driver or occupant to give notice of accident to police authority.

The driver of a vehicle involved in an accident resulting in injury to or death of any person or total damage to all property to an apparent extent of \$500 or more shall give notice immediately of such accident, by the quickest means of communication, to the nearest office of a duly authorized police authority.

Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required above and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

(g) Division may require driver or owner to submit written report.

The Division of Motor Vehicles may require any driver or owner of a vehicle involved in an accident to file a written report whenever the division deems it necessary to satisfy the requirements of any other provision of law.

A person shall not give information in oral or written reports, as required in this article, knowing or having reason to believe that such information is false.

(h) Reports by law enforcement officers investigating accidents.

Every law enforcement officer (1) who investigates a vehicle accident of which report must be made as required in this article, or (2) who otherwise prepares a written report as a result of an investigation either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses, when such accident under Subparts (a) or (b) results in injury or death to any person or total damage to all property to an apparent extent of \$500 or more, shall forward a written report of such accident to the Department of Transportation within 10 days after investigation of the accident.

Such written reports required to be forwarded by law enforcement officers and the information contained therein shall not be privileged or held confidential.

B7. Immunity from Liability for Volunteers of Non-Profit Organizations

60-3601. Immunity from liability for volunteers of certain nonprofit organizations, limitations as used in this section:

- (a) “Nonprofit organization” means those nonprofit organizations exempt from federal income tax pursuant to section 501(c) of the Internal Revenue Code of 1986, as in effect on the effective date of this act.
- (b) “Compensation” does not include actual and necessary expenses that are incurred by a volunteer in connection with the services that the volunteer performs for a nonprofit organization and that are reimbursed to the volunteer or otherwise paid.
- (c) “Volunteer” means an officer, director, trustee or other person who performs services for a nonprofit organization but does not receive compensation, either directly or indirectly, for those services. Volunteer does not include a person who delivers health care service to patients in a medical care facility as defined in K.S.A. 425 and amendments thereto.
- (d) If a nonprofit organization carries general liability insurance coverage, a volunteer of such organization shall not be liable for damages in a civil action for acts or omissions as such volunteer unless: (1) Such conduct constitutes willful or wanton misconduct or intentionally tortious conduct; or (2) such volunteer is required to be insured by law or is otherwise insured against such acts or omissions but, in such case, liability shall be only to the extent of the insurance coverage.
- (e) If a nonprofit organization carries general liability insurance coverage, a volunteer of such organization shall not be liable for damages in a civil action for the actions or omissions of any of the officers, directors, trustees, employees or other volunteers of the nonprofit organization unless: (1) The volunteer authorizes, approves, ratifies or otherwise actively participates in the action or omission and

the action or omission constitutes willful or wanton misconduct or intentionally tortious conduct; or (2) such volunteer is required to be insured by law or is otherwise insured against such acts or omissions but, in such case, liability shall be only to the extent of the insurance coverage.

- (f) Nothing in this section shall be construed to affect the liability of a nonprofit organization for damages caused by the negligent or wrongful act or omission of its volunteer and a volunteer's negligence or wrongful act or omission, when acting as a volunteer, shall be imputed to the nonprofit organization for the purpose of apportioning liability for damages to a third party pursuant to K.S.A. 60-258a and amendments thereto.
- (g) The provisions of this act shall apply only to causes of action accruing on or after July 1, 1987.

SECTION C - FEDERAL REGULATIONS, OPINIONS & POLICIES

C1. Personal Liability of Local Leaders Working With Cooperative Extension Programs

This is with reference to your memorandum of July 9, 1962, concerning the question of liability of volunteer local 4-H Club and Home Demonstration Club leaders for their individual acts in performance of their duties as such local leaders.

We have held memorandum pending the outcome of a suit entitled Thompson v. W.S. Whinton, Board of Commissioners, Rogers County, Oklahoma, and the United States of America filed in the U.S. District Court for the Northern District of Oklahoma. Mr. Whinton is a county agent, and while driving his automobile in this capacity, he apparently negligently collided with the plaintiff's car, causing her injury and damage for which the suit was brought. On October 2, 1962, the Court, after hearing oral argument, sustained a Motion for Summary Judgment presented by the Department of Justice and found that Mr. Whinton was not a "federal" employee within the meaning of the Federal Tort Claims Act, and therefore the United States is not liable for his alleged negligence.

The Federal Tort Claims Act is premised on the proposition of respondent-superior, that is, employer-employee relationship according to the law of the place where the injury or damage occurs. The law of Oklahoma, where Mr. Whinton's accident occurred, required absolutely that the right to hire and fire an employee be present and that once hired the right to control, direct or supervise the details of the work must also be present. The brief of the Department of Justice in support of its motion for summary judgment recited that the Federal Government had no power to hire or fire the county agent, that the Federal Government does not pay the county agent nor

regulate the amount of his pay, but the Federal Government does not prescribe the method or manner of his work nor does it supervise or direct the performance of such work. It was upon these facts that the court ruled that Mr. Whittenton as a county agent is not a "federal" employee for the purpose of application of the Federal Tort Act.

In your memorandum, you state that the Cooperative Extension Program is assisted by services of local people who volunteer as local 4-H Club and Home Demonstration leaders, that they are trained by county agents and used in lieu of county agents, that they serve without compensation and are given no Federal or State appointment, and that their relationship to the Federal Extension Service and State Extension Service is a program relationship only. Considering your second question first, that is (2) What is the liability of the federal government for the acts of such local leaders in the performance of their duties as such leaders? The answer is, of course, that since the court has ruled that a county agent is not a federal employee and the Federal Government is not liable for his acts, the acts of these local club leaders who are even farther removed from the Federal Government than the county agent would not cast liability on the Federal Government.

With regard to your first question as to (1) What is the personal liability of these local club leaders for their individual acts in the performance of duties as local leaders? It is a common law obligation that every person is responsible for his own acts. And even if these local leaders might perhaps be considered as employees of the 4-H Club, or the County or the State Extension Service, this would not relieve them of liability for their own acts even though their employer might also be held liable under the doctrine of respondent-superior. We know of no State or other political authority which has abolished the common law doctrine that every person is primarily liable for his own wrongdoing. The only law which abolishes this common law rule is Public Law 87-258 which amends Section 2679 of the Federal Tort Claims Act, and which gives the party who sustains injury or damage through the fault of a Federal employee the exclusive remedy of an action against the United States. In other words, the injured party may not proceed against or hold the government employee liable but must proceed against the United States.

This amendment applies, however, only if the injury or damage results from the operation of a motor vehicle, and it further requires that the person alleged to have inflicted the damage or injury be a "Federal" employee and that the Attorney General certify that such federal employee was acting in the "scope of his federal employment" at the time of the accident. In all other cases not involving the operation of a motor vehicle, the government employee may be held personally responsible under the aforementioned common law doctrine that every person is responsible for his own wrongdoing. We would say, therefore, that the personal liability of these local club leaders as it exists by virtue of the common law according to the place where their acts occur would persist.

/S/ Elmer Mostow
Office of General Counsel
United States Department of Agriculture

October 30, 1962

C2. Exemption from Filing Income Tax Returns - County Agricultural Extension Councils

TO: Kansas State College of Agriculture
Division of Extension
c/o L. C. Williams, Director

This is in reply to your letter of June 30, 1953, with which you submitted a list in triplicate showing the correct names and addresses of all the County Agricultural Extension Councils in the State of Kansas.

Inasmuch as the Internal Revenue Service has held that the County Agricultural Extension Councils which were created pursuant to authority contained in House Bill No. 364, enacted by the 1951 Kansas Legislature, are instrumentalities of the State of Kansas, the County Agricultural Extension Councils appearing on the list submitted in your letter of June 30, 1953, are not subject to Federal income tax and are not required to file Federal income tax returns.

Contributions made to the Councils included in the above-mentioned list are deductible by donors in computing their taxable net income in the manner and to the extent provided by Section 23(o) and (q) of the Internal Revenue Code.

Bequests, legacies, devices, or transfers to or for the use of the Councils above referred to are deductible in computing the value of the net estate of a decedent for estate tax purposes in the manner and to the extent provided in section 812(d) and 861(a)(3) of the Code. Gifts of property to the Councils are deductible in computing net gifts for gift tax purposes in the manner and to the extent provided in Section 1004(a)(2)(A) and 1004(b)(1) of the Code.

You should furnish the Bureau annually, on a calendar year basis, lists, in duplicate, showing only the names and addresses of any new Councils created during the year, and the names and addresses of any Councils which for any reason, ceased to exist during the year. Such annual lists should be accompanied by a statement by the Director, Division of Extension, Kansas State College of Agriculture and Applied Science, as to whether the information heretofore submitted and on which this ruling is based, is applicable in all respects to the new Councils appearing on the lists and should be forwarded so as to reach this office not later than February fifteenth of the following year.

Our rulings of July 8, 1953, issued to Anderson County and Cowley County Agricultural Extension Councils are hereby affirmed.

A copy of this letter is being transmitted to the District Director of Internal Revenue, Wichita, Kansas.

/S/ R. C. Dunlap, Chief
Exempt Organizations Branch

Internal Revenue Service
May 1967

C3. Making Surveys of Damages for other Federal Agencies (plane crashes, etc.)

The following letter was sent to all county extension agricultural agents on September 15, 1967, giving instructions on procedures to follow when making surveys of damages for other federal agencies such as for plane crashes and the like.

September 15, 1967

TO: County Extension Agricultural Agents

SUBJECT: Making Surveys of Damages for Other Federal Agencies

Dear Colleagues:

Recently an Air Force plane crashed on a farm in one of our counties. The farmer asked the county extension agricultural agent to make an estimate of the damages. Under the U.S. Code, an officer or employee of the United States is not permitted to act as an agent for prosecuting any claim against the United States. In this particular case, the Air Force had asked the farmer to contact the county extension agricultural agent to make the survey of damages, which was improper procedure.

I checked this with the Federal Extension Service, which is in turn checked with the General Counsel of the United States Department of Agriculture. The proper procedure to follow in cases like this would be:

The Air Force would make a written request directly to the county extension agricultural agent to make a survey of the damages and return it to the Air Force.

The Federal Extension Service and General Counsel of the USDA pointed out that it would be improper for a farmer to ask for the survey because this would place the agent in the position of testifying for the farmer and against the U.S. Government.

In the future, if a plane crashes in any county in Kansas, very likely the Air Force will contact the county extension agricultural agent by official letter and ask for a survey of damages which can be furnished without contacting the State Extension Office. However, if a farmer or civilian attorney contacts you for an estimate of damages, you should immediately contact your district extension supervisor (now called Area Extension Director) or my office. Then we will follow up by getting the request routed through the proper channels so you will not be placed in an

untenable position.

/S/ Paul W. Griffith
Associate Director of Extension

C4. Federal Employment Status of Cooperative Extension Service Employees Who Participate in Strikes

July 14, 1976

A number of state Cooperative Extension Services either have employees covered by collective bargaining agreements or employees who have recently voted in a collective bargaining election. The recent possibility of strike action by a bargaining unit that included Extension employees prompted one of the states to contact this office. Their inquiry concerned the continuing federal employment status of Cooperative Extension employees if they participated in a strike against the University. Because of the complexity of this issue, we asked the USDA Office of the General Counsel for their interpretation. Their opinion is attached and says, "In summary, participation in a strike by Cooperative Extension agents is a violation of the U.S. Code and subjects the agents to loss of their federal appointment and criminal prosecution."

We hope this opinion will be of assistance to you if this issue ever arises involving Cooperative Extension employees in your state. With your cooperation, ES-USDA is also attempting to keep abreast of other collective bargaining developments as they involve Cooperative Extension Service.

EDWIN L. KIRBY
Administrator

Attachment

PS-143 (07/76)

C5. Separation of Church and State in the Cooperative Extension Service
March 27, 1992

Dr. James L. Lindquist
Coordinator
Extension Personnel and Recruitment

This is in response to your March 26, 1992, informal inquiry regarding the printing of religious

statement and/or prescribed religious prayers in Extension educational newsletters, released to the public. Specifically, your concern is whether this practice constitutes a violation of the doctrine of “separation of church and state.”

As was indicated during our telephone conversation, it is inappropriate for a State Cooperative Extension Service or an Extension 4-H /Homemakers Club or Extension sponsored clientele group to include in Extension educational materials information which has a religious purpose, and advances or inhibits religion. While an Extension club/group is a separate organization from Cooperative Extension Service, there clearly is a legal connection between the organizations. For this reason a State Cooperative Extension Service and/or sponsored groups are not only prohibited from aiding or burdening one religion as opposed to other religions but also it is prohibited from aiding religion as opposed to non-religion.

As requested, I have enclosed a copy of a legal opinion which provides an analysis as to whether the use of an Extension Homemaker’s prayer is in violation of the First Amendment. If we can be of further assistance, please contact us.

CURTILAND DEVILLE
Director, Equal Opportunity Staff

SUBJECT: Virginia Cooperative Extension Homemakers Creed and Separation of Church and State

TO: Mary Nell Greenwood, Acting Administrator for SEA-Extension

This responds to your April 2, 1980, Request for an opinion on whether the Virginia Extension Homemakers Creed, which contains the statement “maintain the highest ideals of Christian life” violates the doctrine of separation of church and state. Your request was prompted by a complaint from Ms. Judith Halpern of Farmville, Virginia, and Mr. Norman Olshansky, Regional Director, Anti-Defamation League of B’Nai Brith.

It is clear that neither the USDA Extension Service nor the Virginia Cooperative Extension Service could adopt a creed for homemakers that promotes “the highest ideals of Christian life.” The First Amendment requires governmental neutrality with regard to religion. Government must have secular purposes and must not advance religion. See e.g., Wolman v. Walter, 433 U.S. 229, 236 (1977). Promoting the “ideals of Christian life” could in no way be described as secular. Promoting such ideals not only has a religious purpose, it has the obvious effect of promoting one religion over others.

In this case, the Homemakers Creed apparently has not been formally adopted by the Cooperative Extension Service. It was, however, written jointly by a homemaker and by a district agent. Since the district agent is an employee of VCES, it would be difficult to deny direct governmental action. Furthermore, the Creed has been adopted by the Virginia Extension Homemakers Council (Council), which in our opinion, has a close enough identity with the government so that its actions should be judged by governmental standards.

The Council is a non-profit organization whose purpose is to “strengthen, develop, coordinate, and extend youth, adult, and 4-H work in home economics through the Virginia Cooperative Extension Service.” All Extension Homemakers Clubs in Virginia are eligible for membership in the Council. VCES appoints an Extension Advisor who participates in certain decisions of the Council.

The Virginia Council is a member of the National Extension Homemaker Council which was formed in cooperation with the USDA Extension Service. An employee of the USDA Extension Service has a permanent advisory role with the National Council, whose purpose is to “strengthen, develop, coordinate and extend adult education in home economics through the Cooperative Extension Service of the USDA and the Land-Grant Colleges.”

Both the Virginia Council and the National Council ultimately derive their authority and membership from local Homemaker Clubs. Although local Homemaker Clubs are a voluntary association of private citizens, these clubs were conceived, organized and promoted by the Cooperative Extension Service as a means of carrying out responsibilities under the Smith-Lever Act, 7 U.S.C. 341, *et seq.*

Although it is not necessary to precisely define the character of the Virginia Council (as governmental, private, or quasi-governmental), we believe that it is fair to conclude that the Council is derivative from and has a symbiotic relationship with the Cooperative Extension Service and particularly with the VCES. Because of that relationship, the Council ought not engage in those activities which are prohibited to Federal and State government by the Constitution. The Council cannot promote activities through the Cooperative Extension Service or its programs, which the Extension Service cannot promote directly.

We therefore recommend that the Creed be rewritten to reflect secular concerns. The language “maintain the highest ideals of Christian life” could be changed to “maintain the highest ideals of American life” or “maintain the highest ideals of our traditions.” In addition, we recommend that the National Extension Homemakers Creed which refers to “Divine Light” be changed to “ethical traditions.” Finally, we believe that there are serious problems in the Virginia Council having a “homemakers prayer.” Governmental activities and programs with a prescribed prayer for participants injects impermissible sectarian overtones. See *Engle v. Vitale*, 370 U.S. 421 (1962) (non-denominational prayer in public schools is prohibited).

JAMES MICHAEL KELLY
Assistant General Counsel

C6. 4-H Organizations Eligibility for Tax Deductible Donations

February 9, 1973

Mr. Edwin L. Kirby
USDA Extension Service
Washington, D.C. 20250

Dear Mr. Kirby:

This is in reply to your letter dated January 18, 1971, in which you request rulings that all of the various 4-H clubs and affiliated 4-H organizations under the control of the Extension Service of the United States Department of Agriculture be classified as organizations other than private foundations, and that they be granted relief from filing annual returns of information. You have also requested that all affiliated 4-H organizations under the control of the Extension Service be included in our original ruling of April 25, 1946, which granted recognition of exemption to 4-H clubs.

This original ruling issued to the Department of Agriculture of April 24, 1946, recognized that 4-H clubs were exempt from Federal income tax under section 101(6) of the Internal Revenue Code of 1939, which corresponds to section 501 (c)(3) of the 1954 Code.

On March 15, 1948, a ruling was issued holding that the filing of information returns on Form 990 by 4-H clubs was not required.

Your letter of November 22, 1954, raised the question as to whether affiliated 4-H organizations were also intended to be included in our ruling of April 24, 1946. Our ruling of September 23, 1960, held that our ruling of April 24, 1946, was meant to include only the 4-H clubs, and concluded that, although the affiliated 4-H organizations have an ultimate objective of furthering the 4-H program, they were too diversified as to purposes and activities to be included in the original ruling.

On the basis of information contained in your letter of January 18, 1971, and subsequent information submitted, we have concluded that all of the affiliated 4-H organizations authorized to use the 4-H emblem by the Department of Agriculture are so organized and operated under the control of the Extension Service as to make them eligible for inclusion in our original ruling of April 24, 1946.

Donors may deduct contributions to 4-H clubs and affiliated 4-H organizations as provided in Section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to them or for their use are deductible for Federal estate and gift tax purposes if they meet the applicable provision of sections 2055, 2106, and 2522 of the Code.

We also rule that both 4-H clubs and affiliated 4-H organizations authorized to use the 4-H emblem by the Department of Agriculture are not private foundations within the meaning of Section 509 (a)(1) of the Code, because they are organizations described in section 170(b)(1)(A)(vi) of the Code.

Your request for a ruling under Section 6033 of the Internal Revenue Code on information return filing requirements was the subject of a separate communication to you dated July 25, 1972,

wherein you were advised that the Commissioner's discretionary authority to relieve the organizations from the filing requirements of Section 6033 of the Code would not be exercised at this time.

We are informing our key district offices of this action. Please keep this ruling letter in your permanent records.

Sincerely,

J.A. Tedesco
Chief
Exempt Organizations Branch

SECTION D - KANSAS STATE ATTORNEY GENERAL OPINIONS

D1. Use of County Agricultural Extension Council Funds for 4-H Fair Premiums

To: Mr. Richard A. Swallow
County Attorney
Oskaloosa, Kansas

We have your letter of July 26, stating that the Board of County Commissioners for Jefferson County, operating under Chapter 8, Laws of 1951, has included in the 1952 budget an item of \$1500 for the payment of 4-H Club premiums and fair expenses. It is the view of this office, which is concurred in by the State Board of Agriculture, that Chapter 8, Laws of 1951, grants no authority to the agricultural extension council to use tax money for the purpose of operating a fair and paying 4-H Club premiums.

You will note that Section 1 of Chapter 8 refers to a county agricultural extension council having for its purpose the giving of instruction in agriculture, home economics and 4-H Club work to the people of the county.

Section 9 of Chapter 8, which section is a limitation on the powers of county agricultural extension councils, expressly states that such councils shall have for their sole purpose the giving of instruction and practical demonstrations in agriculture, home economics and 4-H Club work to all persons in the county.

/S/ Harold R. Fatzer, Attorney General
July 31, 1951

D2. Construction of Buildings by County Agricultural Extension Councils

TO: Mr. Colonel H. Boone
County Attorney
Leavenworth, Kansas

We have your letter of December 4th referring to Chapter 8, Laws of 1951, and asking whether or not the provisions of this act would authorize the county agricultural extension council to build a building.

It is the view of this office that the act does not provide such authority. Section 1 provides that the extension council shall have for its purpose "the giving of instruction in agriculture, home economics, and 4-H club work to the people of said county through practical demonstrations and otherwise." Section 9 of the act states specifically that the extension council "shall have for its sole purpose the giving of instruction and practical demonstrations in agriculture, home economics and 4-H club work to all persons in the county and the imparting to such persons of information on said subjects through field demonstrations, publications, and otherwise."

The purpose as thus provided for would not make it necessary to imply that the act made the construction of a building necessary for the purpose of carrying out the provisions thereof. Undoubtedly, it was the legislative intent that these councils would be able to hold their meetings at the courthouse or other public building. Since the act does require certain meetings to be held, in the event that it might be impossible to hold such meetings in the courthouse or other public building, the councils would be authorized to rent a suitable place. However, this authority to rent would not include the authority to build a building.

/S/ Harold R. Fatzer, Attorney General

D3. Revision of Approved and Filed Budgets for County Agricultural Extension Councils

TO: Mr. L. C. Williams
Director of Extension
Kansas State College

This is to advise that in the Gray County case the Supreme Court held that the budget fixed by the extension council, the director and the board of county commissioners could not be later revised at the August budget hearing but was final, providing of course that it was within the levy limits.

/S/ Harold R. Fatzer, Attorney General

December 14, 1953

D4. Jurisdiction Relating to an Approved and Filed Budget for County Agricultural Extension Councils

TO: Dr. Arthur D. Weber
Acting President
Kansas State College

Your request for an opinion as to the proper application of House Bill 289 passed by the recent legislature amending G.S. 1955 Supp., 2-610, has been received. Your request contains three specific questions to which you desire answers, each of which are summarized below with our conclusions and reasoning applicable thereto:

1. Are you correct in your assumption that House Bill 289 became effective July 1, 1957? In this bill the phrase "after its publication in the statute book" refers to the publication of the Session Laws. They were published June 29, 1957, and House Bill 289 became effective on that date.
2. Were the operations, functions and proceedings of the County Agricultural Extension Council, its executive board, and officers governed by G.S. Supp., 2-610 prior to the effective date of House Bill 289? The provisions of this section of the statutes remained in effect until the effective date of the amendment and governed the actions of the council and its agencies prior to June 29, 1957. House Bill 289 contains no retroactive provisions but it intends to govern preparation of budgets (among other things) subsequent to June 29, 1957.
3. If a budget for the carrying out of county extension work was properly prepared, approved and filed upon or before June 13, 1957, as provided in G.S. 1955, 2-610, is this budget subject to change after the effective date of House Bill 289?

The statute governing the preparation of the budget prepared and submitted on or before June 13, 1957, was G.S. 1955 Supp., 2-610. In the case of State, ex rel. Holden v. Belt, 175 Kan. 330, the authority of the county commissioners at a regular budget hearing pursuant to G.S. 1949, 79-2929, to revise the budget of the county agricultural extension council was considered. The Court held that the commissioners had no such authority and that G.S. 1951 Supp., 2-610 (now G.S. 1955 Supp., 2-610) stands as a separate and distinct procedure apart from regular budget hearings. By dictum and inference in approving the reasoning of Cloud County Farm Bureau v. Cloud County Commissioners, 126 Kan. 322, the Court indicates that the commissioners have no discretion to reduce the amount of money provided for in the budget, the budget once adopted as provided in the statute is binding on the commissioners. Any other interpretation might defeat the entire extension program, which was certainly not the legislative intent.

We believe the budget properly prepared in accordance with G.S. 1955 Supp., 2-610 and submitted on or before June 13, 1957, is not thereafter subject to change. The statute clearly requires a budget to be prepared by the cooperation of the executive board of the county agricultural extension council, the board of county commissioners and the director of the extension of Kansas State College. These officials comprise a group the nature of an administrative agency with the duty of preparing and presenting a budget to the county commissioners on or before the 13th of June. Once this function is performed, the agency is functus officio in this regard and jurisdiction is lost. We believe this view does not allow the possibility that the budget may fail of adoption unless the group has power later to revise it. This office has consistently held that once the budget is presented, the commissioners have a ministerial duty to appropriate the amount of money and to certify the amount of tax necessary to support the budget. Failure to do subjects the commissioners to possible mandamus action. See State ex rel. Holden v. Belt, 175 Kan. 330, 335; State ex rel. Mitchell v. Jackson County Board of Social Welfare, 161 Kan. 672; Cloud County Farm Bureau v. Cloud County Commissioners, 126 Kan. 322.

/S/ John Anderson, Jr., Attorney General
July 11, 1957

D5. Representation on the Executive Board

November 7, 1972

Mr. Robert Newsome
County Extension Director
Riley County Extension Service
Room 15
Federal Building
Manhattan, Kansas 66502

Re: Interpretation of Chapter 3 (Senate Bill 459) of the 1972 Session Laws.

Dear Mr. Newsome:

You request an interpretation of the following sentence:

“No more than three (3) members of such executive board shall be elected from any commissioner district, and at least one member shall be elected from each council member group namely, agricultural pursuits, home economics, and 4-H Club and youth work.”

As you know, Senate Bill 459 provides for County Extension Councils to conduct certain agriculturally-related activities. Each County Extension Council is to be represented on the Council's Executive Board as follows:

(A) Each of the three (3) Commissioner Districts within each county may elect up to three (3) of its members to serve on the Council's Executive Board.

(B) A minimum of one individual from each of three (3) Council Member Groups is to be elected to serve on the Council's Executive Board.

This legislative scheme provides for a minimum number of representatives to each County's Executive Board while allowing the number of individuals who will serve on the executive board to be increased, if so desired, by each council member group.

Our opinion agrees with Mr. McGrath's, and it would seem that this interpretation would best carry out the intent of the legislature.

Very truly yours

VERN MILLER
Attorney General

By: WILLIAM B. COATES, JR.
Assistant Attorney General

WPC/jdj

cc: Larry McGrath
County Attorney
Riley County Courthouse
Manhattan, Kansas 66502

D6. Holding Election Meetings in Each Commissioner District

December 1, 1972

Mr. Max Bickford
Executive Officer
Kansas State Board of Regents
State Office Building
Topeka, Kansas 66612

Re: Chapter 459 of the 1972 Session Laws of Kansas.

Dear Mr. Bickford:

In your letter dated November 2, 1972, you requested an opinion on the following question:

“Must the meeting held to elect members of the county extension council from a specific commissioner district be located within the physical boundaries of that particular commissioner district?”

It is our opinion that the language of the statute mandates that such elections be held within the geographical limits of each particular commissioner district.

Chapter 459 of the 1972 Session Laws of Kansas provides, in pertinent part, as follows:

“The citizens of voting age . . . are qualified to participate in the meeting which shall be held in each such district... at a time and place determined and fixed by the executive board and shall elect... three (3) members of the county extension council...” [Emphasis Supplied].

The words “each such district,” new in the 1972 Session Laws, clearly imply that such elections are to be conducted within geographical limits of each individual commissioner district. The only variable in this procedure is that the specific time and location for the election is left up to the discretion and judgment of the executive board of the county extension council. The obvious intent of the legislature was to direct such elections to be held within each commissioner district, in order to insure a uniform and consistent method by which members of each county’s extension council should be elected.

I hope that the above information will be helpful to you. If we can be of any further assistance, please feel free to contact us again.

Very truly yours,

VERN MILLER
Attorney General

WPC/jdj

cc: Daniel D. Beatty
Vice President for Business Affairs
President’s office
Anderson Hall
Manhattan, Kansas 66506

D7. County Extension Council Election Meetings

August 6, 1973
Opinion No. 73

Mr. Max Bickford
Executive Officer
Board of Regents
State Office Building
Topeka, Kansas 66612

Dear Mr. Bickford:

You ask several questions pertaining to the election of county extension councils pursuant to K.S.A. 1972 Supp. 2-611.

Said statute is of such length that we will not set it out herein, but will quote such provisions thereof as are appropriate.

First you ask whether the executive board of the extension council of Johnson County (population 220,000+) has the authority to appoint a nominating committee which would secure suggestions for nominations so that there would be candidates for each position to be filled.

We find nothing in the statutes pertaining to extension councils that would prohibit such a procedure, however, the nominating committee could not be used to limit the number of candidates and any resident citizen of voting age is qualified to be a member of the council and may seek election at the annual election meeting if he so desires.

Next you ask whether the executive board may establish a central polling place.

K.S.A. 1972 Supp. 2-611(a) provides in pertinent part thusly:

“The citizens of voting age residing in each of the three (3) county commissioner districts in each county in this state are qualified to participate in the (election) meeting which shall be held in each such district (Emphasis supplied.)

and

“Provided, that in counties having a population. of one hundred fifty thousand (150,000) or more the citizens may elect council members at large or by county commissioner district as determined by the executive board of the county extension council.”

If the board determines that the annual election is to be at large then we feel that a central polling place would be authorized. Otherwise, an election must be held in, and a polling place must be set up in, each commissioner district.

Thirdly you ask whether the election may be held over a two-day period.

We think not.

Virtually all elections in this state are held on one day, and since we find nothing in the statute

that indicates otherwise, we are of the opinion that the elections herein considered may not be conducted over a two-day period. K.S.A. 1972 Supp. 2-611(a) refers specifically to “a date” to be fixed for the election.

K.S.A. 1972 Supp. 2-611(b) provides that the “notices (of each annual election meeting) shall state the date, time and place of the meeting.” While the executive board enjoys some flexibility with respect to the hours the polls will be open, the actual voting must be completed in one day.

Of course the time necessary to count ballots is not limited to one day, but may take as long as necessary.

The final question seems to us to not need an answer in view of what has already been said. Accordingly, we do not elaborate further.

I trust that the foregoing will adequately answer your inquiries.

Very truly yours,

VERN MILLER
Attorney General

D8. Approval of Budgets for County Extension Councils and Determining Agent Salaries

To: Mrs. Kay Homewood, Chairman
Russell County Extension Council

Re: Agriculture — County Agricultural Extension Councils,
Board and Agents — Compensation of Extension Service Agents

Synopsis: K.S.A. 1981 Supp. 2-610(d) requires that the executive board of the county extension council prepare an annual budget in cooperation with the board of county commissioners and the director of extension of Kansas State University. K.S.A. 1981 Supp. 2-615 requires that compensation of county extension service agents be determined by the executive board of the county extension council and the director of extension or the director’s authorized representative. By implication, K.S.A. 1981 Supp. 2-615 does not allow a board of county commissioners to place limits on the salaries of county extension service agents as part of the budget approval process. Cited herein: K.S.A. 1981 Supp. 2-610, 2-615.

You inquire of this office whether the executive board of the county extension council or the board of county commissioners has the authority to determine the salaries of county extension agents. You indicate in your correspondence, dated July 14, 1981, that the budget process has generally followed a pattern where the executive board and a representative of the extension

service from Kansas State University met and prepared a budget proposal. The proposal is then submitted to the board of county commissioners for approval. If the budget proposal is not approved, revisions are made by the executive board in an effort to reach agreement with the board of county commissioners. Prior to approval of the 1982 budget the Board of County Commissioners of Russell County stipulated that county extension agents be limited to a maximum annual salary of \$26,000.

K.S.A. 1981 Supp. 2-615 states in pertinent part as follows:

“The executive board of the county extension council and the director of extension, or the director’s authorized representative, shall appoint a county extension agent and determine the amount of the extension agent’s compensation.”

The language of K.S.A. 1981 Supp. 2-615 requires that salaries paid to county extension agents be determined by the executive board of the county extension council and the director of extension or a representative of the director. Therefore, the salary limitation imposed by the board of county commissioners is not statutorily authorized, and consequently, lacks the force of law. The budget document prepared by the three statutorily-designated parties does not limit authority conferred by K.S.A. 1981 Suppl. 2-615, except as to the total amount made available to the council from the tax levy authorized by K.S.A. 1981 Supp. 2-610. The distribution of funds appropriated to the extension council pursuant to K.S.A. 1981 Suppl. 2-610 is the responsibility of the executive board and the director of extension. Therefore, in our judgment the agreement between the Board of County Commissioners, the executive board, and the representative of the director of extension limiting salaries for the 1982 budget has no legal effect and is not enforceable.

A similar situation was addressed in Attorney General Opinion No. 79-113 wherein it was determined that a resolution enacted by the Board of County Commissioners of Shawnee County, Kansas, improperly infringed on statutorily conferred power of other elected county officials. The resolution in question had the effect of interfering with the statutorily conferred authority of certain elected county officials to appoint employees to various positions. The opinion states in part:

“In conclusion, it is our opinion that the power of appointment which is statutorily vested in duty elected county officials carries with it an authority for office management which may not be directly abridged by a general resolution couched in the language of fiscal restraint, however well intentioned. The power of the board of county commissioners regarding the financial matters of the county is extensive; however, that power may not be exercised so as to impinge upon the statutory authority of other elected county officials.”

K.S.A. 1981 Supp. 2-610(d) states that budget preparation be a cooperative effort of the executive board, the board of county commissioners, and a representative of the Kansas State University extension service. K.S.A. 1981 Supp. 2-610 required that the budget of the Agricultural Extension Council be approved by (1) the board of county commissioners, (2) the director of extension of Kansas State University or the director’s duly authorized representative and (3) the chairperson of the executive board of the county extension council, “acting as a body.” The process described in your correspondence where budget proposals are submitted to the board of county commissioners

prior to final approval apparently satisfies the requirement that the budget be cooperatively prepared.

The implication of the statutory requirement of cooperation is that the parties will compromise on issues so that eventually a budget can be adopted that allows the county extension council to function as intended by the legislature. However, the board of county commissioners is not granted separate authority to withhold final approval of the budget as prepared by the executive board and Kansas State University's extension representative where the board of county commissioners has cooperated in preparation of the budget pursuant to K.S.A. 1981 Supp. 2-610(d). Indeed, assuming that the budget is cooperatively prepared by the three agencies acting as a body, it is not subject to revision by the board of county commissioners at the subsequent general budget hearing. State ex rel. v. Belt, 175 Kan. 330 (1953).

In summary, for two reasons the board of county commissioners is not allowed to unilaterally impose limits on salaries paid to county extension agents. First, K.S.A. 1981 Supp. 2-615 requires that the executive board of the county extension council and the director of extension be responsible for determining the amount of extension agent's compensation. Second, the cooperative budget preparation process required by K.S.A. 1981 Supp. 2-610 and the Belt opinion do not allow revision of such cooperatively prepared budgets by the board of county commissioners at a subsequent regular budget hearing.

/S/ Robert T. Stephan, Attorney General
/S/ Robert Vinson Eye

March 8, 1982

D9. Extension Councils Charging User Fees

September 19, 1984

TO: Frank Dixon, Acting County Administrator

FROM: Richard E. Keithley, Deputy Director, Legal Dept.

RE: Legal Opinion No. 56-84, EXTENSION COUNCIL - May the extension council charge user fees in the extension program?

Discussion: Your question, as I understand it, is whether the Johnson County Extension Council can charge user fees in the extension program. Attached to the opinion request is a letter written by Richard H. Seaton, University Attorney, Kansas State University. That letter refers to the letter of Dr. Tom Knappenberger, chairman of the Johnson County Extension Council, which refers to four possible fees: (1) dues for 4-H Club members, (2) flat fees to 4-H Clubs and extension homemaker units for annual materials and training, (3) set fees for programs provided by agents

to outside groups and organizations, and (4) registration fees for presentations to cover costs of supplies. Dr. Knappenberger's letter is not enclosed, and I have no access to that letter and must refer to Mr. Seaton's letter digesting it.

The Johnson County Extension Council is formed pursuant to 7 U.S.C. 341 to 348 (the Smith-Lever Act) and K.S.A. 2-608 et seq. In construing state and federal statutes relating to organization, financing, and regulation of groups engaged in cooperative agricultural extension work, state and federal statutes should be interpreted and construed together. State, ex tel. v. Franklin County Farm Bureau, 172 Kan. 179, 239 P. 2d 570 (1951).

Although case law on cooperative extension councils are plentiful, other jurisdictions have assisted in the interpretation of various aspects of the Smith-Lever Act in their jurisdictions. The case of Wells v. Hutchinson, (E.D. Texas 1980) 499 F. Supp. 174, at p. 182, gives an adequate explanation of the basic operations of most cooperative extension programs. See also Wade v. Mississippi Co-Op Extension Service, (N.D. Miss. 1974) 373 F. Supp. 126. Cooperative farm bureaus are governmental agencies. State, ex tel. v. Franklin County Farm Bureau, 172 Kan. at p. 195; State, ex tel. Hall Company Farm Bureau v. Miller, et al., 178 NW 846 (1920); Jasper County Farm Bureau v. Jasper County, 286 SW 381 (1926). Federal appropriations to be paid under the provisions of 7 U.S.C. 341 to 348 can only be expended by states acting through their legislatures. State, ex tel. Davis v. Clausan, 295 P. 751.

Generally speaking, the burden of the bureau is to be upon the county in which it is located Cloud County Farm Bureau v. Cloud Commissioners, 126 Kan. 322, 268 P.91 (1928). The legislature has provided for certain financing by virtue of a tax levy upon all tangible taxable property of the county sufficient to provide a program for county extension work and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774 by cities located in the county. K.S.A. 2-610. Further, the legislature has provided limitations upon collecting dues for or paying dues to any local, state or national organization or association.

K.S.A. 2-616; State, ex tel. v. Franklin County Farm Bureau, 172 Kan. at p. 191. However, there is a provision for collecting fees for specific services which requires special equipment or personnel. K.S.A. 2-616.

Reading the case law interpreting the Smith-Lever Act and the Kansas statutes together, it is clear that legislation providing for and establishing a county extension council is complete within itself and the county would be limited to certain circumstances for collecting user fees in order to be within the ambits of the legislation. Under no circumstances is the county authorized to collect or pay dues for or to any organization or association whatsoever. Thus, Nos. 1 and 2 are clearly outside the scope of the statutes, and No. 3 appears to be outside the scope of the statutes.

K.S.A. 2-616 provides that county extension councils may collect fees for specific services which require special equipment or personnel, such as a soil testing laboratory, seed testing service or other educational service. If the particular program requires specialized personnel or equipment, then Nos. 3 and 4 above could lawfully be included as a legitimate funding device. If Mr. Seaton's views are correct that Dr. Knappenberger's letter does not set forth any specialized requirements, then I must concur with Mr. Seaton's views that they are not authorized fees.

Conclusion: I would basically concur with the university attorney, Mr. Richard H. Seaton, in his analysis of county extension council statutes. It is my belief that the county may not collect dues from 4-H Club members. Also, due to the apparent intent of the act, flat fees to 4-H clubs and extension homemaker units for annual materials and training are not authorized. Under certain circumstances, set fees for programs provided by agents to outside groups and organizations could be charged, provided that the fees are for a specialized service. Lastly, registration fees for presentations to cover the cost of supplies could be authorized, provided they were also for specialized equipment.

Please feel free to contact me should you have questions concerning this opinion.

Philip S. Harness

April 25, 1996

Mr. Ted D. Ayres
General Counsel
Kansas-Board of Regents

RE: User Fees for Extension Educational Programs

Dear Ted:

Our associate director of extension has asked that we request, through your office, an attorney general's opinion on the question whether county extension councils may charge user fees for the educational programs they provide.

Enclosed are copies of prior opinions from our office which touch on this subject, as well as some correspondence from Johnson County on the issue.

We would certainly appreciate your help, and that of the attorney general, in this matter. Thank you very much.

Richard H. Seaton
University Attorney

May 21, 1996

ATTORNEY GENERAL OPINION NO. 96- 44

Ted D. Ayres, General Counsel
Kansas Board of Regents

RE: Agriculture—County Extension; Councils, Boards and Agents-Purpose of Extension Councils; User Fees

Synopsis: A county extension council may not collect any fee unless the fee is for a specific service which requires special equipment or personnel, such as a soil testing laboratory, seed testing service or other educational service. Whether an educational program fits within such parameters will depend upon the facts. Cited herein: K.S.A. 2-608; 2-610; 2-616.

Dear Mr. Ayres:

You request our opinion whether a county extension council may charge user fees for education programs. K.S.A. 2-608 et seq. provide for the organization of county extension councils that provide instruction in agricultural, marketing, home economics, 4-H club and youth work, and community and resource development. K.S.A. 2-608, 2-616. The governing body is elected by citizens residing in county commissioner districts, and the council is funded by county tax levies as well as state and federal funds.

County extension councils are not instrumentalities of the county. (Attorney General Opinion No. 84-56.) Rather, they are creatures of statute and, therefore, have only such powers as are conferred by statute and such incidental powers as are necessary to carry out their statutory powers. *State ex rel. Steere v. Franklin County Farm Bureau*, 172 Kan. 179(1951).

The only statute relating to fees is subsection (b) of K.S.A. 2-616 which states, in relevant part, as follows:

“County extension councils ... may collect fee for specific services which require special equipment or personnel, such as a soil testing laboratory, seed testing service or other educational service ...”

We construe this provision to mean that a county extension council may not collect a fee unless the fee is for a specific service which requires special equipment or personnel, such as a soil testing laboratory, seed testing service or other educational service. Whether an educational program fits within such parameters will depend upon the facts.

CARLA J. STOVALL
Attorney General of Kansas

Mary Feighny
Assistant Attorney General

D10. Owner of Property Acquired by the Extension Council

March 9, 1987

Robert W. Fairchild
Riling, Norwood, Burkhead, Fairchild
and Nitcher, Chtd.
808 Massachusetts Street
P.O. Box B
Lawrence, Kansas 66044

Dear Mr. Fairchild:

I am writing in response to your letter dated March 2, 1987, in which you ask what entity should be listed as owner of personal property acquired by the Douglas County Extension Council. In this regard, I have enclosed a copy of Attorney General Opinion No. 84-56 for your review. Although the opinion does not specifically answer your question, it does state that county extension councils are municipalities with an existence separate from that of the county in which they are located and organized. Accordingly, since the Douglas County Extension Council is a separate entity apart from the county, the state or Kansas State University, it is our opinion that personal property owned by the council should be shown as property owned by the "Douglas County Extension Council."

Thank you for your inquiry. We appreciate your continued cooperation in matters of mutual concern.

OFFICE OF THE ATTORNEY GENERAL
ROBERT T. STEPHAN

Barbara P. Allen
Assistant Attorney General

D11. Statutory Requirement for General Liability Insurance

April 30, 1996

Richard D. Wootton
Associate Dean and Associate Director of Extension

RE: Volunteer Liability

In response to your memo of April 29, I enclose a copy of Attorney General Opinion No. 87-174. It addresses the statutory requirement for general liability insurance. In my opinion, the county extension council, which is covered by the Tort Claims Act, would satisfy the general liability insurance requirement by carrying insurance which underwrites its risk as a governmental entity

under the Tort Claims Act.

Richard H. Seaton
University Attorney

April 30, 1996

Ms. Judith Siminoe
Associate General Counsel
Kansas Board of Regents

RE: Request for Attorney General's Opinion

Dear Judith:

Our extension division has asked that we request, through your office, an opinion of the attorney general on the following question: Are extension volunteers state employees for purposes of Tort Claims Act coverage?

I have expressed the opinion several times that such volunteers are employees of the County Extension Council, and not the state, for tort claims purposes. Enclosed are copies of three letters from our file on this subject.

The extension division points out that volunteers are recruited, trained and supervised by county extension agents, who are joint employees of the university and the county extension council. The volunteers help implement the educational agenda and use materials developed by KSU faculty and extension agents. The division also points out that many of these volunteers assist in implementing the 4-H program, which is a youth development program coordinated by the U.S. Department of Agriculture, the university, and the county extension councils. They ask whether these ties to a national and statewide program affect the question stated above.

As always, we appreciate your assistance and that of the Attorney General's Office in these matters.

Richard H. Seaton
University Attorney

STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

December 1, 1987
2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ATTORNEY GENERAL OPINION NO. 87- 174

Mr. Dennis W. Moore
Johnson County District Attorney
Johnson County Courthouse
P.O. Box 728 - 6th Floor Tower
Olathe, Kansas 66061

Mr. George R. Laughead, Chairman
Board of Commissioners
Housing Authority
407 E. Bend Avenue
Dodge City, Kansas 67801

RE: Procedure, Civil — immunity From Liability For Volunteers of Certain Nonprofit Organizations Limitations; General Liability Insurance Requirements

Synopsis: The intent of L. 1987, ch. 215 is to encourage individuals to serve as volunteers for certain nonprofit organizations by granting to the volunteer immunity from liability for negligent acts or omissions. There are limitations to this immunity. For the act to apply, the organization must carry general liability insurance which will pay on behalf of the insured when an individual suffers loss for which the insured is liable. The exact amount and type of insurance required is to be determined in light of the exposure to liability which arises out of the organization's activities. Cited herein: L. 1987, ch. 215, sec. 1 (to be codified at K.S.A. 1987 Supp. 60-3601).

Dear Mr. Moore and Mr. Laughead:

As District Attorney for the Tenth Judicial District and as Chairman of the Board of Commissioners, Dodge City Housing Authority, respectively, you have each requested our opinion regarding 1987 Senate Bill No. 28, L. 1987, ch. 215 (to be codified as K.S.A. 1987 Supp. 60-3601). Your requests have been consolidated to avoid duplicity. Specifically, you inquire as to what insurance coverage can be canceled by nonprofit organizations in light of Senate Bill No. 28.

Protection from liability by Senate Bill No. 28 is afforded to volunteers of those organizations which meet two criteria. First, the organization must be a nonprofit organization. A nonprofit organization is defined by L. 1987, ch. 215, sec. 1(a) (1) as an organization "exempt from federal income tax pursuant to section 501(c) of the Internal Revenue Code of 1986 . . ." The second threshold test is that the organization must carry general liability insurance.

The term "general liability insurance" is not defined by the act. The courts have had occasion to

construe general liability insurance policies, however, their analysis has been limited to whether indemnity is required by individuals' specific insurance policies. We do not find a description of what a general liability insurance policy is, or how it is distinguished from policies which are not "general."

Given the purpose of Senate Bill No. 28, the legislature's silence as to what constitutes general liability insurance is no surprise. The act was not a means to restructure the insurance coverage for nonprofit organizations. Rather, the purpose of the act was to assist those organizations on attracting qualified persons to serve as volunteers in various capacities. The special Committee on Tort Reform and Liability Insurance noted that nonprofit organizations were having difficulty finding and retaining persons to serve as volunteer directors because of the fear of liability. Report on Kansas Legislative Interim Studies to the 1987 Legislature 565, 583 (December 1986). By establishing immunity for volunteers' negligent acts when liability insurance exists, the committee believed that individuals would be encouraged to act as volunteers, and yet the rights of injured plaintiffs would be preserved. Committee Report, at 593.

Bearing in mind the legislative intent of the act, we believe that the term "general liability insurance" cannot be given a precise definition which can be used in all situations. Some general guidelines are available, however. The Kansas Commissioner of Insurance has discussed the act in Kansas Nonprofit Organizations - What Should You Know About Senate Bill No. 28, pp. 4-7 (June 1987). The commissioner notes that the term "general liability insurance" includes coverage for premises and operations liability, products and completed operations liability, contract liability, personal injury liability, and special events liability. Not included in these types of coverages are insurance for losses in civil rights claims, employment disputes, professional malpractice suits, automobile and aircraft liability, fiduciary liability, and workers' compensation claims. We believe that the exact type and amount of insurance required should be determined in light of the exposure to liability related to the organization's functions.

Upon meeting the two threshold requirements, Senate Bill No. 28 provides for immunity from liability in two ways. First, the volunteer is not liable for damages resulting from his own acts or omissions. Section 1(b) of Chapter 215 provides that this immunity does not apply if the volunteer's misconduct was willful or wanton or intentionally tortious. If the volunteer is insured against those types of acts, the individual is liable only to the extent of coverage. In addition, if the individual is required to be insured by law, then the immunity does not apply, but the individual is liable only to the extent of the insurance coverage. The second type of immunity involves the volunteer's liability for acts or omissions of others. Section 1(c) of Chapter 215 provides immunity for the volunteer for acts or omissions of others unless the volunteer authorizes, approves, ratifies or participates in willful or wanton conduct or intentionally tortious conduct. In addition, the immunity is not given if the volunteer is required by law to be insured against such acts.

The grant of immunity does not extend to the organization itself. The organization remains liable for damages, and the percent of fault attributable to the volunteer is imputed to the organization. Committee Report, at 593.

In conclusion, it is our opinion that the legislative intent of L. 1987, ch. 215 is to encourage

individuals to serve as volunteers for certain nonprofit organizations by granting to the volunteer immunity from liability for negligent acts or omissions. There are limitations to this immunity. For the act to apply, the organization must carry general liability insurance which will pay on behalf of the named insured when an individual suffers loss for which the insured is liable as a result of their action which caused the loss. The exact amount and type of insurance required is to be determined in light of the exposure to liability which arises out of the organization's activities.

Robert T. Stephan
Attorney General of Kansas

Mark W. Stafford
Assistant Attorney General

D12. Immunity of Volunteer Workers of County Extension Councils From Negligence Liability

August 12, 1987

Ted D. Ayres
General Counsel
Kansas Board of Regents
Suite 609, Capitol Tower
400 S.W. Eighth
Topeka, KS 66603-3911

RE: Agriculture—County Extension Councils, Boards and
Agents—Application of L. 1987, Ch. 215

Synopsis: Without Internal Revenue Code, section 501(c) exemption county extension councils do not qualify as “nonprofit organizations” pursuant to L. 1987, ch. 215. However, if county extension councils did have section 501(c) exemption status, and if they carried general liability insurance, then their volunteers would be eligible to receive the negligence liability immunity afforded by L. 1937, ch. 215. Cited herein: L. 1987, ch. 215; K.S.A. 1986 Supp. 2-611.

Dear Mr. Ayres:

As General Counsel for the Kansas Board of Regents you request our opinion as to whether volunteer workers of county extension councils are immunized from negligence liability pursuant to 1987 Senate Bill No. 28, hereinafter referred to as L. 1987, ch. 215.

L. 1987, ch. 215 specifically limits civil liability for volunteers of certain nonprofit organizations. Section 1(b) provides in part:

“If a nonprofit organization carries general liability insurance coverage, a volunteer of such organization shall not be liable for damages in a civil action for acts or omissions as such volunteer unless ...” (emphasis added.)

In order for L. 1987, ch. 215 to apply to volunteers of a county extension council, the county extension council must first be classified as a “nonprofit organization.” L. 1987, ch. 215, SI(A)(1). For purposes of L. 1987, ch. 215, a nonprofit organization is defined in section I(a)(1) as follows:

“‘Nonprofit organization’ means those nonprofit organizations exempt from federal income tax pursuant to section 501(c) of the Internal Revenue Code of 1986, as in effect on the effect date of this act...” (emphasis added.)

In order to qualify for federal income tax exemption pursuant to Section 501(c) of the Internal Revenue Code of 1986, an application for that exception has to be submitted to the Internal Revenue Service. It is our understanding that currently no county extension council has obtained section 501(c) exemption status from the Internal Revenue Service. Without this exemption status, county extension councils do not satisfy the requirements of a “nonprofit organization” as listed in section I(a)(1) of L. 1987, ch. 215.

L. 1987, ch. 215 also sets out a definition of what a “volunteer” is. To be immune from negligent liability pursuant to L. 1987, ch. 215, the individuals in question must meet this definition:

“‘Volunteer’ means an officer, director, trustee or other person who performs services for a nonprofit organization but does not receive compensation, either directly or indirectly, for those services ...”

L. 1987, ch. 215, SI(a)(3). (emphasis added.)

County extension council members, executive board members, and other volunteers do not receive compensation for their services pursuant to K.S.A. 1986 Supp. 2-611(G), which provides in part:

“Members of the county extension council and of the executive board shall receive no compensation for their services as members of the council or of the executive board ...” (emphasis added.)

Since county extension council members, executive board members, and other county extension council volunteers receive no compensation for their services, it would appear that they are “volunteers” for purposes of L. 1987, ch. 215. Thus, if a county extension council obtains a 501(c) exception from federal income tax, and thus becomes a nonprofit organization for purposes of L. 1987, ch. 215, these individuals would be immunized from negligence liability, pursuant to L. 1987, ch. 215.

In summary, without Internal Revenue Code, section 501(c) exemption status, county extension councils do not qualify as “nonprofit organizations” pursuant to L. 1987, ch. 215. However, if county extension council did have section 501(c) exemption status, and if they carried general

liability insurance, then their volunteers would be eligible to receive the negligence liability immunity afforded by L. 1937, ch. 215.

/S/ Robert T. Stephan, Attorney General
/S/ Julene L. Miller, Deputy Attorney General

D13. County Extension Council Budget Approval

October 4, 1988

FROM: Walter R. Woods, Director of Extension

RE: Attorney General Opinion No. 88-114

Attached is the attorney general opinion that has been returned to me concerning the question if the county commissioners do not approve the budget within the ten days after initial receipt of it, does it become an approved budget. The answer to that question is provided, and it says that the current wording in the law does not mandate action by the Board of County Commissioners within ten days after initial receipt of a proposed budget nor does it automatically infer approval. I think many of us had come to this conclusion prior to the receipt of this letter.

ATTORNEY GENERAL OPINION NO. 88-114

Ted D. Ayres
General Counsel
Kansas Board of Regents

RE: Agriculture — County Extension Councils, Boards
and Agents — County Appropriations; Budget
Approval; Tax Levies

Synopsis: K.S.A. 1987 Supp. 2-610(b) does not mandate action by the board of county commissioners within 10 days after initial receipt of a proposed budget. If the proposed budget is not approved within 10 days after its receipt, it should be returned to the board in a timely manner. The board may then resubmit it to the commission for action according to the procedures set forth in the statute. Cited herein: K.S.A. 1987 Supp. 2-610(b); 1987 House Bill No. 2394, L. 1987, ch. 611 § 1.

Dear Mr. Ayres:

As General Counsel for the Kansas Board of Regents, you request our opinion on K.S.A. 1987 Supp. 2- 610(b). You specifically ask if the county commissioners fail to act on a county

extension council's proposed budget, or fail to return the budget to the council's executive board within ten days after receipt, does the proposed budget become final.

K.S.A. 1987 Supp. 2-610(b) states:

“(b) If the commission does not approve the proposed budget within 10 days after receipt thereof, it shall return the budget to the board. Upon receipt of the returned budget, the board shall consider amendments or modifications and may consult with the commission, concerning the budget. Within 10 days after receipt of the returned budget, the board shall resubmit its proposed budget, with or without amendment or modification, to the commission. Within 10 days after resubmission of the proposed budget, the commission shall approve, or amend or modify and approve as amended or modified, such proposed budget. The commission shall adopt the proposed budget as approved and shall make the same a part of the regular county budget. (Emphasis added.)

Enacted in 1987 (L. 1987, ch. 61, § 1), subsection (b) provides a new procedure whereby the budget of the county extension council is adopted. The previous statutory procedure provided for approval by three distinct entities; the board of county commissioners, the Kansas extension director and the chairperson of the executive board of the county extension council. K.S.A. 2-610(d) (L. 1979, ch. 3, § 1). K.S.A. 1987 Supp. 2-610(b) now vests ultimate approval authority in the board of county commissioners and provides the mandated procedure.

K.S.A. 1987 Supp. 2-610(b) discusses two submissions of a proposed budget; the initial submission and, if necessary, a resubmission. Subsection (b) states that “if the commission does not approve the proposed budget within 10 days after receipt thereof, it shall return the budget to the board.” This language does not mandate approval by the commission nor does it direct that non-action constitutes approval. It merely provides that if the proposed budget is not approved within a certain time period it shall be returned. By contrast, language in subsection (b) dealing with resubmission of the budget dictates that “within 10 days after resubmission of the proposed budget, the commission shall approve, or amend or modify and approve as amended or modified, such proposed budget.” This language does direct the commission to take some kind of action, either to approve or amend or modify and approve, within a certain time period. The statute does not mandate such action on the initial submission of the proposed budget.

It is therefore our opinion that K.S.A. 1987 Supp. 2-610(b) does not mandate action by the board of county commissioners within 10 days after initial receipt of a proposed budget. If the proposed budget is not approved within 10 days after its receipt, it should be returned to the board in a timely manner. The board may then resubmit it to the commission for action, according to the procedures set forth in the statute.

Robert T. Stephan
Attorney General of Kansas

Theresa Marcel Nuckolls
Assistant Attorney General

August 17, 1988

D14. Moneys Remaining in Account at the Conclusion of a Budgetary Year

ATTORNEY GENERAL OPINION NO. 89-55

May 1, 1989

Ted Ayres
General Counsel
Kansas Board of Regents

RE: Agriculture — County Extension Councils, Boards and Agents — Deposit of Moneys;
Duties of Treasurers; Moneys Remaining in Account at the Conclusion of a Budgetary
Year

Synopsis: Funds derived from a tax levy made pursuant to K.S.A. 1988 Supp. 2-610 et seq. must be dispersed to the extension council in accordance with the provisions of the statutes. Once such funds are properly levied and dispersed, the county does not possess authority at the conclusion of a budgetary year to mandate the return of remaining funds to the county merely because the funds were not entirely expended by the extension council. Cited herein: K.S.A. 1988 Supp. 2-610; K.S.A. 2-612, 12-503a; 18-211; 18-212; 19-312; 19-318; 19-506; 19-508; 79-1807; 79-2934.

Dear Mr. Ayres:

You request our opinion on whether the county treasurer can require the county extension council to refund moneys previously dispersed by the treasurer to the council. It is our opinion that the county treasurer may not require the county extension council to return previously dispersed funds.

K.S.A. 2-610 et seq. provide mechanisms whereby county extension councils are created and funded. K.S.A. 1988 Supp. 2-610(b) sets forth the procedures whereby the extension council budget is established and a tax levied in order to provide funds to the extension council:

“The board of county commissioners shall make an appropriation and certify to the county clerk the amount of tax necessary to be levied on all tangible taxable property of the county sufficient to provide a program of county extension work “

K.S.A. 2-612 discusses how moneys received for the council shall be dispersed:

“All moneys received by the treasurer for the council or executive board shall be deposited by the treasurer in a bank or trust company designated by the executive board and authorized to receive public deposits. The treasurer shall pay out, on the warrant of the secretary of the executive board, or by a combination warrant check, in either case, signed by the chairperson of the executive board all moneys which shall come to the treasurer’s hands for the use of the council or executive board, and the treasurer shall not pay any sum for the funds of the council or executive board in any other manner. The treasurer shall keep a record of all the moneys received and disbursed, specifying the person or persons from whom received and to whom paid, and the object for which same has been paid out. The treasurer shall present to the executive board at each regular meeting of the board a report in writing containing a statement of all moneys received from the county treasurer and from any other source since the last regular meeting of the executive board; and of the disbursements made with the items of such disbursements, and exhibit the warrants or checks or combination warrants and checks therefor, which report shall be recorded by the secretary of the executive board; and at the close of the treasurer’s term of office shall settle with the executive board; and shall hand over to the successor all records and papers received as treasurer, together with all moneys remaining in the hands of the treasurer. (Emphasis added).

Thus, the statute contemplates all moneys raised for the extension council to be disbursed to the council and moneys may remain in the hands of the treasurer for the council.

K.S.A. 19-312 discusses the duties of the county treasurer regarding county accounts. K.S.A. 19-318, 19-506, and 19-508 further provide for the receipt, disbursement and accounting of all funds handled by the county treasurer. We find no statutory authority that requires, mandates, or contemplates the return to the county of moneys disbursed to the extension council pursuant to K.S.A. 1988 Supp. 2-610 et seq.

As opined in Attorney General Opinion No. 84-56, county extension councils are municipalities, separate and distinct from the county in which they are located and organized. Thus, although county mechanisms are employed in order to levy and collect funds for the operation of the extension councils, the tax moneys thus raised are not paid over to a county entity. Rather, state authority establishes and creates these extension councils and provides for a fund for their operations.

Statutory authority determines which entity or fund may receive the moneys from specific tax levies. Certain authority permits or mandates the transfer of funds from one public entity to another. See e.g. K.S.A. 79-1807, 12-503a, 18-211 and 18-212. See also Attorney General Opinions No. 86-30, 86-98 and 89-23. In the absence of specific authority permitting a transfer of tax funds from one public entity to another, K.S.A. 79-2934 directs that appropriations made for a particular fund “shall not be used for any other purpose . . . (and) any balance remaining in such funds at the end of the current budget year shall be carried forward to the credit of the fund for the ensuing budget year.” Thus, “no part of any fund shall be diverted to any other fund, whether before or after the distribution of taxes by the county treasurer, except as provided by law.

We find no law providing for the return of extension council money to the county at the

conclusion of a budgetary year. It is therefore our opinion that funds from a tax levy made pursuant to K.S.A. 1988 Supp. 2-610 must be disbursed to extension councils in accordance with procedures set forth at K.S.A. 2-612 and 19-318. Once such funds have been properly collected and disbursed, a county does not possess the authority to mandate the return of funds remaining in the extension council accounts at the conclusion of a budgetary year.

Robert T. Stephan
Attorney General of Kansas

Theresa Marcel Nuckolls
Assistant Attorney General

D15. Extension Volunteers Are Employees of the Extension Council for Tort Claims Purposes

June 28, 1996

Dr. Richard Wootton

RE: Tort Claims Status of Volunteers

Enclosed is the response received from the Attorney General's Office on this question. I believe Julene Miller is correct in saying that the 1984 opinion answers our question. If you read carefully the paragraph at the bottom of page 5 and top of page 6, you will see that it says that extension volunteers are employees of the council, and not the county or the state, for tort claims purposes.

I will be happy to discuss this further if you'd like.

Richard H. Seaton
University Attorney

June 5, 1996

Judith Penrod Siminoe
Interim General Counsel
Kansas Board of Regents

Dear Ms. Siminoe:

As counsel for the Kansas board of regents you request our opinion regarding "whether

individuals who are volunteers with the extension division are ‘employees’ under K.S.A. 75-6102, and therefore eligible for coverage under the Tort Claims Act.”

In researching the issue we located Attorney General Opinion No. 84-56 which appears responsive to your concern. That opinion concluded that county extension volunteers are included within the definition of employee found in the Kansas tort claims act.

I am enclosing a copy of Attorney General Opinion No. 84-56 which I trust will be of assistance to you. If this office may be of further assistance in matters over which we have jurisdiction, please feel free to contact us.

Office of The Attorney General
Carla J. Stovall

June 22, 1984

ATTORNEY GENERAL OPINION NO. 84-56

William R. Kauffman
General Counsel
Kansas Board of Regents

RE: Agriculture — County Extension Council — Liability Under Tort Claims Act

 Agriculture — County Extension Council — Extension Agent; Other Employees;
 Status Under Tort Claims and Workmen’s Compensation Acts

Synopsis: For the purposes of the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., county extension councils are municipalities, with an existence separate from that of the county in which they are located and organized. Liability for the actions of an individual county agent is shared between the state and the extension council of the county. Council members themselves, as well as persons employed by the council (such as secretaries and janitors) and volunteers are considered to be employees of the council, which has sole liability for their acts.

For the purposes of the Kansas Workmen’s Compensation Act, K.S.A. 44-501 et seq., county extension agents are employed dually by the county extension council and the director of extension at Kansas State University. Council members, secretaries and janitors are employees of the council, as are volunteers in the event the council files an election to extend coverage to them. Attorney General Opinion No. 75-125 is withdrawn. Cited herein: K.S.A. 2-608, 2-610, 2-611, 2-612, 2-615, 2-616, 44-401, K.S.A. 1983 Supp. 44-505, 44-508, 75-6102, 75-6103, 7 U.S.C.A. SS343, 344, 345.

Dear Mr. Kauffman:

As General Counsel for the Kansas Board of Regents, you request our opinion on two questions concerning the status of county extension councils and various persons connected with them under the Kansas Tort Claims Act, K.S.A. 75-6101 *et seq.*, and the Kansas Workmen's Compensation Act, K.S.A. 44-501 *et seq.* Specifically, you inquire whether the councils are municipalities or agencies of the state for the purposes of the Tort Claims Act, and, if the former, whether they are independent or a unit of the county. You also seek to determine the status of extension agents, council members, council employees (such as secretaries and janitors), and county extension volunteers under both acts.

The Kansas Tort Claims Act ("KCTA") contains the following definitions at K.S.A. 1983 Supp. 75-6102:

- "(a) 'State' means the state of Kansas and any department or branch of state government, or any agency, authority, institution or other instrumentality thereof.
- "(b) 'Municipality' means any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof.
- "(c) 'Governmental entity' means state or municipality."

A single county extension council, having no connection with other county councils and not subject to the direction of a state-wide agency or authority, does not fall within the definition of "state" under the Tort Claims Act. Council members, who form the governing body which develops the educational extension programs of each county, are elected by the general electorate of each county, either at large or by county commissioner district, and not by the general electorate of the State. K.S.A. 2-611.

The members come together to form a body dealing with only countywide concerns and administering only countywide programs. K.S.A. 2-616. The principal statutory funding for the extension programs is derived from a tax "levied on all taxable property of the county." K.S.A. 2-610. These funds do not go to the state treasurer to be evenly spread by the Kansas State University Director of Extension, but instead go directly to the county extension council from the county. K.S.A. 2-612.

Rather, a county extension council clearly falls under the "municipality" definition of the KTCA. While it may be argued that a council is an "instrumentality" of a state "institution," the "Memorandum of Understanding" in the County Extension Council Handbook (1983 Edition) distinguishes the Kansas State University Division of Extension from the county councils, placing them in the context of contractual parties, thus, precluding the possibility of an instrumentality situation. For decisions holding that county extension councils (formerly farm bureaus) are akin to municipalities such as school districts, see: Cloud County Farm Bureau v. Cloud County Commissioners, 126 Kan. 322, 325 (1982), State ex rel. v. Franklin County Farm Bureau, 172 Kan. 179, 195 (1951), State ex rel. v. Belt, 175 Kan. 330 (1953).

It is also our opinion that a county extension council cannot be said to be merely an agency or instrumentality of a county. As noted above, the members are directly elected by the residents of the county and are not appointed. Further, the council's budget has long been held not to be under the control of the county commissioners. Cloud County Farm Bureau, supra, 126 Kan. at 325, 326. The activities of the council are established by statute, and are accordingly not within the power of the county commission to control or direct.

K.S.A. 2-616. Therefore, for the purposes of the KTCA, a county extension council is a municipality, independent of the control of the county, and is accordingly a "governmental entity" subject to the provisions therein. The KTCA's general statement of liability appears at K.S.A. 1983 Supp. 75-6103(a):

"(a) Subject to the limitations of this act, each governmental entity shall be liable for damages caused by the negligent or wrongful act or omission of any of its employees while acting within the scope of their employment under circumstances where the governmental entity, if a private person, would be liable under the laws of this state."

By its terms, the KTCA has effected a codification of the common law of respondeat superior and the master-servant relationship. Kansas courts have long recognized that the controlling test in determining the existence of an agency is the right to control the servant. It is not the exercise of direction, supervision or control over a workman which determines whether he is a servant or an independent contractor, but the right to exercise such direction, supervision or control. Attorney General Opinion No. 82-215; Maxwell Bridge Co., 196 Kan. 219, 224 (1966); Hendrix v. Phillips Petroleum Co., 203 Kan. 140, 155 (1969). With these factors in mind, it remains to examine the status of each of the personnel groups you set forth.

To determine which entity, the municipality (county extension council) or the state (Kansas State University, Division of Extension), has the right to control county extension agents, two sources must be examined. The first is the county extension council statutes at K.S.A. 2-608 et seq. K.S.A. 2-615 states:

"The executive board of the county extension council and the director of extension, or the director's authorized representative, shall appoint a county extension agent and determine the amount of the extension agent's compensation. The extension agent shall be under the general supervision of the executive board and the director of extension. The director of extension of Kansas State University of agriculture and applied science shall determine the qualifications of each county extension agent." (Emphasis added.)

The second is the "Memorandum of Understanding" in the Handbook for County Extension Councils (at page 12). Section (c) sets out duties of the county extension council, with subsection (5) stating that a council will "employ as county extension agents only those persons who have been approved by the Director of Extension for the county concerned as each agent is a member of the faculty of the University and a cooperative employee of the United States of Agriculture." (Emphasis added.) Furthermore, section (D) of the memorandum states (p. 15):

“D. The Division of Extension and the [County Extension Council Executive] Board mutually agree:

- “1. That each county Extension agent employed shall be a cooperative employee of the Division of Extension of Kansas State University, the United States Department of Agriculture and the County Extension Council and shall be satisfactory to the Director of Extension and to the Board.”
- “9. That the general supervision of county extension agents as provided by law will be accomplished by conferences between the Director of Extension or his representatives and the agents at such times and places as is mutually convenient for them . . .”

In our opinion, Kansas statutes and existing agreements have produced a unique dual control system for county extension agents, thus creating an equally unique question of liability under the KTCA. The act provides for accountability of the master when the employees are “acting within the scope of their employment.” Presumably, as long as county extension agents act within the scope of their employment, both the county extension council and the state would share liability. The Restatement of Agency 2d at §226 confirms this possibility:

“Under the doctrine of respondeat superior a person can be the servant of two masters, not joint employers, at one time as to one act, if the service to one does not involve abandonment of service to the other.” [See comment (b)]. Voss v. Bridwell, 188 Kan. 643, 657 (1961).

While it is conceivable that situations will arise when the council or the university may require the agent to perform duties which may be inconsistent with the objective or business purpose of the other, and thus not within the scope of the agent’s employment relationship with that entity, these situations would be rare, as the purposes of each are identical in the law. Liability for the activities of the county extension agents under the KTCA is therefore a shared one.

Personnel such as secretaries and janitors are employed by the county extension council pursuant to K.S.A. 2-611(6), which states that the council “may employ and fix the compensation of such persons as are necessary for the conduct of the business of the council.” As such, they are clearly employees of the council for the purposes of the KTCA [K.S.A. 1983 Supp. 756102(d)], with no dual responsibility on the part of the state. Although neither council members themselves nor extension volunteers receive compensation, they are also included within the definition of employee found in the KTCA, which states:

“Employee” means any officer, employee, servant or member of a board, commission, committee, division, department, branch or council of a governmental entity, including elected or appointed officials and persons acting on behalf or in service of a governmental entity in any official capacity, whether with or without compensation.” (Emphasis added.)

Liability for the acts of these persons, when acting within the scope of their authority or employment, accordingly rests with the council as an independent municipality, and not with the

county or any agency of the state.

You present similar questions concerning the status of these same groups under the Kansas Workmen's Compensation Act. The scope of that act is set out at K.S.A. 1983 Supp. 44-505, which states:

“(a) Subject to the provisions of K.S.A. 44506, the workmen's compensation act shall apply to all employments wherein employers employ employees within this state . . .”

“Employer” includes political subdivisions, municipalities, public corporations, and so forth, and so would include county extension councils. [K.S.A. 1983 Supp. 44-508(a)].

“Employee” is defined at subsection (b) of the same statute to include:

“‘Workman’ or ‘employee’ or ‘work’ means any person who has entered into the employment of or works under any contract of service or apprenticeship with an employer. Such terms shall include but not be limited to: . . . persons in the service of the state or any department, agency or authority of the state, any city, school district, or other political subdivision or municipality or public corporation and any instrumentality thereof, under any contract of service, express or implied, and every official or officer thereof, whether elected or appointed, while performing official duties; volunteers in any employment, if the employer has filed an election to extend coverage to such volunteers.”

Finally, the act makes employers liable for injuries “arising out of and in the course of employment.” K.S.A. 44-501.

There can be no question that county extension council members and staff personnel such as secretaries and janitors serve as employees of the extension council for purposes of the Workmen's Compensation Act. However, due to the wording of subsection (b), volunteers doing extension work such as 4-H would not be covered unless the council files an election to extend coverage to them. While this decision would have to be made on a county-by-county basis, given the large-scale participation by volunteers in the work of county extension councils the issue may already have been resolved in most areas in favor of coverage.

As was the case earlier, a more difficult problem is presented by the county extension agents. Supervision of the agents is divided between the county extension councils and the director of extension at Kansas State University, with some involvement also present at the federal level, through the Department of Agriculture. A previous opinion of this office, No. 75-125, looked to the control given by law to this latter agency and concluded that extension agents were employees of the federal government, and thus not subject to the Kansas act. However, the Kansas statutes on the subject of control over county extension agents, as well as memorandums of understanding between county extension councils and the director of extension, clearly show that it is these two entities, rather than the federal government, which exercises both the right to control and actual control over such agents. Beyond the appropriation of funds which are transmitted through Kansas State University to the councils (7 U.S.C.A. SS343, 344, 345; K.S.A. 2-608), the level of federal participation is not comparable to that exercised by the state and county levels. While this does not preclude liability on the part of the federal government under a federal act, it is sufficient

to bring the county extension agents within the scope of the Kansas act, as employees under the direction of Kansas employers. Accordingly, to the extent that it is inconsistent with this opinion, Attorney General Opinion No. 75125 is withdrawn.

In conclusion, for the purposes of the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., county extension councils are municipalities, with an existence separate from that of the county in which they are located and organized. Liability for the actions of an individual county agent is shared between the state and the extension council of the county. Council members themselves, as well as persons employed by the council (such as secretaries and janitors) and volunteers are considered to be employees of the council, which has sole liability for their acts.

For the Purposes of the Kansas Workmen's Compensation Act, K.S.A. 44-501 et seq., county extension agents are employed dually by the county extension council and the director of extension at Kansas State University. Council members, secretaries and janitors are employees of the council as are volunteers in the event the council files an election to extend coverage to them. Attorney General Opinion No. 75-125 is withdrawn.

Robert T. Stephan
Attorney General of Kansas

Jeffrey S. Southard
Deputy Attorney General

SECTION E - KANSAS STATE UNIVERSITY AND DIVISION OF EXTENSION POLICIES

E1. Policy and Procedures for Employment of Unclassified Personnel in the Kansas Cooperative Extension Service

It is the policy of the Kansas Cooperative Extension Service to provide equal opportunity in employment and personnel management for all persons.

Insofar as possible, position vacancies are to be filled by promotions from within the organization, encouraging current employees to seek advancement, utilize their unique skills and abilities, and/or assume greater responsibility.

Where underutilization of minorities, women or persons with disabilities exists in a goal-setting unit and candidates are of equal qualifications, the minority, woman or person with a disability is to be offered the position.

Filling Extension Agent/Director Positions

1. The vacant position is reviewed by the area director and the county extension council executive board/district governing body to determine if it should be filled. When a position is to be filled, the area director notifies the Extension Operations Office to release the appropriate position announcement.
2. The Extension Operations Office:
 - a. Prints the position announcement on the standard form and distributes it to an EEO mailing list including all active candidates who have registered for the mailing list.
 - b. Maintains a file of candidates who apply for the position. Candidates who do not meet degree or grade point average requirements are notified upon receipt of their application materials.
 - c. Prepares a file folder for each candidate including materials as requested in the position announcement.
3. Approximately two to three weeks after the position's closing date, an on-campus extension eligibility committee meets and reviews candidates' application materials. This allows time for all reference forms, transcripts, and supporting materials to be returned to Extension Operations, as well as to have the candidates' materials copied for committee members.

This committee does a competitive analysis of all the candidates for the county/district they are reviewing and selects the candidates to be forwarded to the county extension council executive board/district extension governing body for an interview. Those applicants who are not selected for an interview will be notified.
4. The applicant interviews with the area extension director and board will take place approximately two to four weeks after the campus review.
5. The area director returns the complete file folders of all candidates to Extension Operations, where they are retained with the county/district EEO file for three years.

Extension councils/districts, at their discretion, may reimburse prospective agents for travel, lodging and meals associated with candidate interviews.

Updated November, 2007

Filling State Extension Positions

1. The open position is reviewed by the director of extension in consultation with the appropriate department head or extension unit leader. They will determine if the position is to be filled in the extension unit, reassigned, and/or left vacant. If a position is to be filled, the director and extension unit leader/department head then determine if it is to be filled as is or modified.
2. If the position is to be filled, a job description – including required and desired qualifications – is prepared by the department head, based on the decision made with the director of extension.
3. The extension unit prepares a tentative position announcement on the standard form for review by the Extension Operations Office.
 - a. The department head's name, title, and address should appear on the position announcement as the person to whom all applications are to be made.
 - b. A resume, all academic transcripts and three letters of reference are typically required of the candidates.
4. Three forms are to be completed, signed by the extension unit head, and the director of extension and forwarded to the Kansas State University Affirmative Action Office prior to the beginning of recruitment. They are:
 - a. Unclassified Faculty and Staff Vacancy Form, Appendix 8 (1 copy)
 - b. Position Announcement Form, Appendix 9 (1 copy)
 - c. Recruitment Plan Form, Appendix 10 (1 copy)

Note: Forms need not be submitted to the Kansas State University Affirmative Office for appointments to unclassified positions that are (1) .4 time or less, or 2) less than 90 days. (R-10-85, Affirmative Action Plan for Kansas State University)

5. The Utilization Analysis/Goals and Timetables in the University Affirmative Action Plan should be reviewed to determine if underutilization exists. If there is underutilization, the selection committee should be notified concerning action required.
6. The approved position announcement will be printed and distributed to Kansas Cooperative Extension offices and the 1862 and 1890 Land-Grant Colleges via electronic mail by Extension Operations. The extension unit advertising the position may request up to 100 additional copies of the position announcement for its use as may be needed.

7. The department filling the position:
 - a. Maintains a list of candidates, including those who did not meet minimum requirements or did not follow through with an application. Inquiries by letter, telephone, and personal contact are included.
 - b. Develops a file folder for each candidate, consisting of the materials as requested in the position announcement. Other materials may be added by the candidate.
8. Following the closing date for applications to be received for a position, the department head, in consultation with members of the search committee, reviews the files of all candidates and selects those to be interviewed.
9. Prior to arranging interviews for tenure-track or regular positions, the Affirmative Action Recruitment Report, Appendix 12, must be submitted to the University Affirmative Action Office for a pre-interview review. (Temporary positions are exempted from this step.) The interview process may begin following Affirmative Action Office approval and return of the original form.
10. The department head will make arrangements for screening and interviewing candidates. In the event that none of the candidates is selected for the position, the recruitment, selection and interview process will continue until a candidate is selected.
11. When a candidate is selected, before offering the position, the department head forwards two forms to the University Affirmative Action office . They are:
 - a. Unclassified Appointment Record, Appendix 11
 - b. The completed and approved Affirmative Action Recruitment Report, Appendix 12

The Unclassified Appointment Record must be signed by the department head, and either the associate director of extension or the director of K-State Research and Extension before forwarding to the University Affirmative Action office for the initial contract to be prepared.
12. When the position has been accepted and employment papers have been signed, the department head will immediately notify all other candidates that the position has been filled.
13. Candidates for interviews are reimbursed for travel and per diem.
14. An EEO file is prepared and maintained by the department with the vacancy where it will be retained for three years. The EEO file will consist of the following:
 - a. Title of the position that was filled and the closing date.

- b. A position announcement.
- c. A list of all candidates who applied for the position by letter, telephone or personal contact; a record of the date of application and which candidates completed their applications.
- d. File folders of those who completed applications for the position, consisting of an materials requested in the position announcement.
- e. Correspondence with others who inquired about the position.

Filling Area Extension Positions (Not including Farm Management Association Positions)

Filling vacancies in area positions is a joint responsibility and concern of department heads or assistant directors and area directors. It is important that they cooperate to identify and employ the best available candidate for any given position.

1. The open position is reviewed by the director of extension, in consultation with the area director and the department head or assistant director involved, to determine if the position is to be left in the extension unit, reassigned and/or left vacant.
2. The department head or assistant director will take the initiative in working with the appropriate area director and the director of extension to review the position and prepare a position announcement.
3. The area director or department head prepares a tentative position announcement on the standard form for review by the Extension Operations Office.
 - a. The area director's name, title, and address should appear on the position announcement as the person to whom all applications are to be made.
 - b. A resume, all academic transcripts and three letters of reference are typically required of the candidates.
4. Three forms are to be completed, signed by the area director, department head, and the director of extension and forwarded to the Kansas State University Affirmative Action Office prior to the beginning of recruitment. They are:
 - a. Unclassified Faculty and Staff Vacancy Form, Appendix 8 (1 copy)
 - b. Position Announcement Form, Appendix 9 (1 copy)
 - c. Recruitment Plan Form, Appendix 10 (1 copy)
5. The Utilization Analysis/Goals and Timetables in the University Affirmative Action Plan should be reviewed to determine if underutilization exists. If there is underutilization, the

selection committee should be notified concerning action required.

6. The approved position announcement will be printed and distributed to Kansas cooperative extension offices and the 1862 and 1890 Land-Grant Colleges via electronic mail by Extension Operations. The extension unit/area office advertising the position may request up to 100 additional copies of the position announcement for its use as may be needed.
7. The area/department filling the position:
 - a. Maintains a list of candidates, including those who did not meet minimum requirements or did not follow through with an application. Inquiries by letter, telephone, and personal contact are included.
 - b. Develops a file folder for each candidate, consisting of the materials as requested in the position announcement. Other materials may be added by the candidate.
8. Following the closing date for applications to be received for a position, the area director or department head, in consultation with members of the search committee, reviews the files of all candidates and selects those to be interviewed.
9. Prior to arranging interviews, the Affirmative Action Recruitment Report, Appendix 12, must be submitted to the University Affirmative Action Office for a pre-interview review. The interview process may begin following Affirmative Action Office approval and return of the original form.
10. The area director will make arrangements for screening and interviewing candidates. Upon completion of the interviews, the respective area director will inform the associate director of extension of the mutually agreed on candidate or candidates. The area director, department head, assistant director, associate director and director of K-State Research and Extension decide to whom an offer should be made and at what salary level. In the event that none of the candidates is selected for the position, the recruitment, selection and interview process will continue until a candidate is selected.
11. When a candidate is selected, before offering the position, the area director forwards two forms to the University Affirmative Action Office to the candidate. They are:
 - a. Unclassified Appointment Record, Appendix 11
 - b. The completed and approved Affirmative Action Recruitment Report, Appendix 12

The Unclassified Appointment Record must be signed by the area director, department head, and either the associate director of extension or the director of K-State Research and Extension before forwarding to the University Affirmative Action Office for the initial contract to be prepared.

Verbal offers may be made subject to approval of the forms by the Office of Affirmative Action. Following approval, the provost will authorize the formal offer. The papers may be hand carried if there is a desire or need to make the offer to the candidate immediately. The formal offer from the provost will be accompanied by a letter from the director of extension.

12. When the position has been accepted and employment papers have been signed, the area director will immediately notify all other candidates that the position has been filled.
13. Candidates for interviews are reimbursed for travel and per diem.
14. An EEO file is prepared and maintained by the area office/department with the vacancy where it will be retained for three years. The EEO file will consist of the following:
 - a. Title of the position that was filled and the closing date.
 - b. A position announcement.
 - c. A list of all candidates who applied for the position by letter, telephone or personal contact; a record of the date of application and which candidates completed their applications.
 - d. File folders of those who completed applications for the position, consisting of an materials requested in the position announcement.
 - e. Correspondence with others who inquired about the position.

Filling Farm Management Association Positions

Filling vacancies in Farm Management Association positions is a joint responsibility and concern of the head of the Department of Agricultural Economics, the Kansas Farm Management Association administrator (as representative of the director of extension) and the Farm Management Association board of directors. It is important that they cooperate to identify and employ the best available candidate for any given position. The procedure will be as follows:

1. The open position is reviewed by the director of extension in consultation with the head of the Department of Agricultural Economics, the KFMA program administrator and Farm Management Association board of directors to determine if the position is to be filled as is, modified, reassigned and/or left vacant.
2. If the position is to be filled, a tentative position announcement is prepared by the KFMA administrator and approved by the head of the Department of Agricultural Economics on the standard form, for review by the leader of Extension Operations, to see that it meets minimum EEO requirements.
 - a. The name, title, and address of the head of the Department of Agricultural

Economics should appear on the position announcement as the person to whom all applications are to be made.

- b. Either an application form, a resume, or both are required of the candidates, along with all academic transcripts and a minimum of three letters of reference..
 - c. The position announcement is issued by the Extension Operations Office.
 3. The approved position announcement will be printed and distributed to those on the EEO mailing list by the Extension Operations Office. The Department of Agricultural Economics may request up to 100 additional copies of the position announcement for their use as may be needed.
 4. Processing of applications will be handled by the KFMA administrator, Department of Agricultural Economics who will:
 - a. Maintain a record of all candidates who applied for the position by a written application letter.
 - b. Develop a file for each candidate consisting of an application form or resume as required in the position announcement, academic transcripts and three letters of reference. Other materials may be added by the candidate.
 - c. Place copies of materials received from, and sent to, each candidate in their file.
 5. The KFMA administrator will recommend to the head of the Department of Agricultural Economics a department committee composed of:
 - a. The KFMA administrator — Chairman.
 - b. One association economist at large from another association than the association with the open position. An association economist will be selected to serve for one year. Appointments will be rotated to all associations.
 - c. The executive association economist or other association economist from the association with the open position.
 - d. A county agricultural agent from the hiring association.
 - e. One extension Farm Management faculty member.
 - f. One research-teaching Farm Management faculty member.

The head of the Department of Agricultural Economics will appoint the committee. The department committee members will review the application of each candidate for the position and make recommendations to the head of the Department of Agricultural

Economics concerning eligibility. All required application materials must be received by the closing date on the position announcement to ensure review by the committee.

Candidates will be notified of incomplete file materials. A brief written comment about the candidate's qualifications will be made on an eligibility form or candidate profile form and placed in the candidate's file.

6. The head of the Department of Agricultural Economics and the KFMA administrator will make the final decision on the qualifications of each candidate. The final eligibility of each candidate will be placed in the hiring file. The list of approved candidates, along with a copy of their resume or application form will be submitted to the Extension Operations office for review of EEO compliance.
7. The KFMA administrator will arrange for a mutually agreeable time and place for the Farm Management Association executive office board, or their designated committee to:
 - a. Review the files of all candidates who have completed their applications and have been approved by the head of the Department of Agricultural Economics.
 - b. Select the candidate or candidates to be interviewed.In the event that none of the candidates is selected, the recruitment, selection and interview process will continue until the position is filled.
8. The KFMA administrator will meet with the Farm Management Association board of directors to interview the selected candidate(s).
9. Following the interviews the board of directors and the KFMA administrator will both agree to the offer to be made to the person selected for the position. In the event that none of the candidates is selected, the recruitment, selection and interview process will continue until the position is filled. The KFMA administrator will report the candidate offer to the head of the Agricultural Economics Department and the leader of Extension Operations. The KFMA administrator will then extend a written offer to the candidate. If the candidate declines the offer, the recruitment, selection, and interview process will continue until the position is filled. Signatures on the contract will include the candidate, the president of the Farm Management Association, and the KFMA administrator (as representative of the director of extension).
10. An EEO file is prepared and maintained by the KFMA administrator, Department of Agricultural Economics, where it will be retained for three years. The EEO file will consist of at least the following:
 - a. A position announcement including the title of the position that was filled and the closing date.
 - b. A list of the candidates who applied for the position by letter, a record of the date of application and which candidates completed their applications.

- c. File folders of those who completed applications for the position, consisting of an application form, and/or resume as requested in the position announcement, academic transcripts and three letters of reference.
 - d. Correspondence with others who inquired about the position.
11. Candidates who were not appointed for the position will be notified by the KFMA administrator that the position has been filled.
-

E2. Policy for Extension Council/District Extramural Funds Approval

Extramural Fund Proposals Involving County/District Extension Personnel

The Kansas extension laws concerning county Extension Council/District finances are specific. All expenditures of funds from whatever source derived, must have the approval of the Executive Board/Governing Body and the Director of Extension. Therefore, the solicitation of extramural funds through grant proposals or other means such as collaborations or contracts with other organizations, requires the approval of the Executive Board/Governing Body and the Area Extension Director who serves as the Director of Extension's authorized representative. (Kansas County Extension Council and Extension District Laws - Kansas Statutes Annotated, Sections 2-608 through 2-622 and 2-623 through 2-628)

The approval process will include a proposal discussion concerning sponsor(s), project, capacity, and relevance considerations. This discussion will involve the County/District Director, Executive Board/Governing Body, and the Area Extension Director. Before the proposal is submitted, a Responsibilities for Extension Council/District Administration of Extramural Funds Form will be completed and signed by the County/District Extension Director, the Executive Board/Governing Body Chair, and the Area Extension Director. Answers to a set of standard questions indicate whether the grant will be administered through Kansas State University or the Extension Council/District.

PROPOSAL DISCUSSION

Benefits and Challenges of Extramural Funded Programs

Extramural funds are often useful to address new priorities, expand on-going work to new audiences, and to implement new evidence-based practices or applications. However, grant acquisition and management may be costly, and there may be other more beneficial ways to generate resources. In order to make grants more manageable, several questions must be answered before the Council decides to pursue a grant and prepare a proposal for submission:

- Is the proposal consistent with the short- or long-term plan of work of the Extension Council/District?

- What is the cost/benefit of applying for the grant? One aspect of cost/benefit is determined by considering the average award and the percentage of grants made to the total number and value of proposals received. Then, consider the approximate cost to prepare the proposal.
- How closely does the Extension Council/District come to the type of organization the source has historically funded? If national and statewide organizations have received most previous awards, a grassroots/community-based group may have difficulty meeting the expectations.
- What kinds of strings (e.g., reporting requirements, marketing expectations, etc.) are attached as conditions of grant support?
- What type of management plan (staffing, fiscal, communication, reporting, etc.) is required to complete the objectives of the grant within the time frame allowed?
- Assess local ability to perform based upon the capabilities of the Extension Council/District as well as the adequacy of the grant funds. Will financial and human resources be sufficient to meet all responsibilities or will already over-committed staff be stretched even further? Grants provide for expanded services, efforts, and research. They should not be used to support existing infrastructure or to "bail-out" other budgets.
- What expectations will have been established in the community when external support ends? Will a necessary service be established that has little likelihood of continuing? While there may be an expectation that the program will continue, there must be an honest appraisal of the Extension Council/District's capacity to offer the program after grant funds run out.

Considerations For Effective Grant Management

There are many considerations for effective grant management in determining whether an Extension Council/District or Kansas State University is the appropriate entity to administer the grant.

Extension Councils/Districts may be able to compete more effectively for some grants than Kansas State University. Local visibility is enhanced when the Council/District is seen as a positive, contributing local agency. The Council/District can use local hiring and purchasing procedures and can determine salaries and wages based on local wage scales. Councils/Districts may be able to charge indirect costs if they have an approved policy and if the granting agency will pay these costs.

There are also advantages for processing grants through Kansas State University. KSU can assist with cash flow and can also assist with local expenditures through use of a KSU procurement card. KSU would be responsible for audit expectations and is already familiar with grant accounting procedures and documentation requirements for match, if required. KSU procedures include appropriate consideration and protection of publication and intellectual property rights.

There are other considerations important to the administrative management decision process. Councils/Districts must still meet grant expectations if the principal investigator leaves before the project is finished. Proposals funding multiple counties or county blocks make it necessary to determine the lead Council/District to receive and monitor the funds if the grant is not administered through the University. If involvement of a content specialist is necessary, the Council/District may need to enter into a sub-contract, reimbursement process or Memorandum of Understanding in order to accomplish the objectives outlined in the proposal.

To facilitate the decision process, a Responsibilities for County Extension Council/District Administration of Extramural Funds Form will be completed by the County/District Extension Director, Executive Board/Governing Body, and Area Extension Director during the very initial stages of the process. After completing the checklist, the parties determine whether the funds are best administered through the County Extension Council/District Governing Body or the University.

PROCEDURES REGARDING GRANTS AND CONTRACTS

The County/District Extension Director, the Executive Board/Governing Body and Area Extension Director, representing the Director of Extension, assess a proposed project's compatibility with priority programs when considering whether or not to seek outside funding and discuss how to manage the funds if an award is granted. This process includes evaluating the feasibility of achieving expected outcomes and how or if the program will be funded after the grant ends.

- Proposals for grants affecting the County Extension Council, including cooperative projects involving grants received and managed by other agencies, should be reviewed and approved by the County/District Extension Director, Executive Board/Governing Body and Area Extension Director prior to submission.
- Grant administration (whether through the Extension Council/District or processed through Kansas State University) will be determined after careful consideration of administrative responsibilities during the discussion of the proposal. The County/District Extension Director, Executive Board/Governing Body and the Area Extension Director will jointly make this determination and will all sign the Responsibilities for County Extension Council/District Administration of Extramural Funds Form.
- When the Extension Council/District is responsible for the grant (including but not limited to signing vouchers, signing checks, hiring and terminating grant-funded county employees [county hires, not KSU employees] and reviewing accountability reports), the Area Extension Director will review all financial reports on a monthly basis to provide additional accountability.
- The County/District Extension Director will present the Area Extension Director the following reports for each grant awarded: details on each voucher/check, monthly budget-to-actual report, monthly itemized category report, and programmatic report.

- When the grant will be administered by the Extension Council/District Governing Body, the proposal should clearly state that the award will be made to the _____ County Extension Council or the _____ Extension District and not made to Kansas State University or K-State Research and Extension.

Grants, contracts and other sources of extramural funds are, and will continue to be important contributors to budgets, research, and educational programs of Extension Councils/District. K-State Research and Extension supports appropriate pursuit of grants that align with local and statewide priorities.

Revised December 10, 2003

E3. Debates and Controversial Matters - Extension Employees

K-State Research and Extension employees should constantly keep in mind that they are conducting educational programs and that their activities should be limited to the presentation of factual and informative material. Programs dealing with potentially controversial issues should be addressed utilizing a public policy educational model.

Extension workers should always remember to be courteous and considerate of the opinions held, and the statements made, by all those with whom they come in contact. A constructive and non-partisan attitude is required at all times.

E4. Radio and Television Appearances of University Personnel

Kansas State University personnel, including off-campus workers, will be permitted to appear on commercially sponsored radio and television programs, providing: 1) that the commercial announcements shall in no way imply endorsement of the product or service either by Kansas State University or by the individual involved, and 2) that there is no implication, on the air or in any manner, that Kansas State University personnel are employed by the station(s) involved.

Kansas State University will permit sponsorship of some radio and television programs produced by Kansas State University, with the same provisions applying.

E5. Handling of Funds and Accounts of Outside Groups by Extension Agents

As the state statutes including the County Extension Law prohibit the councils from engaging in

commercial or private enterprises, collecting membership dues, or collecting membership dues for other organizations; and as these same state statutes prohibit the co-mingling of outside funds with county extension council funds, the county extension agents will not be permitted to handle funds or maintain accounts for outside groups as part of their extension program operations.

Outside groups – such as the county 4-H councils, county livestock associations, county extension homemaker councils, etc. – should elect one of their own members to serve as treasurer to receive and pay out funds and should maintain their own accounts.

This policy does not prohibit a county extension agent, functioning as a private citizen, from serving as a treasurer for his local church, Chamber of Commerce, school district, and similar organizations that do not constitute part of his extension program operations.

E6. Extension Employees Serving as Executive Secretaries or Managers for Outside Groups

K-State Research and Extension, as part of its educational program, may assist groups in their organizational periods and after they are in operation by furnishing educational information.

It is the general policy of CSREES and K-State Research and Extension that extension employees not serve as officers, and particularly as executive secretaries or managers for organizations as a part of an extension program.

Organizations and groups, even though closely allied to the extension educational programs, should be encouraged to elect all officers from their own group. These groups should not try to get individuals from outside professions such as the extension service to serve as officers, especially executive secretaries or managers.

An extension worker can serve the above mentioned groups and similar organizations much more effectively by performing in the role of an educator and consultant.

E7. Use of Extension Funds for 4-H Fair Premiums

TO: Chairman, County Agricultural Extension Councils, State of Kansas

The extension service is in agreement with the Office of the Attorney General of Kansas that county agricultural extension council funds cannot lawfully be used to pay for 4-H Club premiums or any other premiums or prizes, whether at 4-H fairs or any other fairs.

In line with the above ruling, funds for prizes or premiums cannot be approved as a part of the county agricultural extension council budget.

/S/ L. C. Williams
Dean and Director

April 22, 1952

E8. *Authorization for Out-of-County/District and Out-of-State Travel by Extension Agents*

Kansas extension agents are authorized to travel officially out-of-county/district and out-of-state:

1. To attend official meetings, tours and other in-state events, to participate in professional development, or to conduct educational programs that are a part of the educational plan of work, or as authorized by the director of extension.
2. To permit agents in counties bordering Colorado, Missouri, Nebraska, and Oklahoma to travel into adjoining counties in these four states in support of their extension program.

All other out-of-state travel should first be approved by the local extension board.

October 8, 2007

E9. *Agent Staffing in Local Units*

Local units of K-State Research and Extension, under Federal and State legislation and a Memorandum of Understanding, are to conduct a comprehensive Extension educational program in the areas of agriculture and natural resources (ANR), family and consumer science (FCS), 4-H youth development (4-HYD), and economic and community development (ECD).

An agent allocation plan establishes the maximum number of agent positions in a unit that will receive state funding support. Agent staffing decisions are to be made on the basis of meeting local programming needs as well as meeting comprehensive programming responsibilities. Staffing decisions are jointly determined by the local Extension Board and the Director of Extension's Representative.

In the event that budget availability requires a reduction in force of agent positions, the Extension Board and the Director of Extension's representative will establish position descriptions for the remaining positions. Positions will meet local programming needs in the priority areas of program focus as well as meet the requirement for comprehensive programming

in the four primary programming areas (ANR, FCS, 4-HYD, ECD).

Agents employed by the local unit will be invited to apply for the remaining positions in the unit. Agent staffing decisions will be based on the qualifications of agents, their knowledge in the priority areas of program focus, and their ability to meet the comprehensive programming requirements of the position. All decisions are to be determined jointly by the local Extension Board and the Director of Extension's representative.

Local Extension Boards and the Director of Extension's representative should annually review local program needs and agent staffing to meet the comprehensive programming requirements for the unit.

04/19/07

E10. Involvement of Extension Employees in Civil Lawsuits

The extension policy has always been that an extension employee does not volunteer to be a witness for either party involved in a civil lawsuit. We do not take part in the suit until a court subpoena is issued requesting the individual to appear as an expert witness. Then the individual appears as an expert in his field, states only facts and does not make judgment as to damages that ought to be awarded. Damage judgement is the special prerogative of either the jury, if a jury trial, or the judge, if it is a hearing before a judge.

Definite written regulations exist relative to appearing in civil suits relating to the federal government. An extension worker is not permitted to appear as a witness except under certain circumstances, and then only when so authorized by the federal government. This federal regulation generally applies under two categories: condemnation of property by the federal government, or damages caused by a federal agency, such as a plane crash on a farm or among buildings or other property. For example, in the case of a military plane crash, the extension employee cannot make estimate of damages if requested by the property owner. The proper procedure is that the involved federal agency (in this example, the U.S. Air Force) will request the extension employee to make this determination under a formal request.

...this is more or less an unwritten policy but it has been the policy followed for a number of years. By following such a policy, regular legal procedures are used and then the extension employee is not placed in a position of taking sides in a civil suit.

(Excerpted from letter written by Associate Director Paul W. Griffith, April 2, 1971)

E11. Guidelines for Implementing the Kansas Open Records Act

Kansas Open Records Act: The Open Records Act, K.S.A. 45-215 et seq., effective January 1,

1984, declares that it is the public policy of Kansas that “public records shall be open for inspection by any person.” Public records are defined as “any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency.” The university is classified as a public agency for the purposes of this act.

General Information

1. Principal Office: The principal office of the Kansas State University is the Office of the President, 110 Anderson Hall.
2. Regular Office Hours: Regular office hours on all business days, excluding Saturday, Sunday and official holidays, are from 8:00 a.m. to noon, and from 1:00 p.m. to 5:00 p.m. Records may be inspected during those hours.
3. Designated Records Custodians: Requests for inspection or copying of public records may be made through the offices of designated custodians which include the university attorney, provost, vice president, deans, department heads and directors of Kansas State University. Dorothy L. Thompson, associate university attorney, 111 Anderson Hall, Kansas State University, Manhattan, Kansas 66506, is the designated official custodian of public records.
4. Charges and Fees: Fees shall be charged for the provision of access to and the copying of public records. Fees for copies shall equal the actual cost of furnishing copies, including the cost of staff time required to make them or supervise the copying. Fees for providing access to computer records shall include the cost of computer services, including staff time required.

Procedures

1. No original public records shall be removed from the custody of the university without the written permission of the official custodian.
2. Each request for access to public records shall be acted upon as soon as possible, but not later than the end of the third business day following the date the request is received.
 - a. If access to the public record is not granted immediately, the official custodian or a designee shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection.
 - b. If the request is denied, the official custodian or a designee shall, upon request, provide a written statement of the grounds for the denial and shall cite the specific provision of law under which access is denied. Said written statement shall be furnished to the individual or firm making the request no later than the end of the third business day following the date that the request for the statement was received.

3. The request for inspection or copying of public records shall be in writing, and the requestor shall be required to furnish only his or her name and address, proof of identity, if necessary, and the information needed to ascertain the records desired. When a designated custodian furnishes copies of public records, charges for the service shall be collected in advance.
4. Copies of radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices shall not be required to be furnished unless such items or devices were shown or played to a public meeting of the Kansas Board of Regents or other public body.
5. Copies of public records shall be made while the records are in the possession, custody and control of a designated custodian and shall be made under the supervision of the custodian.
6. All charges or fees collected by a designated custodian shall be remitted to the vice president for administration and finance and shall be credited to the general fund.
7. A designated custodian may consult with the Office of University Attorney when in doubt as to whether a specific record falls under the provisions of the Open Records Act.

Reasons for Denying Access to Public Records

Permission to inspect or copy public records may be denied if (1) the request “places an unreasonable burden in producing public records” or (2) the custodian of the records “has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency.” As mentioned above, denial of a person’s inspection or copying request must be explained in writing if the person requests such an explanation.

The Open Records Act provides that, unless otherwise required by law, certain records need not be disclosed. Note in particular, however, that nothing in the Open Records Act supersedes federal law, including the Family Educational Rights and Privacy Act (Buckley Amendment).

Records exempted by the Act from disclosure in the possession of the University’s offices and departments shall not be made available. These include:

- records protected from disclosure by state or federal law;
- records which are privileged under the rules of evidence;
- medical, psychiatric, psychological, or alcoholism or drug dependence treatment records that pertain to identifiable patients.
- personnel records and performance ratings or individual identifiable records pertaining to employees or applicants for employment (this exemption does not apply to the names, positions, salaries and length of service of university employees)
- letters of reference or recommendation pertaining to the characteristics of an identifiable individual;

- library, archive and museum materials contributed by private persons to the extent of any limitation imposed as a condition of the contribution;
- information revealing the identity of a donor, if the gift was given anonymously;
- testing and examination materials, before the test is to be given or if it is to be given again;
- records of individual test scores;
- records of agencies involved in administrative adjudication or civil litigation if disclosure would interfere with a prospective administrative adjudication or civil litigation;
- contents of appraisals of engineering, feasibility estimates or evaluations relative to the acquisition of property by a public agency, prior to the award of formal contracts;
- most correspondence between a public agency and a private individual;
- records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under the Kansas Open Meetings Act;
- computer software programs (this exemption does not include records concerning what information the agency maintains on computer facilities or the form in which the information can be made available);
- applications for student financial aid;
- 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;
- notes, preliminary drafts, research data not yet fully analyzed, unfunded grant proposals, memos, recommendations, or other records in which opinions are expressed or policies or actions are formulated (this exception does not apply if those opinions or policies were publicly cited or identified in an open meeting);
- library circulation records pertinent to identifiable individuals;
- research records pertaining to identifiable individuals;
- specifications for competitive bidding, until the specifications are officially approved;
- sealed bids until a bid is accepted or all bids are rejected;
- public records containing information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.
- records involved in the obtaining and processing of intellectual property rights that are, or are expected to be, wholly or partially vested in or owned by Kansas State University or the KSU Research Foundation.

If a record is only partially exempted from disclosure, the designated record custodian shall delete the exempted materials and make available the material that is subject to disclosure. Records that are exempt because they pertain to an identifiable individual are subject to disclosure if deletion of the identifying portions of the records is possible.

Public records more than 70 years old are open for inspection without regard to the above-listed exemptions. Such records are non-disclosable only if federal or state law so provides.

Penalties

Kansas district courts can enforce this act. No public agency, employee or officer is liable for monetary damages for violations of the act's open public record rules. However, in an action to enforce the provisions of the act, the prevailing party may be awarded attorney fees upon a finding that the other party acted in bad faith and without reasonable basis in fact or law.

E12. *Statement of Roles, Responsibilities, and Expectations of Extension Agents in Single-Agent Counties*

Expectations

An extension agent in a single-agent county will provide primary leadership in the development, dissemination and implementation of research-based information and educational programs in the Core Mission Themes of K-State Research and Extension.

While an agent in a single-agent county will have some responsibilities for all Core Mission Themes, the agent should have a primary subject matter expertise in order to establish credibility, command respect and maintain local support for K-State Research and Extension.

Program Input by Extension Council Members

The extension council is encouraged to meet as a body to identify major educational priorities for the county within K-State Research and Extension's Core Mission Themes. All four program development committees need to identify specific outcomes based on the educational priorities related to their area of expertise.

Leveraging the Extension Agent's Time

Volunteers, program development committee members, collaborative partners, multi-county specialists and area and state specialists will assume a high level of commitment to the implementation of the extension program in a single-agent county. A program assistant is highly recommended to assist with the maintenance of the youth development program.

A successful agent in a single-agent county will maintain a high profile and be regarded as a leader in the community. However, it is also important to leverage their time and talent by their leadership in involving volunteers in not only the planning but also the implementation of the educational program.

Time Commitments

The extension council and area director should agree on the allocation of the agent's time among the various subject matter opportunities. A suggested allocation is:

- 25-35% in leadership of the 4-H Youth Development program

- 40-50% in the agent's area of subject matter expertise
- 25-35% in administration and leadership of other educational programming

It is highly recommended that a program assistant be employed to assist the extension agent.

The agent in a single-agent county will stay current and skilled in their area of subject matter expertise. In the other subject matter areas, the agent will be familiar with program resources and participate in program development and administration but will rely on other resources to deliver educational programming and respond to technical questions.

Revised 12/09/03

E13. Policy on Kansas County Extension Agent Exchange

To utilize the expertise of county extension agents, county extension councils may provide educational services to another county through the exchange of similar services or dollars.

County educational needs will be determined by the local program development committee with the approval of the county executive board. Agent exchange is an approved activity when it is part of the planned, approved educational programs.

Exchange of educational activities between counties may occur by exchanging time of any of the county extension agents. An example could be exchanging an activity in the spring for a program in the fall, etc.

Agent exchange is approved by all participating county extension council executive boards.

E14. Non-Job Related Tours or Other Activities

Any person with an extension appointment involved during annual leave in non-job related tours or other activities shall avoid the use of their official title and any reference to their association with the Cooperative Extension Service, county extension councils, Kansas State University and/or the United States Department of Agriculture in any promotional materials or solicitation for participation in the tour or other activity. Any such individual working with or through a commercial concern such as a tour agency will notify them, by letter, that their official title and any reference to their affiliation with the Cooperative Extension Service, county extension council, Kansas State University and/or the United States Department of Agriculture cannot be used in any promotional material or solicitation for participation in the tour activity.

Copies of the letter to the tour agency should be sent to the director of extension and to the area director of county agents and area staff, and to the department/unit head for state staff.

This policy is not designed to place any further limitations on what an extension professional can or cannot do on annual leave time. It is designed to eliminate any potential for conflict of interest accusations and/or the impression on the part of recipients of the promotional material that the tour is sponsored by the Cooperative Extension Service or Kansas State University.

3/89

E15. Handling of Extension Agent Applicant Materials

1. Only the board and area directors should see the applicant materials.
2. Common law says that there should not be unnecessary distribution of private facts
3. Do not solicit input and do not show files.
4. Caution the recipients of the files about further disclosure.
5. It is legal to photocopy the material, but it does increase the chance of exposure.
6. If photocopied, the copies should be brought back and destroyed. Someone should be responsible for getting that job accomplished.
7. Board members can take a file home, if desired, but should not show or tell what is in the file.
8. Board members should be cautioned not to show to other people or to recopy.
9. The file must be placed in Umberger or the area office.
10. When deliberations occur about hiring agents, the other agents should not be present.

5/89

E16. Conflict of Interest Policy

Ownership or Operation of a Personal or Private Business

An extension employee may own or operate a private business when entering employment, or ownership or operation of a business may occur after being employed. This may or may not be a conflict of interest with the employee's extension job.

Extension faculty members are expected to give full professional effort to their assignments. Therefore, it is inappropriate for faculty members to engage in other gainful employment that is incompatible with the university's mission, requires substantial time away from the university, or interferes with the faculty member's designated professional responsibilities. Personal business unrelated to the university may not be transacted from a university office.

No extension employee shall engage in outside business activities or consulting activities for government or industry in which he/she may be construed to have an advantage based on privileged information received in connection with university activities, or in which the objectivity of his/her judgment in connection with one activity may be questioned by reason of the nature of his/her other activities.

As in the case of consulting, those who propose to engage in other outside work must obtain prior approval of their area director, department head and dean. Such outside activities, as well as other possibilities for conflict of interest, are to be reported in writing to the appropriate area director or department head.

Buying, Selling and/or Trading of Livestock, Crops, Commodities

Extension employees may become involved in trading agricultural or other commodities or futures contracts that are closely related to their extension job. Personal investment (stocks and bonds) would not fall into this category unless an excessive time commitment away from work is required.

The department head or area director must be informed if the employee is trading in commodities closely associated with his or her extension assignment. A determination must be made whether this involvement presents unfair competition to others trading in such commodities. If the activity appears in conflict with job time or assignment, a determination must be made and approval given before further activity is undertaken.

Holding Elected or Appointed Public Office

Extension faculty are eligible to accept any public or political party position that does not involve a conflict of interest and does not require substantial time away from assigned duties or in other respects infringe upon them. All extension personnel involved in political activities must make clear that they are acting for themselves and not for extension or the university. The department head or area director should be informed of the employee's decision to seek public office, determine that the duties of the public office will be carried out on the employee's personal time (approved absence or leave without pay), and ensure that all time, facilities and materials required to conduct a campaign and to carry out the responsibilities of the public office are separate and apart from the employee's job.

Providing Expert Witness Testimony in Court, etc.

Extension employees are discouraged when possible from being involved in a court case as an expert witness in Kansas. The employee must notify his or her area director or department head in advance of serving as an expert witness in Kansas that he or she has been served a valid duly served subpoena. It is encouraged that the employee appear as a friend of the court, not as a representative of the Kansas State University Cooperative Extension Service, and the employee should avoid any testimony that might conflict with the employee's job assignment. Fees and expenses for testifying are to be handled directly between the extension employee and the payer of the fees or expenses and should only be accepted when the employee has taken appropriate leave time.

E 17. *Local Extension Unit Credit (Procurement) Card Policy*

Extension Councils/Districts may use Credit Cards within usage guidelines set forth in this policy. These guidelines have been developed from best practices for credit card use developed by the Kansas Legislative Division of Post Audit. The purpose of the procurement card is to establish a more efficient, cost-effective method of purchasing and paying for transactions within established usage limits. Recommended card maximum spending limits are \$5,000 per transaction and \$10,000 monthly. The card can be used for in-store purchases as well as mail, phone or fax orders. The procurement card can be used to reduce purchase orders, payment vouchers, charge accounts and the use of personal funds reimbursed by payment vouchers.

1. Credit cards should only be obtained through Board authorization. Any local guidelines developed that are beyond the scope of this policy should be in writing and readily available to staff and the Board.
2. Each card user should have a separate credit card identification code or account.
3. Cards will be assigned an expenditure dollar limit applicable for a 30-day billing cycle.
4. Original receipts **MUST** be submitted to document each purchase. Credit Card purchases must be reviewed and approved by someone other than the employee making the purchase. All purchases must be approved by the County/District Extension Director. Purchases by the County/District Director must be reviewed in detail by a designated board member.
5. When making purchases, be sure to remind the vendor of the Extension Council's/District's tax exempt status.
6. Gasoline purchases are allowed for Extension vehicles only. Gallons of gas purchased and the cost is to be recorded and vehicle use documented in a vehicle mileage log. Gas purchase receipts should be reconciled with the vehicle log by someone other than employee making gas purchases.
7. Credit cards may be used for business related lodging expense. However, there can be no charges for meals, beverages, or other non-business related expenses.
8. The card is **not** to be used for alcoholic beverages or agent meals.

9. Unauthorized purchases will result in severe consequences. Possible actions are:
 - a. Verbal warning
 - b. Loss of Credit Card privileges for a specific period of time or permanently.
 - c. Written warning added to the employee's personnel file.
 - d. Termination of employment and possible civil and/or criminal prosecution for suspected serious infraction of policy and violation of law.

10. Card users should sign a statement saying they are familiar with the credit card policies. A copy of the policies signed by each cardholder should be kept on file.

Revised 12/2011

E18. *Professional Scheduling Policy*

Definition: Professional scheduling is defined as the responsibility of arranging one's work schedule to best achieve the responsibilities of the position and meet the needs of constituents, while achieving a balance of professional and personal time that is productive and healthy for the organization and the individual.

Situation: K-State Research and Extension faculty develop and extend knowledge from the university campus to the people of Kansas. Often the nature of the educational event or research activity and/or the availability of constituents necessitate faculty to work during non-routine office hours (before 8:00 a.m., after 5:00 p.m., evenings or weekends). Faculty must be flexible to schedule their work in a way that ensures successful delivery of their programs. K-State Research and Extension also supports faculty in their role as family members and active participants in their communities, and recognizes that these kinds of responsibilities may take them away from the workplace during routine office hours.

Principles for Implementation of Professional Scheduling:

1. K-State Research and Extension faculty are accountable for fulfilling the responsibilities of their positions. As professionals they are entrusted with the flexibility of planning their work schedules subject to the policies below.

2. There is an expectation that faculty will spend at least 40 hours per week in the fulfillment of their responsibilities. As professionals, faculty will often be required to invest more than 40 hours per week to maintain and expand their educational and/or research programs.

3. Due to the nature of their responsibilities K-State Research and Extension faculty are exempt from the Fair Labor Standards Act and therefore do not get paid overtime or compensatory time for weeks exceeding 40 working hours. Unlike compensatory time, professional scheduling is not designed to compensate hour for hour for time worked over 40 hours in a work week.

Policy and Implementation: K-State Research and Extension administration supports faculty in meeting their professional responsibilities while practicing professional scheduling within these guidelines:

1. Professional scheduling should be practiced at the mutual convenience of the organization and the individual. If the use of professional scheduling has an adverse effect on job performance or the achievement of organizational goals, the faculty member's use of professional scheduling is subject to review and revision by the supervisor.
2. Faculty are generally expected to be available to their clientele, stakeholders and other faculty during office hours. If there is a routine need to work a different schedule, the regular schedule should be revised in consultation with the supervisor. This professional scheduling policy gives faculty the flexibility to take care of personal commitments during office hours when necessary.
3. When faculty are practicing professional scheduling during the regular work week, they must inform the appropriate office or departmental official of their whereabouts, their estimated time of return and how to contact them if necessary.
4. Any leave of four or more hours is to be documented as vacation or sick leave and is to be reported bi-weekly to the designated office professional or supervisor.

Fred A. Cholick
Director, K-State Research and Extension
07/08

E19. Payment of Judging Fees to County Extension Agents

During this county fair season a question has arisen as to the payment of judging fees to county extension agents. Following is information to clarify this issue.

Judging Fees from County Extension Council Funds

The Kansas Extension Service Administrative Handbook states that “Honorariums, judging fees, etc., for Extension Agents in excess of mileage and subsistence are not approved expenditures of county extension councils.” This applies whether or not the agent uses annual leave and is applicable to fair judging as well as 4-H Club Days judging. This statement reflects guidelines for the use of extension funds from the Federal Administrative Handbook for the Extension Service.

Judging fees from County Fair Board Funds, 4-H Councils, Etc.

If an agent **does** use annual leave to fulfill the judging request or if the judging assignment is on a weekend:

- A judging fee may be accepted.

- The agent is to drive his/her personal vehicle and may accept mileage and reimbursement for meals and lodging.

If the agent **does not** use annual leave to judge the following would apply:

- No judging fee may be accepted.

- Mileage is to be paid to the agent if they drove a personal car.

- Mileage is to be paid to the county extension council/district governing body if the agent drove a county/district vehicle.

- Meals may be reimbursed directly to the agent.

Richard D. Wootton

7/97

E20. The Extension Agent Assistant: Policy, Roles and Responsibilities

Agent assistant positions may be developed by the extension council and the area extension director. The role of the agent assistant is to help the extension agent in the delivery of the extension council’s educational program. K-State Research and Extension has developed these guidelines for the agent assistant position:

1. Employment Process: Employment will be part-time (less than 40 hours per week is part-time). The agent assistant must be employed less than 1,000 hours annually to be exempt from benefit qualification under KPERS (Kansas Public Employees Retirement System). The employment contract should have a beginning and an ending date.
2. The agent assistant will be responsible to an extension agent for their work assignment.
3. The job responsibilities of the agent assistant are to be outlined in a specific job description. The agent assistant's responsibilities should be narrowly focused with specific functions and a targeted audience.
4. Training for the agent assistant is to be offered by and/or through the assigned extension agent.
5. Pay and benefits are to come from extension council funds. Benefits are to be provided according to extension council policy and applicable laws and regulations.
6. Lodging and subsistence support is to come from extension council funds and may be provided for official travel according to division of extension guidelines.
7. The extension council executive board or the extension district governing body, along with the area director, supervises and evaluates all agents. Evaluation of the agent assistant will be a responsibility of the assigned extension agent. The board/body and the area director (and county director where applicable) should be kept informed about the performance of the agent assistant.

10/97

E21. Ethics/Guidelines Concerning Gifts and Hospitality for Unclassified State Employees (Kansas Commission on Governmental Standards and Conduct)

Kansas law prohibits an unclassified state employee from accepting or requesting gifts under certain circumstances. A gift may be in many forms, including money, loan, travel, meals, or entertainment.

The value of a gift is the retail cost to purchase it. The value of a ticket entitling you to food, refreshments, entertainment, etc., is the face value of the ticket. If no value is indicated, the value is the actual cost to the giver. Multiple gifts from a single source given in a calendar year must not total \$40 or more.

The commission has issued rules and regulations and advisory opinions interpreting the gift statute. The following are the most important points.

What You Can Not Do

As an unclassified state employee, you are prohibited from accepting any gift worth \$40 or more in a calendar year when it could be reasonably believed that the gift was intended to influence you, could reasonably be expected to influence you in the performance of your official duties, or was intended as a reward for any official action. If you knowingly and intentionally do so, you are subject to a civil fine of up to \$5,000 and/or you may be criminally charged with a class B misdemeanor. In addition, the governor may reprimand or remove you from state service.

An exception to the gift rule exists for gifts that are customary on family, business, and social occasions, as long as the gift being given is based on a personal or business relationship. The circumstances must be considered in each case to ensure that no ethical problem or even the appearance of improper behavior exists.

Events

You are prohibited from accepting gifts in the form of entertainment worth \$40 or more in a calendar year. Entertainment includes tickets or passes to events such as concerts, theater, and sporting events, and food and beverages provided when the donor is not in attendance.

You may not receive discounted or complimentary registration fees to attend conferences and seminars from any person or company who does business with your agency.

Travel and/or lodging provided to you by any person or company who does business with your agency is prohibited. An exception to this travel expense rule exists when the state agency would be willing to pay your expenses for travel and lodging.

You may not designate a friend, family member, or entity (for example, a charity) to receive a gift that you cannot receive.

Gifts of \$40 or more cannot be received by you from a person or business that is licensed, inspected, or regulated by, does business with, appears before, or negotiates with your agency; lobbies; applies for or receives funds from your agency; or contracts with your agency. If your agency licenses, inspects, or regulates, the \$40 limitation on gifts includes hospitality in the form of food and beverages.

What You Can Do

The following can be accepted without violating the law:

- Gifts given to you by someone based on a personal relationship totally unrelated to your state duties.
- Meals received when you serve as a participant or speaker in a job-related professional or educational program, and meals are available to all participants.

- Modest items of food and refreshment offered other than as part of a meal.
- Unsolicited advertisement material or promotional material of little value.
- Plaques presented in recognition of your state service or awards and plaques presented in recognition of service to the community, etc.
- Prizes given in random drawings open to the public.
- A rebate, discount or promotional item available to any individual or governmental agency.
- Hospitality in the form of food and beverage and recreation provided in the presence of the donor. Recreation means activities such as golf events, attendance at sporting events, concerts, etc., when the donor accompanies you.

The Kansas Commission on Governmental Standards and Conduct issues advisory opinions upon its own initiative and upon the request of any person to whom the state law applies.

Advisory opinions serve to interpret the law and may be especially useful to public servants who are considering an activity which they suspect may involve a conflict of interests. Any person who acts in accordance with the provisions of such an opinion shall be presumed to have complied with the provisions of the conflict of interests law.

If you receive the offer of a gift you are not sure you may accept, you should consult with your supervisor or the Kansas Commission on Governmental Standards and Conduct to determine whether it is permissible to accept it.

You may call or write:

Kansas Commission on Governmental Standards and Conduct
109 W. 9th, Suite 504
Topeka, KS 66612
Office: (785) 296-4219
Fax: (785) 296-2548

Note: These provisions do not apply if you are an unclassified state employee whose salary is subject to the governor's approval.

This chapter pertains to laws in effect on July 1, 1997.

E22. Legal Action Against University Personnel

May 2, 1975

TO: All Faculty

FROM: John Chalmers
Vice President for Academic Affairs

RE: Legal Action Against University Personnel

Because of several inquiries from faculty members concerning the possibility of legal action against them because of committee assignments and other regular duties associated with their assignments, I have asked the university attorney to prepare a short statement on this, which follows:

In the event legal action is filed against faculty members or administrators because of action taken in the appropriate performance of their duties, either as members of grievance committees or as those who provide recommendations on tenure, evaluation, and reappointment, it is the policy of the attorney general's office to defend them. It is also state and university policy to have the university attorney participate in the defense in these cases. There is no cost to the state employee.

Further, it is my opinion that faculty members who are performing their assigned duties while serving on grievance committees or making recommendations could not successfully be held liable for damages unless the complaining party proved a malicious or bad intent.

E23. *District Extension Agent Salary Policy*

Extension Districts are allocated funding through state and federal fund sources based on the number of Extension agent positions originally allocated in the District Operational Agreement among the counties forming the district. The funding is irrespective of the number of Extension agents hired into the District. The state and federal funds for the originally allocated positions are distributed equally across all filled positions.

As an Extension agent vacancy occurs within the District, all salary and benefit savings on that position will return to the source of those funds. In other words, the District sources of funding will remain with the District. The state and federal sources will return to K-State. As the position is refilled, state and federal sources of funding will be reinstated at the base level equal to that provided to all other agents within the District.

If a vacancy occurs and the District Governing Board decides that position will not be refilled, accumulated salary savings on the state and federal portions will return to K-State until new Extension agent annual employee agreements are written. At that time an increase will be made to the base state and federal funds support to all Extension agent positions within the District to equal the total value of the agent allocation for the District.

If the District Governing Board decides to add an Extension agent position, state and federal funding will be adjusted downward on all Extension agent positions in an amount to retain the total value of agent allocation of the district.

Revised 4/28/2011

SECTION F - KANSAS STATE UNIVERSITY AND DIVISION OF EXTENSION LEGAL OPINIONS

F1. Use of Secret Ballots in Executive Board Elections at Annual Meeting

August 29, 1978

Dr. John Dunbar

RE: Open Meeting Law

You have asked whether in my opinion the Kansas Open Meeting Statute prohibits the use of a secret ballot in the selection of executive board members at the annual meeting of a county agricultural extension council.

That law provides in part that “all meetings for the conduct of the affairs of ... political and taxing subdivisions ... including ... councils ... receiving or expending and supported in whole and in part by public funds shall be open to the public and no binding action by such bodies shall be by secret ballot ...”

In my opinion the county extension council is one of the agencies intended to be covered by this act, since it is established and regulated by statute, and receives, expends and is supported by public money. It is true that the executive board, selected by the council from among its members, conducts the major part of the business and affairs of the council. Nevertheless, the very name of the board indicates that it is acting on behalf of the council. In effect, the executive board is a committee of nine elected from a larger body of 27 for the purpose of exercising executive authority. For this reason, I believe that the statutory functions of the board and the council should be considered together in determining whether the council’s meetings are covered by the open meeting statute.

Accordingly, it is my opinion that a secret ballot should not be used in the selection of executive board members at the annual meeting of the council.

Richard H. Seaton
University Attorney

F2. Election of County Extension Council Members When Commissioner District
Boundaries Change

August 25, 1978

Dr. John Dunbar

You have asked for my opinion regarding the election of council members in Shawnee County, where the districts from which county commissioners are elected have been given new boundaries to comport with the shifting populations.

K.S.A. 2-611 provides for selection of three members of the extension council each year from each of the three county commissioner districts. It provides further that the citizens of voting age residing in each of the three county commissioner districts shall elect from among their number three such council members each year.

Where county commissioner district boundaries have been moved, but the number of commissioner districts remains at three, it is my opinion that the numerical designations of the commissioner districts should be retained in spite of boundary changes; and further, that new elections for three-year terms should be held as to all positions presently filled by residents of the new district whose terms are expiring this fall.

In the case of a member of the council who no longer resides in the district from which he or she was elected, because of the boundary change, it is my opinion that a vacancy has been created and an election should be held to fill the unexpired term.

K.S.A. 2-611 also imposes a two term limit on council members in the following language: "No member of such council shall hold office for more than two consecutive terms."

It is my opinion that this limitation refers to two consecutive terms in the position to which elected, and that the council member who is no longer eligible to hold the office for which he or she was elected, because of a boundary change, is eligible to run for election in his or her new district, and if elected, to hold the office for two consecutive terms from that district.

I hope this will be of assistance.

Richard H. Seaton
University Attorney

F3. Audits for County Extension Councils

Please note the attached statement concerning audit requirements for county extension councils. This opinion was given us by Mr. Richard H. Seaton, the Kansas State University attorney.

Although this statement clearly exempts county extension councils from having annual audits unless they have annual gross receipts of \$275,000 or more, I personally believe that it is prudent business for public agencies to have audits made of their accounts. It does provide a mechanism for discovering malpractice. More importantly, I believe that people are less likely to try to divert public funds if they know that an audit will be conducted of their business activities. In other words, it is good insurance to have audits.

Please let me be clear. Our policy is that we will not require audits of county extension councils with annual gross receipts of less than \$275,000 – but we do encourage them.

John O. Dunbar
Director of Extension

April 30, 1979

RE: Audit requirements for County Extension Councils

This is written to confirm my oral opinion that under the 1978 Amendments to K.S.A. 75-1117 and 75-1122, effective July 1, 1978, county extension councils are no longer required to have annual audits unless they have aggregate annual gross receipts of \$275,000 or more, or outstanding general obligation revenue bonds of \$275,000 or more.

Another statute adopted in 1978 requires all municipalities including extension councils, to utilize accounting procedures and fiscal procedures in the preparation of financial statements and reports which conform to generally accepted accounting principles. Further, I understand that the municipal accounting section of the Division of Accounts and Reports, Department of Administration, has field representatives available at no cost for consultation on accounting.

I hope this will be of assistance.

Richard H. Seaton
University Attorney

F4. County Extension Agents Covered by the Kansas Tort Claims Act

October 31, 1979

Dr. John Dunbar

At the request of Fred Sobering, I have investigated the question whether county extension agents are to be considered state employees for purposes of this act. In my opinion, they are state employees for this purpose, since a portion of their salary is paid by the state, they are by statute under the general supervision of the director of extension and the executive board, and the director of extension determines their qualifications. I have conferred by telephone with Bruce Miller, Chief of Litigation in the attorney general's office, and he is in agreement with my opinion.

Fred also inquired about the status of county extension council members under the tort claims act. In my opinion, they are not employees of the state, but do qualify as employees of the county extension council for purposes of the act.

I hope this will be of assistance.

Richard H. Seaton
University Attorney

F5. Protection of Extension Council Members and Volunteers by the Tort Claims Act

February 26, 1988

Dr. Hyde S. Jacobs
Assistant to the Dean
College of Agriculture
Waters Hall
CAMPUS

Dear Hyde:

In your letter of February 22, 1988, you ask whether county extension council members and extension volunteers are protected by the Kansas Tort Claims Act (K.S.A. 75-6101 to 75-6119, as amended).

Insofar as the executive board is concerned, an amendment to the act in 1987 (K.S.A. 1987 Supp. 75-6119) grants immunity to members of the board for acts within the scope of their employment, so long as they do not act with fraud or malice. This grant of immunity, however, is limited to members of the "governing body" of a unit of local government, and thus in my opinion does not extend to other members of the extension council or to volunteers.

However, the other members of the extension council are clearly covered by the general provisions of the Kansas Tort Claims Act. This means that if they are sued for acts taken in the course of their duties, the extension council itself, as a governmental entity, is obligated to pay for their defense and also pay for any judgments which may be entered against them, in the absence of fraud or malice or punitive damages.

Extension volunteers who are not members of the county extension council would also be covered by the general provisions of the act so long as they were performing as “employees” of the council. The term “employees” defined in the act to include “persons acting on behalf or in service of a governmental entity in any official capacity, whether with or without compensation.” (K.S.A. 1987 Supp. 75-6102). So long as the volunteer’s activities were carried on under an official policy or program of the council, and subject to supervision by an extension agent or the executive board, I see no reason why his or her acts would not be within the scope of the Tort Claims Act. Whether this were the case or not, would of course depend upon the individual facts of each situation.

The fact remains, however, that only members of the executive board are in my opinion immunized from all negligence liability.

I hope this will be of assistance. Please advise if you have further questions.

Very truly yours,

Richard H. Seaton
University Attorney

/np

cc: Walter R. Woods
Robert G. Helgesen

F6. Return of Funds Previously Disbursed by the County Treasurer to the Council

February 9, 1989

Ms. Reba B. White
Associate Head and
Area Extension Director
Northwest Research Extension Center

In your letter of January 27, 1989, you ask whether the county treasurer can require the county extension council to return funds previously disbursed by the county treasurer to the council.

The statutes relating to the budget, the appropriations, and the funds of the county extension council are K.S.A. 2-610, 612 and 613. They provide for a budget to be approved by the board of county commissioners, followed by appropriations to fund said budget, also by the county commissioners. The county treasurer is required by K.S.A. 2-613 to pay to the treasurer of the executive board of the council all monies in the county treasury belonging to the council, upon order of the treasurer of the executive board. The treasurer of the board is required by K.S.A. 2-612 to deposit all such funds in a bank designated by the executive board, and to pay them out only upon warrant of the secretary of the executive board, or by a combination warrant check, in either case signed by the chairperson of the executive board.

Based on a review of these statutes, it is my opinion that once the county treasurer has received an order from the treasurer of the executive board and has paid money to said treasurer pursuant to that order, the county treasurer may not require a refund or return of those funds. Such a refund could be made, of course, if done by way of warrant or combination warrant check signed by the chairperson of the executive board. However, once the funds are in the hands of the extension council, it would be the decision of the council and its officers, not that of the county treasurer, to refund or return such funds to the county treasury.

I hope this will be of assistance.

Richard H. Seaton
University Attorney

F7. Voting Rights of the Chair of the Executive Board

May 30, 1990

Dean Walter Woods
College of Agriculture

In reply to your letter of May 21, 1990, it is my opinion that the chair of the executive board of the county extension council is a voting member of that board.

I find nothing in the extension statutes providing for a nonvoting chairperson. Nor is there any generally applicable state law which so provides for public bodies. On the contrary, the extension law gives to the executive board the power to transact all business of the council and to have control of all the property of the council and employ and fix compensation of such persons as are necessary to conduct the council's business. K.S.A. 1989 Supp. 2-611 (f). This authority may be exercised by a majority of the nine members. K.S.A. 77-201, Fourth.

I believe the statutes clearly contemplate that the chair will vote, except in those cases where an abstention is appropriate.

Richard H. Seaton
University Attorney

F8. Political Activity of Extension Faculty

October 16, 1992

TO: James L. Lindquist
Coordinator Extension Personnel and Recruitment

FM: Dorothy L. Thompson
Associate University Attorney

RE: Political Activities of Extension Faculty

This is in response to your letter of October 13 concerning a county extension agent allegedly being involved in actively working for, or against, certain candidates for extension council elections.

I've reviewed the documents cited in your memo and agree that there is no simple statement in

any of them that expressly prohibits this activity. However, it's my view that the concept of conflict of interest is inherent in all such policies. Note that the Faculty Handbook statement concerning political activities at D31 specifically alludes to holding public office "that does not involve any conflict of interest." I think the appropriate question may be whether a county extension agent's involvement in working for or against candidates for extension council positions creates such a clear conflict that it should be forbidden.

In the case of a county extension agent, the executive committee of the county extension council is, along with the director of extension, the direct employer and supervisor of the agent. (K.S.A. 2-615). The agent's activities, therefore, may be seen as an attempt to influence the selection of his or her direct supervisor. That seems to me to be a more direct potential conflict than teachers supporting or working against candidates in school board election campaigns. On the other hand, in the university setting, faculty and administrators within a unit such as a college will almost always serve on advisory committees to the provost in selecting, for example, a new dean. Thus, I believe I would agree with your analysis that "such involvement might prove to be unwise." Nonetheless, our general policies, as contained in the Faculty Handbook, favor allowing university employees the freedom to participate as individuals in both partisan and nonpartisan activities, and the university should be very reluctant to interfere. However, I do think that it would be appropriate to advise extension personnel to follow the guidelines contained in D33 of the Faculty Handbook and to, "make clear that they are acting for themselves and not for the university." In particular, employees should be advised not to use work time or work facilities to engage in activities in support of or in opposition to candidates for office.

I hope that the above comments will be helpful to you. I would be happy to discuss this further if that would be useful.

F9. Election Expenses for Extension District Elections

October 11, 1993

Dick Wootton
Cooperative Extension Services
Umberger Hall
CAMPUS

RE: Election Expenses for Extension District Elections

Dear Dick:

At our meeting on September 24, you asked whether these expenses are the responsibility of the county or of the extension district.

It appears that there are two (2) statutes having possible application. In K.S.A. 25-119 and 25-

120, it is provided that the expenses of elections in counties not having a county election commissioner shall be paid by the county. On the other hand, K.S.A. 6-624(c) (4) specifically states that all election expenses for extension district elections “shall be paid by the extension district.”

I believe that the basis for reconciling these statutes is found in the last sentence of Sec. 25-119, which reads as follows:

“Whenever it is provided by law that certain election expenses shall be paid or reimbursed by any city, school district, community junior college district, or any public special district, this section shall not be construed to prevent such reimbursement.”

In my opinion, Sec. 2-624 does provide that extension district elections “shall be paid” by public special district, namely the extension district. For this reason, I conclude that the costs of such elections should rest upon the extension district.

I hope this will be of assistance.

Very truly yours,

Richard H. Seaton
University Attorney

F10. Extension District Formation

October 18, 1993

Bob Newsome
NE Area Extension Office

I write in response to your telephone inquiry about extension districts.

You ask first as to the meaning of K.S.A. 2-623(a) and (b), which provide that an agreement establishing or enlarging an extension district must be approved by (1) the board of county commissioners of each county, (2) the executive board of the extension council of each county and the director or the director’s representative “acting together as a body,” and (3) the attorney general.

In my opinion, this statute requires the separate, independent approval of the board of county commissioners, the attorney general, and a temporary body made up of the executive boards of each county included in the district and the director of extension or his authorized representative. That temporary body would vary in number depending on how many counties were involved.

However, a majority of the total membership of the temporary body could take action to approve or disapprove the agreement. See K.S.A. 1992 Supp. 77-201 Fourth.

You also asked whether the agreement itself establishing or enlarging the extension district could impose term limits on the members elected to the governing body, and could require that they represent specific program areas, such as home economics, agriculture, and the like. K.S.A. 2-623(e), in describing the qualifications of those to be appointed to the initial board of a new extension district, uses the language "four qualified electors." Likewise, subsection (f) of that statute, in describing the qualifications of persons to represent a newly included county in an existing extension district, refers only to "four qualified electors of the county."

Similarly, K.S.A. 2-624, in dealing with the election procedure for extension districts, states only that the governing body "shall be composed of four representatives from each county."

The language used in these statutes obviously deviates from that employed for individual county extension councils in K.S.A. 2-611, where subject matter representation is specifically provided for. In my opinion, the legislature has provided the exclusive qualifications for election to the governing body of an extension district, and an agreement establishing the district should not attempt to limit these qualifications, either by providing for subject matter representation or by providing for term limits.

I hope the above will be of assistance.

Richard H. Seaton
University Attorney

F11. Capping of County Agent Salaries

MEMORANDUM

April 7, 1994

TO: Dick Wootton
Director, Cooperative Extension Service

FM: Dick Seaton
University Attorney

RE: Salary Caps for County Extension Positions

This is to confirm our earlier discussions.

The executive board of a county extension council is elected each year. Once elected, the board,

together with the director or the director's authorized representative, determine the compensation of county agents, and also submit a proposed budget to the county commissioners. In so doing, they cannot be bound by the decision of any previous executive board to cap the salary for a particular position.

In other words, no action by a current executive board to cap the salary of a particular position would bind any successive executive board.

F12. Extension Council Budgets and Grant Monies

A copy of comments by Richard Seaton, university attorney, and related references regarding extension councils overspending their budget due to the receipt and expenditure of grant monies is attached. These comments support our assumption that no special action is required, if extension councils overspend their budget due to the receipt and disbursement of grant monies.

Although Mr. Seaton did not specifically address extension districts, it is our understanding that extension districts, as opposed to extension councils, are required to repeat the budget process in order to expend funds in excess of the original budget. Please call if you have questions, or require additional information.

Sincerely,

R.D. Casey
Extension Auditor
10/95

Dear Mr. Casey:

Your letter of September 8, 1995, asks whether county extension councils would violate the cash basis or budget law if they overspend their budgets because they have received and expended grant monies received from federal, state or private sources.

The cash basis law (K.S.A. 10-1101 to 1122) does not appear to apply to this problem. Essentially, it prohibits certain municipalities from incurring debt in excess of the amount of funds actually on hand at the time for that purpose. It is aimed at preventing a deficit in the funds of the municipality at the end of the fiscal year. Shouse v. Cherokee County Commissioners, 151 Kan. 458, 465 (1940).

Likewise, the budget law, although applicable to the county itself, does not apply to the county extension council. This was the holding in State, ex rel., v. Belt, 175 Kan. 330 (1953), and was

reconfirmed in Attorney General Opinion No. 81-132, a copy, of which is enclosed.

I hope this will be of assistance. If there are other aspects of this subject which you would like for us to address, please advise.

Richard H. Seaton
University Attorney

TO: James R. Cobler, Director, Division of Accounts and Reports
FROM: Adele F. Ross, Staff Attorney
DATE: December 12, 1980
SUBJECT: Municipal Entities Not Subject to Budget Law

You have requested an opinion concerning K.S.A. 79-2925 et seq. Specifically you desire to know whether nontaxing subdivisions are subject to the budget law.

K.S.A. 79-2925 provides in part:

“(a) This act shall apply to all taxing subdivisions or municipalities of the state,

“This act” is referring to the budget laws enacted by the Kansas legislature.

In answering the question of whether nontaxing subdivisions are subject to the budget laws, one may look to the Supreme Court ruling Fort Scott Board of Directors v. Drake, 147 Kan. 157 (1938).

The court ruled that a taxing subdivision of the state within the meaning of our budget laws is a subdivision of the state having authority to levy taxes. Most importantly the court held that boards not having authority to levy taxes are not taxing subdivisions of the state, hence not subject to the budget laws.

It is clear that K.S.A. 79-2925 was made to apply to all taxing subdivision of the state. It is equally clear by a review of existing case law that nontaxing subdivisions are not subject to the budget law.

Should you have any questions in relation to the above, please do not hesitate to contact me.

F13. Charging Fees for CES Publications

TO: Dick Wootton, Associate Director, CES

RE: CES Publication Fees

You recently inquired whether a fee can be charged for certain CES publications, specifically, those publications that may contain color or are otherwise unusually costly to produce.

Unfortunately, existing state law permits collection of fees for an extension publication only if a service is provided in conjunction with the publication.

K.S.A. 2-616(b) provides, in pertinent part, that fees may be collected by county extension councils and governing bodies of extension districts "... for specific **services** which require special equipment or personnel, such as a soil testing laboratory, seed testing service or other educational service ..." (emphasis added). This provision authorizes the collection of fees for services only.

When we spoke, you suggested an option whereby CES would invite donations from recipients of the publications. It is my opinion that the above statutory provision would not apply if donations are collected. Consequently, CES could legally accept contributions for these publications. (As you have recognized, there are accounting issues—that are not legal in nature—associated with the collection of contributions. You may wish to visit with Keith Ratzloff or Mel Klinkner about those issues.)

Please contact me if you have any questions or if I can be of further assistance.

Jennifer Kassebaum, Sr. Asst. University Attorney
9/95

F14. Liability of Extension Personnel

Prepared by Richard Seaton, KSU Attorney
Summer 1995

1. The state and its employees and volunteers are self-insured under the Kansas Tort Claims Act.
2. Under that act the state owes its employees (defined to include volunteers), including county extension agents, a duty to defend and indemnify them if they are sued because of the performance of their duties. The only exception is for malice or fraud on the part of the state employee.

3. County extension councils are separate local units of government which also owe their employees and volunteers the same duty under the act. County extension agents are joint employees of the state and the council. But council members, executive board members, secretaries and janitors, as well as local volunteers, are considered employees of the council only.
 4. The maximum liability and the maximum covered for persons subject to the Tort Claims Act is \$500,000 per occurrence. Above that amount they are immune from liability, unless insurance has been purchased which exceeds \$500,000.
 5. A separate state statute provides complete immunity for executive board members from personal liability for wrongful acts in their capacity as board members. This includes negligence as well as civil rights violations, so long as they are not accompanied by actual fraud or actual malice. The extension council, as an entity, remains liable for such acts.
 6. The state is self-insured for liability purposes. Since extension councils normally do not have sufficient funds to self-insure, they need to purchase commercial liability insurance to cover their obligations under the act.
-

F15. Quorum for Conducting Business

February 1, 1995

Dr. Richard Wootton
Director of Cooperative Extension

Your letter of February 1, 1995, asks about a quorum for conducting business in the case of extension district governing bodies. You are correct that the extension district statute itself does not address the issue. However, K.S.A. 77-201 Fourth provides as follows: "Words giving a joint authority to three or more public officers or other persons shall be construed as giving that authority to a majority of them, unless it is otherwise expressed in the act giving the authority." This statute has been construed by the Kansas Supreme Court as authorizing the majority of a board of county commissioners to take official action. Wycoff v. Board of County Commissioners, 191 Kan. 658, 673 (1963).

Assuming that all the board positions are full, and that a majority is present, it is my opinion that there would be a quorum sufficient to transact business. However, in light of the statutory language quoted above, it appears that binding action could only be taken if the votes in favor of the action constituted an actual majority of the total membership.

I hope this will be of assistance.

Richard H. Seaton

F16. Age Limitations for Participating in 4-H Activities

January 31, 1995

Dr. J. Dale Apel
Extension Specialist
4-H Youth Programs

Your letter of January 31, 1995, asks whether a child who does not meet the minimum age requirement for exhibiting livestock at the Johnson County Fair may nevertheless do so if her community club has adopted a lower minimum age for participation in 4-H activities.

You point out that the 4-H chapter of the Extension Administrative Handbook says that “4-H clubs may, if they determine it is in the best interest of the children, their parents, and the community, define age limits lower than seven or higher than 19 for local club participation” (Section C1). However, you also point out that the following paragraph says, “age limitations for participating in other kinds of clubs or other extension 4-H activities depends upon the participants, goals and the types of activities used by the volunteers to meet those goals.” You further point out that the handbook goes on to say that ownership of and enrollment in a livestock project may be required by a certain date in order to exhibit at the county fair (Section C3), and that 4-H members wishing to participate in a competitive event have the responsibility to ascertain the requirements established by sponsors of such an event (Section C10).

In addition to these statements in the administrative handbook, the Kansas extension statutes provide that the executive board “is authorized to transact all business of the council,” and that the purpose of the council is “the giving of instruction and practical demonstrations in agriculture, marketing, home economics, 4-H club and youth work, community and resource development, and economic development initiatives” and imparting of information on those subjects through practical demonstrations, meetings, publications or otherwise “in accordance with the program and service proscribed by the council or the governing body of the extension district, as the case may be.” (K.S.A. 2-611 and 2-616). Given the mission of the council and the authority of the executive board, and in light of the language from the handbook mentioned above, it is my opinion that the executive board does have the ability to prescribe minimum age requirements for showing of livestock at the county fair.

It is true that community clubs are given authority in the handbook to adopt age limits lower than seven years of age, which is apparently the limit for the Johnson County Fair. This provision in the handbook is consistent with K. S.A. 2 - 616(c), which prohibits extension agents from requiring uniform bylaws, rules, regulations and methods of procedure in groups, clubs or organizations wishing to do extension work. However, the handbook provision and the statute itself both appear to me to apply only at the club level. They do not, in my opinion, prevent the

county executive board from adopting uniform age limits for countywide events.

I hope this will be of assistance.

Richard H. Seaton
University Attorney

F17. Effect of Exempt Status on Contributions to Extension Councils and Liability Status of Volunteers

(This opinion references C-5 Exemption from Filing Income Tax Returns and D-12 Immunity of Volunteer Workers of County Extension Councils from Negligence Liability)

February 2, 1996

James L. Lindquist
Northeast Area Extension Office

In response to your memo of January 30, 1996, I offer the following:

1. I was not previously aware of the IRS letter to L.C. Williams, apparently written in 1953. However, unless it has been withdrawn, the statements contained therein would continue to be accurate. Inquiry could be made of the IRS to determine whether it remains in effect. However, experience with other similar cases is that they do not keep records that old. The code was completely revised in 1954, so the citations to code sections contained in the letter are no longer accurate. However, the basic rules as to deductibility and exempt status were reenacted in the 1954 code. Thus the exempt status of the county extension councils, as recognized in the 1953 letter, would have continued after adoption of the revised code. Of course recent changes to the tax code have imposed certain limits on the amount of charitable deductions for income tax purposes. Charitable gifts continue to be deductible at their full value for estate tax and gift tax purposes.
2. The 1953 IRS letter also sheds new light on the liability status of volunteers. In 1987, the attorney general, in Opinion 87-117, interpreted the Kansas statute on immunity for volunteers. The gist of his opinion was that extension volunteers are immunized from negligence liability if (1) the county extension council has exempt status under Internal Revenue Code section 501(c), and (2) the council carries general liability insurance as an organization. I enclose a copy of the opinion, for your information. Previously, I have believed that most county extension councils were not in a position to provide immunity for their volunteers under this statute because they did not have exempt status. The 1953 letter seems to remove that barrier. Of course, it may still be difficult for the councils to secure general liability insurance.

I hope this will be of assistance.

Richard H. Seaton
University Attorney

F18. Employee Status of 4-H Volunteers

January 17, 1996

Stacey M. Warner
Leader, Extension Operations

RE: 4-H Volunteers/Tort Claims Act

Thanks for sending the letter of David Pace concerning the status of 4-H volunteers under the Tort Claims Act.

In his letter, Mr. Pace reacts to the "Fact Sheet" distributed by the state extension office. Specifically, he thinks that 4-H volunteers should qualify as state employees, not extension council employees, under the Kansas Tort Claims Act.

As you know, "employee" is defined in the act so as to include an uncompensated volunteer who is assisting the mission of the governmental entity. The question raised by Mr. Pace is whether, in the case of 4-H volunteers, this entity is the extension council or the state of Kansas. He suggests that since 4-H volunteers perform under state and federal guidelines and implement state and federal programs, they should be considered state employees.

Under K.S.A. 2-616(a) the extension council or extension district has for its sole purpose "the giving of instruction and practical demonstrations in agriculture, marketing, home economics, 4-H club and youth work, community and resource development, and economic development initiatives ... and the imparting ... of information on those subjects through practical demonstrations, meetings, publications, or otherwise, in accordance with the program and service prescribed by the council or the governing body of the extension district, as the case may be."

In determining which governmental entity is the "employer" of a volunteer, a court would look to see which entity has the right of supervision and control over the employee's activities. In this case, that entity is the county extension council or district. Although 4-H volunteers may function under guidelines promulgated by other governmental entities, this does not make them employees of those entities.

For these reasons, it continues to be my opinion that volunteers, for purposes of the Kansas Tort Claims Act, are employees of the county extension council or district.

I hope this will be of assistance.

Richard H. Seaton
University Attorney

F19. Meal Reimbursement When Included in Registration

March 3, 1997

Julie Wilburn
Controllers Office
220 Anderson Hall

Thank you for assisting us in clarifying meal reimbursement policies that are in effect when a state employee is not gone overnight.

My understanding of our conversation was that State of Kansas employees can receive reimbursement for meals when they are not out of town overnight if the meal is a part of the registration fee. If, however the meal is listed on the registration form, separate from the registration fee then the employee can not gain reimbursement.

In the 8-15-96 edition of the KSU Policy and Procedure Manual (Chapter 6410 p. 28) there is a discussion regarding the reducing of meal allowances when meals are included in a registration fee. The interpretation that when staff are not out of town overnight (and are therefore not on a meal allowance) they may be reimbursed for meals that are included in the registration fee.

I'll look forward to hearing from you.

Stacey M. Warner
Leader, Extension Operations

March 7, 1997

Stacey M. Warner
Cooperative Extension Service

I will try to explain meals included in registration. If meals are included in the registration, and you are not claiming any meal quarters, you go ahead and claim the full registration. Meals should never be deducted out of the registration. If meals are included in the registration and you are claiming meal quarters you need to subtract the meals out of the daily meal allowance on the travel payment voucher. Please remember that if you are only claiming registration, and meals

are included, you do not have to lower the registration amount by the meals that are included. The reason why we deducted the meals from the quarter meal allowance is because the traveler would be getting paid twice for a meal if we didn't deduct the meal from the quarter meal allowance.

Julie L. Wilburn
Office Specialist
Controllers Office

F20. 4-H Participant Search of Possessions/Breath and Urine Sampling

July 7, 1997

Gary W. Gerhard
Assistant Director
Extension 4-H Youth Program

In reply to your memo of June 26, 1997, concerning, 4-H events such as Discovery Days. I am happy to provide the following:

1. Those in charge of the event may legally search the possessions of children participating, if they have reasonable suspicion that contraband or illegal substances are to be found there. A warrant is not required. as long as the officials conducting the search have not prearranged it with law enforcement personnel.
2. Likewise, if there is reasonable suspicion that a participant is under the influence of alcohol or an illegal drug, those in charge could conduct breath or urine sampling. The procedure employed for urine sampling would need to ensure a reasonable degree of privacy. If you decide to proceed in this direction, I would recommend adding the following language to item 6 of your code of conduct: "Suspected violators may be subject to breath or urine sampling." I would not recommend use of blood testing, unless you secure written consents from the parents.

I hope this will be of assistance.

Richard H. Seaton
University Attorney

F21. Payment of Recruitment Expenses by Extension Council

July 11, 1997

Paul Hartman, Director
Southwest Area Extension Center

This is to confirm our telephone conversation in which I advised:

The local extension council has implied authority under K.S.A. 2-615 to pay recruitment expenses, including travel, lodging and meals, for prospective agents. Of course, payment of such expenses is entirely discretionary with the executive board.

I hope this will be of assistance.

Richard H. Seaton
University Attorney

F22. Residency Requirements for Agents

August 19, 1997

Stacey M. Warner
Leader, Extension Operations

RE: Residence requirement for county agents

In reply to your letter of August 5, 1997, I am happy to provide the following:

1. In my opinion, the extension council can legally require an employee to live in the county where employed if this has been designated in the announcement for the position. The United States Supreme Court has specifically approved "bona fide residence requirements" which are "appropriately defined and uniformly applied." McCarthy v. Philadelphia Civil Service Commission, 424 U.S. 645 (1976).
2. It is certainly appropriate to list residence as a job qualification in the position announcement.

3. If residence is not listed as a job qualification in the announcement, or in the other written materials provided at the time of employment, then there could be contractual problems with requiring residence after hiring.
4. You ask about the case where the council lists residence as a requirement, and then decides it wants to hire a candidate who is not willing to become a resident. Waiving the residence requirement could invite future legal problems. First, the residence requirement would no longer be “uniformly applied,” and therefore might be subject to objection by present or future employees who were required to maintain residency. Second, members of protected classes who were nonresidents and were turned down for employment would have an opportunity to claim that the requirement was a pretext for discrimination.

I hope this will be of assistance.

Richard H. Seaton
University Attorney

F23. Exclusion of Youth from 4-H Programs

February 26, 1998

Gary W. Gerhard
Assistant Director, K-State Research & Extension, and State Leader

Your memo of February 1998 asks whether you should continue to apply the current policy of extension 4-H, which prohibits exclusion of youth who are pregnant, who are parents, or who are married.

In my opinion, Title IX of the Education Amendments of 1972 requires the prohibition against excluding those who are pregnant. Further, I believe that an exclusion from 4-H because of marital or parental status could not successfully be defended against a challenge under the Equal Protection Clause of the Fourteenth Amendment.

In answer to your second question, I can only point out that both Title IX and the Equal Protection Clause are intended to assure that government deals even-handedly, and in a neutral fashion, with people. Certainly they are not intended to encourage or promote any particular behavior. However, it is our obligation, as a government agency, to make sure we comply with them.

I hope this will be of assistance.

Richard H. Seaton
University Attorney

F24. *Liability of Extension Executive Board Members*

March 14, 2006

Stacey M. Warner
Leader, Extension Operations

RE: Liability of Extension Executive Board Members

Your letter of March 10, 2006 asks whether an extension board member is at risk of liability as an individual for action taken by the board. You also ask whether the answer is different depending on whether or not the board carries liability insurance.

K.S.A. 75-6119 provides that a member of the executive board “acting within the scope” of their office and “without actual fraud or actual malice” is not liable for damages caused by the negligence or wrongful act of the member or the governing body. The section also is part of and supplemental to the Kansas Tort Claims Act.

As you know, the Tort Claims Act requires municipalities such as extension councils to indemnify their employees and officers for any legal expenses or judgments incurred in the course of their duties. Section 75-6119 goes a step further and immunizes members of the executive board from all liability for negligence or other wrongful acts, so long as they have acted within the scope of their office and without fraud or malice. This immunity applies whether or not the council has secured liability insurance.

I hope this provides the information you desired.

Richard H. Seaton
University Attorney

F25. *Dues to Civic Organizations*

March 14, 2007

James L. Lindquist
Assistant Director, Extension Field Operations

RE: Extension Councils and Districts

Your letter of March 12, 2007 asks whether councils and districts are authorized to pay membership fees for their agents to join the local Chambers of Commerce.

As you point out, K.S.A. 2-616 provides in part that “such councils and governing bodies shall not collect membership dues nor shall such councils and governing bodies collect dues for or pay dues to any local, state or national organization or association.” The statute also provides in §(c) that “nothing in this act or any act amendatory thereof shall prevent any county extension council, any multicounty extension governing board, or any extension district, or any extension agents employed by such council, board or district, from using or seeking opportunities to reach an audience of persons interested in extension work through the help of interested farm organizations, civic organizations or any other group.”

Reading these two provisions together, as a court would undoubtedly do, my conclusion is as follows: the prohibition on collecting and paying membership dues refers to extension and extension related organizations; is not intended to prevent participation in civic organizations such as the Chamber of Commerce. The historical background of the prohibition on paying membership dues is described in *State, ex rel v. Franklin County Farm Bureau*, 172 Kan. 179 (1951). County extension councils were formerly known as farm bureaus, and when the Kansas Farm Bureau was formed some of them collected dues to be paid over to it. The legislature and the supreme court both reacted negatively. However the 1951 legislation containing the prohibition also contained the authorization to use or seek opportunities to reach audiences through the help of interested civic organizations.

In my opinion, county extension councils and districts do have authority to pay for Chamber of Commerce dues for their agents, as a means of reaching such audiences.

Richard H. Seaton
University Attorney

F26. *Advance, Absentee or Proxy Balloting in a County Extension Council Election*

August 27, 2007

Dale Fjell, Director
Northeast Area Office

RE: Advance, Absentee or Proxy Balloting in a County Extension Council Election

Mr. Fjell,

This email is in follow-up to our prior conversation(s) related to elections to the County Extension Council. Specifically, you have asked me to respond to the following question:

1) /Is it permissible to have advance, absentee or proxy balloting in a County Extension Council election?/

In short, I believe that deviating from the expressly authorized methods of election found in Kansas Statute 2-611 would be improper. K.S.A. 2-611 specifically provides 2 alternative methods for electing members of the County Extension Council. The language of the statute related to a physical election is found in K.S.A. 2-611(a) and reads as follows:

"...the citizens of voting age residing in each of the county commissioner districts in each county in this state are qualified to participate in the /meeting/ which shall be held in each such district in each year not earlier than September 1, and at least 10 days before the annual meeting of the county extension council /upon a date and at a time and place determined and fixed/ by the executive board of the county extension council and shall elect annually from among their number four members of the county extension council." (/Emphasis Added/)

Thus, the language dictating acceptable election practices found in K.S.A. 2-611(a) would seem to exclude the possibility of advance, absentee or proxy voting. I believe this interpretation is further supported by the language found in K.S.A. 2-611(b) which specifically authorizes an alternative election method, a mail election. Generally speaking, the legislature is presumed to have expressed its intent within the language of the statute. Additionally, a legal principle exists which states that the specific inclusion of one thing implies the exclusion of another. This principle seems particularly pertinent in this instance. Here, the legislature has been extremely detailed in the statutory language it chose to express appropriate election methods.

Thus, I am of the opinion that any deviation from the express authority is inappropriate. Please contact me with any questions or concerns.

Jacqueline R. Butler
Assistant University Attorney

F27. *Extension Council Expenditure of Funds for Remodeling and Maintenance*

December 5, 2007

James L. Lindquist
K-State Research and Extension Assistant Director
Extension Field Operations
119 Umberger Hall
CAMPUS

Dear Jim:

The Extension statutes do not really speak to the Council's authority to spend money for remodeling and maintenance. However, the old Attorney General's opinion from 1951 does say that although Councils may not erect buildings, they may rent them. It also recognizes that Councils may use the courthouse or other public buildings. In all such cases, the Council is acting as a tenant, with or without rent. It is common practice in the leasing of real estate that tenants participate in the maintenance and remodeling of the rented space. For this reason, I believe that Extension Councils do have the authority to agree to participate in such expenses.

I hope this will be of assistance.

Very truly yours,

Richard H. Seaton
University Attorney

RHS/alm

F28. *Extension District Name Changes*

April 17, 2008

Jim Lindquist
Assistant Director
119 Umberger Hall
CAMPUS

Dear Jim,

You have asked whether an extension district can change its name, and if so what procedures it should follow.

K.S.A. 2-623(c) provides that after the requisite approvals, “such extension district is hereby established and shall constitute a body corporate and politic possessing the usual powers of a corporation for public purposes under the name of “extension district no. __ (the number designated by the director of extension), ___ counties (naming the counties included within the district), state of Kansas.”

Thus the official name of the extension district incorporates only the number designated by the director of extension and the names of the counties involved. Additions to the name, such as “Rolling Prairie,” are not really a part of the official name. For this reason, in my opinion these additions may be changed by the governing body of the district, without further approvals. The number designated by the director and the names of the counties much continue to remain in the name.

I hope this will be of assistance.

Very truly yours,

Richard H. Seaton
University Attorney

F29. *Withdrawing From An Extension District*

October 7, 2009

To: Daryl Buchholz and Jim Lindquist

From: Peter Paukstelis, Office of General Counsel

RE: Opinion needed on procedure for withdrawing from an Extension District

Gentlemen-

Based upon my review, it appears that you have two questions.

First: Can a non-statutory procedure be used to withdraw from an extension district?

The answer is no. Typically, courts read existing statutes into contracts, and when a statute is directly contradicted by the statute, the statute will prevail. This is particularly true in this situation, where extension districts are creatures of statutory creation (and destruction). Additionally, any agreement for a county's withdrawal must be approved by the Attorney General (K.S.A. 2-623 (h)), and presumably, the AG would review the transaction to ensure that the statutory procedure was followed. Thus, anything less than this required procedure will be subject to legal challenge, regardless of whether the counties have a different agreement.

Second: What constitutes a "majority" for the purposes of K.S.A. 2-628?

Based on my reading of the statute, two of the three bodies (county commission, governing body of extension district, director of extension) must vote for withdrawal. If a county wants to withdraw, its commission proposes a resolution and provides statutory notice. Then the extension district convenes and determines whether it is in favor of withdrawal. If those two bodies disagree, then the director of extension gets to cast the deciding vote.

Please call if you have any questions.

F30. *Citizenship and Membership on an Extension Council*

January 22, 2010

MEMORANDUM

To: Daryl Buchholz

From: Lindsay Chapman and Pete Paukstelis, Office of General Counsel

RE: County Extension Council Eligibility

QUESTION PRESENTED:

Is United States citizenship required to serve as a member of a county extension council, or is residency sufficient to establish eligibility?

ANSWER:

Citizenship is required.

ANALYSIS:

K.S.A. 2-611 sets forth the requirements and procedure for establishing a county extension council. Regarding who may serve as a council member, subsection (a) states in relevant part as follows: “[T]he *citizens* of voting age residing in each of the county commissioner districts in each county... shall elect annually *from among their number* four members of the county extension council.” (Emphasis added.)

Accordingly, only citizens may serve as council members.

Though the term “citizen” is not explicitly defined, under general principles of legislative interpretation, the fact that the statute further requires that the citizens *reside* in the county district at issue necessitates that merely being a resident is not sufficient. Moreover, the Legislature could have chosen the word “persons” rather than “citizens,” which might have broadened the pool of eligible candidates. Thus, based on the explicit language used by the Legislature (and its refusal to use broader language), we conclude that only United States citizens are eligible to be extension council members.

In sum, there are three basic requirements for elections to the council: citizenship, voting age, and residence within the applicable county.

F 31. *Extension Board Minutes Are Not Subject to Open Records Requests Until Distributed to the Board.*

November 30, 2011

To: Jim Lindquist

From: Peter J. Paukstelis, Office of General Counsel

RE: Minutes of Meetings

Jim,

As I explained, the fact that a discussion took place in public does not make the minutes of that discussion automatically public. At the time those minutes are distributed to a quorum of the body, or referenced in a subsequent open meeting, then the minutes (even in draft form) would be publically available. Until then, they really are a draft that is not necessarily open.

Thanks.



CHAPTER 2

MEMORANDA

Section A - Federal Agencies

- A1. Memorandum of Understanding Between Kansas State University of Agriculture and Applied Science and the United States Department of Agriculture on Cooperative Extension Work in Agriculture and Home Economics

Section B - State Agencies

- B1. Memorandum of Understanding Between the Division of Extension, Kansas State University of Agriculture and Applied Science and Extension Council, Represented by its Executive Board
- B2. Memorandum of Agreement Between the Kansas Crop and Livestock Reporting Service and the Kansas Cooperative Extension Service of Kansas State University

Section C - Commercial and Private Organizations

- C1. Restated Memorandum of Understanding Between Kansas State University of Agriculture and Applied Science and the Kansas 4-H Foundation
 - C2. Memorandum of Understanding Between the Division of Extension, Kansas State University of Agriculture and Applied Science and Farm Management Association, Inc., a Kansas Not-For-Profit, Educational Corporation
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CHAPTER 2

MEMORANDA

SECTION A - FEDERAL AGENCIES

A1. Memorandum of Understanding Between Kansas State University of Agriculture and Applied Science and the United States Department of Agriculture on Cooperative Extension Work in Agriculture and Home Economics

Whereas, Kansas State University of Agriculture and Applied Science has under its control federal and state funds for extension work in agriculture and home economics which are and may be supplemented by funds contributed for similar purposes by counties and other organizations and individuals within said state, and the United States Department of Agriculture has funds appropriated directly to it by Congress, which can be spent for extension work in the State of Kansas;

Therefore, with a view to securing economy and efficiency in the conduct of extension work in the State of Kansas, the president of Kansas State University of Agriculture and Applied Science, acting subject to the approval of the Board of Regents of the said Kansas State University of Agriculture and Applied Science and the Secretary of Agriculture of the United States, hereby execute the following memorandum of understanding with reference to cooperative relations between said Kansas State University of Agriculture and Applied Science and the United States Department of Agriculture for the organization and conduct of extension work in agriculture and home economics in the State of Kansas.

- I. The Kansas State University of Agriculture and Applied Science agrees:
- (a) To organize and maintain at said institution a definite and distinct administrative division for the management and conduct of all cooperative extension work in agriculture and home economics, with a director selected by the institution and satisfactory to the department;
 - (b) To administer through such division thus organized, known as the Division of Cooperative Extension of Kansas State University (KSU), any and all funds it has or may hereafter receive for such work from appropriations made by Congress or the state legislature, by allotment from its board of regents or from any other sources;
 - (c) To accept the responsibility for conducting all educational work in the fields of agriculture and home economics and subjects related thereto as authorized by the Smith-Lever Act as amended and other acts supporting cooperative extension work, and such phases of other programs of the department as are primarily educational, which the department has been authorized to carry on within the

state.

II. The United States Department of Agriculture agrees:

- (a) To maintain in the department a federal extension service which, under the direction of the secretary, (1) shall be charged with the administration of the Smith-Lever Act as amended and other acts supporting cooperative extension work insofar as such administration is vested in the department; (2) shall have primary responsibility for and leadership in all educational programs under the jurisdiction of the department, except the graduate school; (3) shall be responsible for coordination of all educational phases of other programs of the department, except the graduate school; and (4) shall act as the liaison between the department and officials of the land-grant colleges and universities on all matters relating to cooperative extension work in agriculture and home economics and educational activities relating thereto.
- (b) To conduct through Kansas State University of Agriculture and Applied Science all extension work in agriculture and home economics and subjects relating thereto authorized by Congress to be carried on within the state except those activities which by mutual agreement it is determined can most appropriately and effectively be carried out directly by the department.

III. The Kansas State University of Agriculture and Applied Science and the United States Department of Agriculture mutually agree:

- (a) That, subject to the approval of the president of the Kansas State University of Agriculture and Applied Science and the secretary of agriculture, or their duly appointed representatives, all cooperative extension work in agriculture and home economics in the State of Kansas involving the use of federal funds shall be planned under the joint supervision of the director of the Division of Cooperative Extension, KSU, of the State of Kansas and the administrator of the federal extension service; and that approved plans for such cooperative extension work in the State of Kansas shall be carried out through the Division of Cooperative Extension, KSU, of the State of Kansas in accordance with the terms of project agreements and plans of work.
- (b) That all state, area and county personnel appointed by the department as cooperative agents for extension work in agriculture and home economics in the State of Kansas shall be joint representatives of the Kansas State University of Agriculture and Applied Science and the United States Department of Agriculture, unless otherwise expressly provided in the project agreement and plan of work. Such personnel shall be deemed governed by the requirements of Federal Civil Service Rule No. IV relating to political activity.
- (c) That the cooperation between the Kansas State University of Agriculture and Applied Science and the United States Department of Agriculture shall be plainly

set forth in all publications or other printed matter issued and used in connection with said cooperative extension work by either the Kansas State University of Agriculture and Applied Science or the United States Department of Agriculture.

- (d) That annual plans of work for the use of Smith-Lever and other federal funds in support of cooperative extension work shall be made by the Division of Cooperative Extension, KSU, of the State of Kansas and shall be subject to the approval of the secretary of agriculture in accordance with the terms of the Smith-Lever Act as amended or other applicable laws, and when so approved shall be carried out by the Division of Cooperative Extension, KSU, of the said State of Kansas.

IV. The Kansas University of Agriculture and Applied Science and the United States Department of Agriculture further mutually agree:

- (a) That the Department of Agriculture shall make final determination on any proposed supplementary memoranda of understanding or similar documents, including those with other agencies, affecting the conduct of cooperative extension work only after consultation with appropriate designated representatives of the Land-Grant Colleges and Universities.
- (b) That the Kansas State University of Agriculture and Applied Science will make arrangements affecting the conduct of cooperative extension work with agencies of the department, or with other federal agencies, only through the administrator of the federal extension service, or in accordance with an existing general agreement which has been approved by the administrator.
- (c) That all memoranda and similar documents hereafter executed affecting cooperative extension work, whether between agencies of the department or between state extension services and agencies of the department, shall be within the framework of, and consistent with the intent and purpose of, this memorandum of understanding.
- (d) That all memoranda and agreements affecting policies in cooperative extension work shall be reviewed periodically by appropriately designated representatives of the Land-Grant Colleges and Universities and the secretary of agriculture for the purpose of determining whether modification is necessary or desirable to meet more effectively current developments and program needs.

V. This memorandum shall take effect when it approved by the president of the Kansas State University of Agriculture and Applied Science and the secretary of agriculture of the United States, and shall remain in force until it is expressly abrogated in writing by either one of the signers or a successor in office. The agreement executed February 18, 1955, shall be deemed abrogated upon the effective date hereof.

KANSAS STATE UNIVERSITY OF AGRICULTURE AND APPLIED SCIENCE

DATE 3-5-76 BY Duane Acker
President

UNITED STATES DEPARTMENT OF AGRICULTURE
DATE 3-30-76 BY Earl L. Butz
Secretary

SECTION B - STATE AGENCIES

B1. Memorandum of Understanding Between the Division of Extension, Kansas State University of Agriculture and Applied Science and County Extension Council, Represented By Its Executive Board

Whereas the Federal Smith-Lever Act, 1914, Amended; the Kansas County Extension Council Law, Amended; and the Memorandum of Understanding between the United States Department of Agriculture and the Kansas State University of Agriculture and Applied Science provide for the conduct of extension work in the fields of agriculture, marketing, home economics, 4-H and youth work, community development, and subjects relating hereto by use of cooperative educational efforts with individuals, organizations, groups, etc., and whereas the Kansas County Extension Council Law, Amended, provides for County Extension Councils, which are to cooperate with the Kansas State University Division of Extension conducting said educational programs; and whereas the director of extension is required to approve all extension budgets, accounts, and expenditures of funds, and all extension project plans of work; and whereas the director of extension has to certify each year that the said council is properly functioning and thereby entitled to the appropriations provided by law, this memorandum of understanding is agreed to in order that there may be full understanding at all times between the said Division of Extension and the said County Extension Council in the cooperative working relationships in the development and conduct of county extension educational programs, the employment of county extension agents to aid in the prosecution of such programs, the approval of budgets, accounts and expenditures of funds.

A. Basic Information

1. The Extension Service as it is known today was set up in the Smith-Lever Act of 1914, which provides for cooperative extension work between the agricultural colleges and/or universities, in the several states receiving benefits of an act of Congress approved July 2, 1862, and the acts supplementary thereto, and the United States Department of Agriculture. The Smith-Lever Act defines the extension program: "Cooperative agricultural Extension work shall consist of the giving of instruction and practical demonstrations in agriculture, uses of solar energy with respect to agriculture, and home economics and subjects related thereto to persons not attending or resident in said colleges in the several

communities, and imparting information on said subjects through demonstrations, publications, and otherwise and for the necessary printing and distribution of information in connection with the foregoing; and this work shall be carried on in such a manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges or Territory or possession receiving the benefits of this Act.”

2. In accordance with the foregoing paragraph, Kansas State University and the United States Department of Agriculture have signed a memorandum wherein it was agreed that the university would establish a distinct administrative division for the management and conduct of the extension program in the state. It was further agreed that the U.S. Department of Agriculture would conduct its program through the university in accordance with plans mutually agreed upon. Also that all persons appointed as extension agents shall be joint representatives of the university and the U.S. Department of Agriculture. Other minor points of administration were also agreed to.
3. Kansas State University of Agriculture and Applied Science has three principal functions, namely: (1) to teach the students who enroll at the university, (2) to do research work in the fields of agriculture, veterinary medicine, home economics, engineering, and other appropriate areas, and (3) to conduct an extension educational program among the people of the state who are not enrolled as students at the university.
4. The Kansas County Extension Council Law, Amended, provides for County Extension Councils as the agency in each county to cooperate with Kansas State University in planning and in the execution of an educational extension program.

B. The Division of Extension of Kansas State University of Agriculture and Applied Science agrees:

1. To conduct educational programs in agriculture, marketing, home economics, 4-H club and youth work, and community development (economic development) in the county with the cooperation of the County Extension Council.
2. To provide a suggested procedure for the planning of county extension programs in the fields of agriculture, marketing, home economics, 4-H club and youth work, and community development (economic development) for the people of the county.
3. To assist in the development of a procedure for the collection of data that may be needed in the development of such county programs.
4. To provide a staff of specialists in the fields of agriculture, marketing, home economics, 4-H club and youth work, and community development (economic development) insofar as available funds will permit and to provide travel

expenses for such specialists for the purpose of visiting the counties to assist the county extension agents and leaders to plan and conduct programs for the county. Said specialists will also prepare bulletins and other literature helpful in the execution of the county programs.

5. To provide administrative supervisors (area extension directors) whose duty it is to represent the director of extension in carrying out responsibilities in the counties and to assist county extension agents in program organization, planning and execution; assist the executive board and the council in an understanding of their responsibilities; assist in the development of county extension programs; and maintain satisfactory working relationships between the university staff, area extension specialists, county extension agents, the executive board, the council, and the people.
 6. To conduct extension educational programs over radio station KKSU that will supplement the execution of the county programs.
 7. To properly publicize regional, area or statewide activities planned by one or more counties of the state and to otherwise widely publicize the accomplishments in the Extension programs of the state.
 8. To receive applications from persons who may be interested in being extension workers and to pass upon their qualifications and thus maintain a list of qualified and approved persons for employment as county extension agents.
 9. To train extension workers in their responsibilities, including methods of planning and conducting extension programs.
 10. To pay a portion of the salary of each agent employed in the county in such amount as authorized by the state legislature and the Board of Regents.
- C. The County Extension Council as represented by its executive board, hereafter known as the board, agrees:
1. To maintain a suitable office for the headquarters of the County Extension Council, including adequate space for the county extension agents, office assistants, working areas and storage of equipment and supplies.
 2. To provide the necessary transportation and subsistence expenses of the agents while absent from their headquarters on official duty.
 3. To pay the necessary expenses of any leaders authorized by the Executive Board to attend area or state extension program planning conferences.
 4. To provide the necessary funds for teaching and demonstration materials and equipment.

5. To employ as county extension agents only those persons who have been approved by the director of extension for the county concerned as each agent is a member of the faculty of the university and a cooperative employee of the United States Department of Agriculture.
6. To contact the director of extension or the director's representative when a vacancy may occur in a county extension agent position, and make arrangements with the director of extension for a candidate to be interviewed by the board and the director's representative.
7. To expend funds within the various items of the approved budget. Total expenditures in any one year shall not exceed the total of the budget approved for that year. Funds may be transferred from one budget item to another with the approval of the executive board and the director of extension. The budget will be the basis for the approval of expenditures by the director of extension.
8. To maintain accurate and complete financial records on forms and in books designed by the director of extension and to submit copies at such times as the director may deem necessary for the approval of the expenditure of funds as required by the law. And to keep such records in the county extension office and available at all times for inspection by the director or a representative, and members of the extension council.
9. To review with the director of extension or the director's representative, at least twice a year, the progress being made in the county programs.

D. The Division of Extension and the board mutually agree:

1. That each county extension agent employed shall be a cooperative employee of the Division of Extension of Kansas State University, the United States Department of Agriculture and the County Extension Council and shall be satisfactory to the director of extension and to the board.
2. That county extension agents will be employed under the terms of a three-party (agent, executive board, and the director of extension or a representative) agreement which will stipulate the total salary to be paid to the agent; the portion of the salary to be paid by the university; the date and length of the employment period; the provisions for annual, sick and professional leave; provisions for transportation and other necessary expenses; and other points pertaining to the employment of an agent.
3. To fix the salary of each county extension agent at a level commensurate with the qualifications required of extension agents and persons in other lines of work requiring similar qualifications and responsibilities.

4. That close relatives of county extension agents will not be employed in the same county.
5. That the employment of close relatives of the members of the executive board in the county office is not a good policy.
6. Employing extension agents shall be based on the programmatic needs as jointly determined by the board and the director of extension or a designated representative.
7. That extension work is a profession and that persons engaged in it will be given encouragement and opportunity to improve their professional ability and standing by further study, reading and conferences with other persons in similar work; and further, that the professional attitude of county extension agents will be upheld by requiring not more than reasonable hours of work and granting compensation in keeping with their qualifications and experience.
8. The executive board will meet at least once each month to transact the business for which it is responsible and confer with the agent concerning the progress being made on the county Extension programs. In case of anticipated heavy farm work seasons, the executive board may authorize the officers to approve expenditures and otherwise act for the board in lieu of one monthly meeting.
9. That the general supervision of county extension agents as provided by law will be accomplished by conference between the director of extension or a representative and the agents at such times and places as are mutually convenient for them; and at least twice each year by a joint conference of the board, agents, and the director of extension or the director's representative.
10. The county extension office shall be known as and marked as the "Extension Council Office" followed by the titles of the agent positions employed.
11. That the council, its executive board, and the county extension agents will plan and conduct county programs in keeping with the principles established in the Smith-Lever Act, Amended, and the County Extension Council Law, Amended.

E. Effective Date and Termination of This Memorandum:

This memorandum shall be effective when it is approved and signed by the chairman of the executive board of the _____ County Extension Council, and the director of extension of Kansas State University of Agriculture and Applied Science, and shall remain in effect until it is abrogated in writing by either one of the parties signatory hereto or revised by mutual agreement.

Approved:

_____ COUNTY EXTENSION COUNCIL

Date

Chairman, Executive Board

DIVISION OF EXTENSION
KANSAS STATE UNIVERSITY OF
AGRICULTURE AND APPLIED SCIENCE

Date

Director of Extension

B2. Memorandum of Agreement Between the Kansas Crop and Livestock Reporting Service and the Kansas Cooperative Extension Service of Kansas State University

I. Purpose

The purpose of this Memorandum of Agreement is to establish a continuing working relationship between the Kansas Crop and Livestock Reporting Service (K-CLRS)* and the Kansas State University Cooperative Extension Service (KSU-CES) in support of programs that will help to foster:

- (1) scientific collection of timely crop and livestock (agricultural) statistics,
- (2) collection of crop and livestock statistics that are needed to serve the best interest of both the agricultural community and the total national society,
- (3) effective dissemination of these statistics to the general public for use in decision making, and
- (4) conduct of educational programs to facilitate the interpretation and proper use of agricultural statistics.

* The Statistical Division, Kansas Department of Agriculture, and Statistical Reporting Service, U.S. Department of Agriculture

II. Background

KSU-CES and K-CLRS have a long history of cooperation. Both agencies have field organizations that provide their primary channel of communication to the public. Implementation of this agreement will help to assure fully coordinated programs.

KSU-CES serves as the educational arm of the university and conducts educational

programs with the objective of providing educational information and assistance to the general public for use in the solution of problems.

Farmers and others engaged in making decisions related to agriculture are heavily dependent upon objective data on which to make their decisions. Extension is dependent upon the K-CLRS for factual data as a basis for planning and conducting programs. As an educational agency, the KSU Extension Service serves in a “user” capacity for K-CLRS data. The extension staff assists in the dissemination of K-CLRS data to the agriculture industry and assists and encourages the interpretation and utilization by the public.

K-CLRS depends upon KSU-CES to help obtain an understanding of crop estimates by farmers and to help create a climate in which farmers will cooperate in providing data for crop and livestock estimates. KSU-CES does on occasion take surveys for the purpose of facilitating the operation of its programs. KSU-CES may obtain assistance from K-CLRS in drawing samples for surveys and other consultative assistance to ensure the use of sound scientific methods.

K-CLRS provides the official state and national estimates of acreage, yield, and production of crops; stocks and value of farm commodities; and numbers and inventory value of livestock items. Data on approximately 150 crops and livestock products are covered in some 550 reports issued each year. Data collected and published on prices paid and received by farmers are basic to the computation of parity prices and farm income. Cooperative arrangements with state agencies provide much additional state and county data.

- III. The Kansas State University Cooperative Extension Service will work with area and county extension services to:
 - A. Develop and conduct educational programs through and in cooperation with the area and county extension services in which the crop and livestock data released by K-CLRS will be used and identified as the official statistics and presented as objective information.
 - B. Convey an understanding to farmers and to the general public that the K-CLRS data are obtained through scientific techniques and that the dissemination of unbiased data by K-CLRS is in the best public interest. Extension programs will provide information and education to farmers and agricultural supply and marketing firms concerning:
 - (1) the value and use of unbiased statistics in planning operations and marketing of farm products,
 - (2) the methods of crop and livestock estimating used in K-CLRS, and
 - (3) the importance of timely and accurate response to K-CLRS surveys.

- C. Continue its contribution to weather-crop reports by encouraging extension agents to continue their prompt response to the weekly questionnaires on progress and condition of crops.
- D. Assist K-CLRS in carrying out certain data gathering activities at times when this cooperative activity is mutually agreed upon. This includes assisting K-CLRS in developing and maintaining current lists of farmers, processors, and handlers of agricultural commodities in order to maintain a capability for the efficient collection of timely and accurate statistics.
- E. Assist K-CLRS in identifying problems concerning agriculture and rural communities that require new or additional statistical information.
- F. Request the advice and assistance of K-CLRS in planning and conducting surveys.
- G. Encourage communication and cooperation between the Kansas State University Cooperative Extension Service and the K-CLRS Statistical Office personnel including the assignment of personnel to serve in a liaison capacity.

IV. The Statistical Reporting Service will:

- A. As requested, provide KSU-CES with copies of all K-CLRS publications and releases of current and historical statistical data immediately after publication.
- B. Transmit information on K-CLRS statistical methods and operations directly to designated leaders in the KSU-CES.
- C. Cooperate with KSU-CES in designing, developing, and supporting training programs and pilot or demonstration projects regarding agricultural statistics.
- D. Encourage communication and cooperation between K-CLRS State Statistical Office personnel and KSU-CES personnel including the assignment of appropriate staff to consult with KSU-CES personnel on problems involving sampling, data collection, and statistical analysis.
- E. Provide advice and assistance to KSU-CES in planning and conducting surveys and, as appropriate, make surveys on a mutually agreeable basis.

V. Mutual Agreements:

- A. Liaison will be handled by the state statistician and the director of extension or their designated representatives.
- B. Any joint endeavors involving reimbursement or transfers of funds between the two agencies will be handled in accordance with normal government financial

procedures, and will be properly documented. When state KSU-CES funds are involved, the concurrence and approval of the extension director will be required.

- C. This agreement shall become effective on the date of final signature, and subject to availability of funds, shall continue indefinitely. It may be amended by agreement of the parties in writing. It may be terminated by either party upon thirty days notice, in writing, to the other party.
- D. The state statistician and the director of extension will participate in an annual joint meeting for the purpose of reviewing the Memorandum of Understanding.

Raymond R. Hancock June 5, 1973
State Statistician, Kansas Crop and Livestock Reporting Service

Robert A. Bohannon June 1, 1973
Director, Kansas State University Cooperative Extension Service

SECTION C - COMMERCIAL AND PRIVATE ORGANIZATIONS

C1. Restated Memorandum of Understanding Between Kansas State University of Agriculture and Applied Science and the Kansas 4-H Foundation

Whereas, Kansas State University of Agriculture and Applied Science, through its Extension Service, is charged by law with responsibility for 4-H programs for youth in Kansas, and

Whereas, the Kansas 4-H Foundation is a corporation organized for the purposes of promoting and supporting 4-H Club and other 4-H youth programs in the State of Kansas through the holding of property, the solicitation and holding of funds for leadership training, scholarships, trips and awards, development of physical facilities, program support, and other purposes as defined in its articles of incorporation, therefore,

Kansas State University of Agriculture and Applied Science, hereinafter known as the university and the Kansas 4-H Foundation, hereinafter known as the foundation, enter into this memorandum of understanding for the purpose of clarifying areas of responsibility in connection with 4-H youth work in Kansas.

- I. The university agrees:
 - A. To give full support to the foundation board and staff in carrying out foundation objectives and purposes as covered in the articles of incorporation.
 - B. To plan and conduct an educational program at facilities operated by the Kansas

4-H Foundation.

1. To furnish the foundation a schedule of all extension-sponsored activities to be held at foundation facilities sufficiently in advance of such activities so that mutually satisfactory schedules may be maintained.
 2. To provide the foundation a general outline of the manner in which these programs will be conducted by the university.
 3. To provide each county agent and extension staff member participating in the program with information covering the schedule of activities during the year; regulations of the foundation governing conduct of individuals while at a foundation facility and the outline covering the manner in which programs are to be conducted.
- C. To deposit in trust with the foundation, those private funds designated by donors for the foundation in support of 4-H programs.
1. In connection with scholarships, trips, awards, leadership training and program support, the university assumes the responsibility for selecting awardees and making presentations to them.
- D. To systematically identify resources needed to support 4-H youth programs and to confer with the foundation regarding such 4-H awards, trips, scholarships, leadership training or other 4-H program needs and the resource for such programs so that the foundation may effectively guide its program for securing donors.
- E. To provide office space at Kansas State University for foundation employees. The use and management of such space will be supervised by the director of extension or an authorized representative.
- F. To keep account and furnish the Foundation receipts and itemized expenditures of funds received from the foundation.

II. The foundation agrees:

- A. To hold title to and to develop, maintain and operate Rock Springs Ranch 4-H Center, and such other facilities as the foundation makes available for 4-H programs.
 1. To employ a staff for the operation of its facilities serving 4-H programs. In the case of principal administrative or program personnel, the foundation shall consult with the director of extension or an authorized representative.
 2. To collect fees for the operation of foundation facilities and to pay staff

salaries and other expenses for the operation of such facilities.

3. To keep an account of receipts and expenses for the operation of foundation facilities serving 4-H programs and to furnish the director of extension with an annual statement of such receipts and expenses.
- B. The foundation, subject to its discretionary right to refuse acceptance, agrees to hold in trust private funds donated for such purposes as 4-H scholarships, trips, awards, leadership training and program support. Upon request and certification of eligibility, the foundation shall deliver such funds to the appropriate university personnel for payment to the proper awardees and individuals. The foundation further agrees to keep an account and furnish the university with a statement of each such fund showing receipts and itemized expenditures.
 - C. To solicit funds for the support of 4-H awards, trips, scholarships, leadership training and 4-H programs of the university as accepted by the foundation. If any portion of such funds is to be used by the foundation for administrative or overhead expenses, the cooperative memorandum covering such programs shall set forth separately the awards and the administrative funds.
 - D. To employ an editorial staff and publish the 4-H Journal as long as financially feasible and mutually agreed to be desirable.

III. The university and foundation mutually agree:

- A. Scheduling of events at foundation facilities is the responsibility of the foundation. Scheduling of extension-sponsored events shall have first priority. However, such events that must be scheduled or rescheduled during the year shall not have priority over other events already scheduled.
- B. A Rock Springs Ranch Committee shall be created and shall act as an “advisory group” to make recommendations to the board for the development of Rock Springs Ranch, the awarding of contracts for construction and making general plans for operation of the ranch. The committee shall consist of a chairman and members mutually agreeable to the university and the foundation and shall be appointed by the foundation. The director of extension or a designated representative and the executive director of the foundation serve as ex-officio members of this advisory committee.
- C. That in publication of the Kansas 4-H Journal, the Journal’s editorial staff shall submit to the director of extension or a designated representative, for approval prior to publishing, any editorials and articles pertaining to university policy.
- D. That the university shall assist the foundation representatives in planning and making contacts with county extension agents, 4-H leaders and club members. The foundation agrees that such contacts shall be made in accordance with plans

approved by the university

- E. The need for and the nature of support for 4-H programs shall be determined by the extension service. Contacts with donors regarding 4-H programs shall be, generally, a responsibility of the foundation. This shall not preclude contacts with donors by extension personnel, but such extension contact shall be coordinated and acceptable to the foundation.
 - F. That the separate functions and responsibilities of the parties, as set forth herein, relate closely to each other and to be successful, require genuine good faith and full cooperation of the personnel of each party.
- IV. A. The Memorandum of Understanding signed on behalf of the parties on January 22 and 26, 1960, is hereby terminated and superseded by this agreement.
- B. This memorandum shall take effect when it is approved by the President of Kansas State University of Agriculture and Applied Science and the Chairman of the Board of Directors of the Kansas 4-H Foundation, Incorporated, and shall remain in force until it is expressly abrogated in writing by either one of the signers or their successors in office.

KANSAS STATE UNIVERSITY OF AGRICULTURE AND APPLIED SCIENCE

Date February 13, 1985 By Duane Acker
Title President

KANSAS 4-H FOUNDATION, INCORPORATED

Date December 17, 1984 By Glee Smith
Title Chairman of the Board

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- C2. Memorandum of Understanding Between the Division of Extension, Kansas State University of Agriculture and Applied Science and Farm Management Association, Inc., a Kansas Not-For-Profit, Educational Corporation,

_____, Kansas
(Headquarters location)

Whereas Kansas State University, through its Division of Cooperative Extension and the Memorandum of Understanding with the United States Department of Agriculture is charged by law with the responsibility for the conduct of extension work in the fields of agriculture,

marketing, home economics, 4-H and youth work, community resource development, and subjects relating thereto by use of cooperative educational efforts with individuals, organizations, and related groups and:

Whereas the director of extension is required to approve all extension budgets, accounts, and expenditures of funds and all extension project plans of work, this Memorandum of Understanding is agreed to in order that there may be full understanding at all times between said Division of Extension and said Kansas Farm Management Association in the farm management educational extension program, the employment of personnel to aid in the operation of said program, and the approval of budgets, accounts and expenditure of funds.

- I. General agricultural producers are experiencing increased financial risk, due to continued variable profit margins, shift in government agricultural policy, concerns of potential environmental consequences of agricultural production, increased national and international competition, and rapid advances in technology, especially in the area of computers. These conditions substantially increase demands on the agricultural production family unit for improved business and management skills. Agricultural producers recognize the need to adopt new practices and technologies enabling them to compete in international markets and address environmental concerns by basing decisions on sound financial and production planning through analysis of their business records and the use of unbiased economic information to reduce the risk of adverse business consequences.

Because agricultural leaders and the Division of Extension and Department of Agricultural Economics recognize the vital need to help agricultural producers develop and improve managerial skills;

It is agreed the Kansas Farm Management Association can effectively assist agricultural producers to develop managerial skills by providing an extension educational program that will include the following objectives:

1. Teach and assist agricultural producers to keep, analyze, and interpret complete farm business financial and production records.
2. Advance the adoption of computerized business financial and production information gathering systems by assisting agricultural producers to select and use relevant current and future computer technology.
3. Demonstrate to agricultural producers a systematic process to identify farm business profit centers and areas of risk through an understanding of comparative analysis of financial and production information, and to weigh alternatives related to management decisions involving a more profitable combination of available resources, resulting in the improvement of the economic welfare of families involved in commercial agricultural production.
4. Prepare, collect and quality-check comprehensive individual agricultural production, economic, and financial data and make such data available in an

organized, acceptable form for the continued, long-term development of an Agricultural Economics Research Unit resulting in unbiased information available for farm management research, teaching, and extension educational programs.

5. Cooperate with agricultural business firms, farmer supported organizations, and agricultural lenders to promote understanding of financial and economic decision making relative to the business management required in today's agricultural production.

Whereas, individual educational assistance is the most effective delivery method for financial and economic management programs;

II. The Division of Extension agrees:

1. To conduct an intensive educational extension farm management program available to a sufficient number of commercial agricultural producers in each county in Kansas to compile a long-term database in cooperation with each of the Kansas Farm Management Associations that have signed and approved this Memorandum of Understanding with the Division of Extension.
2. To cooperate with the Kansas Farm Management Association in employing and jointly paying the salary of one or more extension agricultural economists, who will be directly in charge of this educational program in the area served by the association.
3. To give such other educational assistance, including training and furnishing educational materials from the state extension staff and state extension office as is consistent with efficient and effective use of available personnel and budgeted funds.
4. To provide funding for a position in the Department of Agricultural Economics for the administration of this educational statewide farm management program and the coordination of the educational efforts of the six (6) Kansas Farm Management Associations, such person to be the designated representative of the director of extension and the Department of Agricultural Economics, hereinafter referred to as the administrator.

III. The Farm Management Association Agrees:

1. To cooperate with the Division of Extension in employing and jointly paying the salary of one or more extension agricultural economists, Farm Management Association, who will be directly in charge of this educational program in the area served by the association.
2. To employ as extension agricultural economists, Farm Management Association,

only those persons who have been approved by the director of extension and the Department of Agricultural Economics for the association, as each is a member of the Department of Agricultural Economics faculty, Kansas State University and a cooperative employee of the United States Department of Agriculture.

3. To provide the necessary funds for clerical assistance, equipment, office operations, travel and other operating expenses of the Farm Management Association staff.
4. To expend funds within the various items of the budget approved for the said Farm Management Association by the board of directors of the Farm Management Association and the administrator. The total expenditures in any one year shall not exceed the total of the budget for that year without authorization by the board of directors and the administrator at a regular or specially called board of directors meeting prior to incurring and/or paying the expenditure(s) that will exceed the total budgeted expenses previously approved by the board of directors and the administrator.

A revised budget will be prepared to include the authorized expenditures and presented to the board of directors and the administrator at the next regular meeting of the board of directors.

5. To maintain accurate and complete financial records on forms and in such books designed by the administrator and to submit copies at such times as the administrator may deem necessary for the approval of the expenditure of funds as required by law. To keep such records in the headquarters office of the association which shall be available at all times for inspection by the board of directors of the Farm Management Association, and by the administrator. To ensure that the treasurer of the said association is bonded, and annually audit the financial records and accounts as prescribed by the director of extension.
6. To prepare, collect, and quality-check comprehensive individual agricultural production, financial, and economic data and to make such data available in an organized, acceptable form for continued long-term development of a data bank of unbiased information available for farm management research, teaching, and extension educational programs.
7. The administrator will periodically review with the board of directors the progress being made in the educational farm management association program.

IV. The Division of Extension and the said Kansas Farm Management Association mutually agree:

1. That each extension agricultural economist, Farm Management Association, shall be a cooperative employee of the Division of Extension of Kansas State University, Department of Agricultural Economics, the United States Department

of Agriculture and the said Kansas Farm Management Association and shall be satisfactory to the Division of Extension of Kansas State University, Department of Agricultural Economics, and to the board of directors of the association.

2. That each extension agricultural economist, Farm Management Association, will be employed under the terms of a three-party agreement, that will stipulate the total salary to be paid; provide for transportation and other necessary expenses; state the date of the employment period, give the portions of salary to be paid by the Division of Extension and by the association, have provisions for the annual, sick, and professional leave including study and sabbatical leave; and contain other pertinent points pertaining to the employment of the extension agricultural economist, Farm Management Association.
3. To negotiate the salary of each extension agricultural economist, Farm Management Association, at a level commensurate with the qualifications required for such positions and usually paid to persons (specialists) in other lines of work requiring similar qualifications who have comparable responsibilities.
4. That employment of close relatives of extension agricultural economists, Farm Management Association, and the board of directors of the association within the same association is not good policy.
5. That the general supervision of the extension agricultural economists, Farm Management Association, and their programs will be accomplished by conferences between the administrator and the board of directors of the Farm Management Association and the Extension Agricultural Economists.
6. That an executive extension agricultural economist, Farm Management Association, will be jointly designated and appointed by the Farm Management Association board of directors and the administrator. The duties and responsibilities will be outlined in an appointment memorandum signed by the appointed executive extension agricultural economist, president of the association board of directors and administrator.
7. The Kansas Farm Management Association Program has both a service and an educational mission. Member contributions pay for the service portion and the Division of Extension and the Department of Agricultural Economics contribute funding for the research and educational portion.

Therefore, the supervision of the budget, expenditures of funds and the program operational procedures and policies shall be under the mutual supervision of the administrator and the board of directors of the Farm Management Association. The day-to-day operational procedures, within the policy guidelines of the Farm Management Association, and the expenditures of funds, within the approved budget items, shall be the responsibility of the executive extension agricultural economist, Farm Management Association. The development of policy and budget

CHAPTER 3

USE OF COOPERATIVE EXTENSION FUNDS

Section A - Responsibilities and Legal Use of Funds

- A1. Expenditures Approved (General)
- A2. Expenditures Not Approved
- A3. Expenses Approved: Assistant County Extension in Training

Section B - Preparation of Monthly County Extension Council Financial Statement

- B1. Financial Procedure
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- B3. Preparation of Warrant Check, KSU 8-8
- B4. Classifying Expense and Posting on KSU 8-6
- B5. Recording Monies Received
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- B7. Preparation of financial Check Sheet, KSU 8-19

Section C - County Auditing

- C1. County Extension Council Responsibilities
- C2. Suggestions Concerning Audit - Minimum Requirements

Section D - Federal and State Tax Exemptions

Section E - Collection of Sales Tax by County Extension Councils

Section F - Exhibits

Exhibits -

Please note that most exhibits are not on-line. Please refer to the hard copy of the Administrative Handbook located in the county/district office to view Exhibits. Exhibits F, I and J can be viewed at the Extension Administrative Documents and Forms website:

http://www.ksre.ksu.edu/Employee_Resources/DesktopDefault.aspx?tabid=85

- Exhibit A: KSU 8-12, Receipt
- Exhibit B: KSU 8-7a, County Extension Council Financial Statement - Summary*
- Exhibit B1: KSU 8-7b, Receipt*
- Exhibit C: KSU 8-6, County Extension Council Financial Statement - Expenditures*
- Exhibit D: KSU 8-9 or report, County Extension Council Financial Statement - Educational Services (reimbursable)*
- Exhibit E: KSU 8-8, Warrant Check**
- Exhibit F: KSU 8-17, Travel Voucher - General Expense
- Exhibit G: Federal and State Withholding Guides
- Exhibit H: Payroll Table, Work Day Periods
- Exhibit I: KSU 8-19, Financial Check Sheet
- Exhibit J: KSU 8-10, Equipment Inventory - County
KSU 9-10, Equipment Inventory - District
- Exhibit K: KSU 8-13, Federal Excise Tax Exemption Certificate
- Exhibit L: KSU 8-14, Kansas Exemption Certificate
- Exhibit M: KSU Bi-weekly Pay Invoice

* These forms are part of the Extension Fund Accounting Program.

** This form has been discontinued. Please check with Area Administration for details.

CHAPTER 3 USE OF COOPERATIVE EXTENSION FUNDS

SECTION A- RESPONSIBILITIES AND LEGAL USE OF FUNDS

The Director of Extension is responsible for the approval of all expenditures of Cooperative Extension Funds which includes federal, state and county appropriations as well as fees collected. In the supervision of the expenditure of County/District Extension funds, the Director of Extension relies on the Area Extension Director, and the Area Extension Director relies on the County/District Extension Agents for proper expenditure of these public funds. All Extension Agents must be familiar with the funds available, the purposes for which they are appropriated and budgeted, and with expenditures which are legitimate and can be approved by the Director of Extension.

A1. Expenditures Approved (General)

1. Salaries of County/District regularly appointed Extension agents, secretaries, and other employed by Extension and included in the budget.

a. Bi-weekly pay system - participating Counties/Districts:

In May, 1994, the State of Kansas began the development and implementation of a new Statewide Human Resource and Payroll System (ShaRP) in cooperation with Kansas State University. A significant change in the State's Payroll cycle came about with the new system.

Effective December 17, 1995, the State pays its employees on a bi-weekly basis. Participating Counties/Districts first bi-weekly check was received January 12, 1996. Pay periods begin on Sunday and end two weeks later on Saturday. Paychecks will be issued two weeks later on Friday. If Friday (payday) is a holiday, paychecks will be issued on the closest preceding work day.

b. Non-participating Counties/Districts - agents receive county and bi-weekly salary checks each month. One bi-weekly from the State of Kansas and one monthly from the County/ District Extension. The following items are withheld from each of the two checks:

(1) State check:

- (a) Federal retirement (for the total salary)**
- (b) Social Security of agents (if applicable) for state portion of salary only.**
- (c) Medicare for agents (if applicable) for state portion only.**
- (d) Board of Regents retirement system - agents employed after July 1, 1986 (for total salary).**
- (e) Tax sheltered annuities and thrift savings plan (if applicable)**
- (f) Life insurance (optional)**
- (g) Health insurance (optional)**

- (2) County/District check:
 - (a) Federal and State Income Tax (for total salary)
 - (b) Social Security for agents (if applicable) for County/District portion of salary only.
 - (c) Medicare for agents (if applicable) for County/District portion of salary only.
 - c. All employees (except agents); clerical, agent assistant, janitorial, etc.; receive their total salary from the County/District Extension, and all applicable withholdings, i.e. Federal and State Income Tax, Social Security, KPERS, health insurance, etc., are deducted from their checks.
2. Travel (mileage and public carrier costs) and subsistence (meals and lodging) expenses of Extension agents while on official duty and in conduct of regular project work including approved and scheduled in-service training. Subsistence as provided by state statutes can be paid only when employee is 30 miles or more from official station and stays overnight. Mileage and subsistence may be paid to Extension agents for attendance at one state association meeting and any part or all of the travel and subsistence expenses to one national professional meeting for each fiscal year.
3. Printing of materials in furtherance of Extension programs, including required public notices.
4. Telephone, rent, heat, light, and janitor expenses.
5. Office supplies, equipment, postage, freight, and express charges on Extension materials.
6. Original cost of automobiles, gasoline, oil, repairs, insurance, etc., for operation of automobiles owned by the County/District Extension or the state in conducting Extension programs.
7. Demonstration supplies, materials, and equipment used in furtherance of Extension programs.
8. Cost of County/District Extension Treasurer's bond, audit and bank changes.
9. Meals for Executive Board members of the County/District Extension attending a called meeting to transact official business.
10. Meals for County/District Extension members attending the annual meeting and for Program Development Committee members attending other meetings to plan the Extension program.
11. Travel and subsistence (meals and lodging) for delegates officially representing the County/District to area and state meetings of the State Extension Advisory Council called by the Director of Extension.

12. Registration fees required of Extension agents at approved and regularly scheduled workshops and conferences for Extension faculty. Registration fees and airfare may be a pre-payment.
 13. Honorariums or travel and subsistence (meals and lodging) expenses for the actual judging of Extension projects at county, area and state events other than organized fairs.
 14. Excise and sales taxes if state required to pay (hotel, motel, etc.).
 15. Social Security and/or Medicare taxes, Workman's Compensation, Unemployment Compensation, KPERS, health insurance; and liability insurance for Executive Board members and/or Council members, agents, and other employees.
 16. Cost of constructing exhibits directly furthering Extension programs.
 17. Travel and subsistence (meals and lodging) expenses of leaders only if substituting for Extension agents and participating in Extension programs. (Must have prior approval of the Director of Extension or his duly authorized representative.)
 18. Honorariums or travel and subsistence (meals and lodging) expenses of non-Extension individuals only if participating in approved Extension programs. (Must have prior approval of the Director of Extension or his duly authorized representative.)
 19. Extension Districts are a taxing subdivision and have the power to contract, acquire, hold and convey real and personal property.
 20. Travel and subsistence (meals and lodging) of prospective employees to the County/District office or other location of the purpose of a job interview.
-

A2. Expenditures Not Approved

1. Purchase, construction, preservation, or repair of buildings for County Extension Council.
2. Purchase or rental of land for County Extension Council.
3. College credit or non-credit course teaching which is not a part of the regularly approved Extension program.
4. Tuition and other enrollment fees for credit course work or classes including correspondence courses.
5. Transportation excise taxes when exempt (use exemption certificates) (Exhibit K).

6. Moving expenses of Extension employees (in accordance with state statute).
 7. Honorariums, judging fees, etc., for Extension Agents in excess of mileage and subsistence (meals and lodging).
 8. Exhibits promoting non-Extension work.
 9. Out-of-state travel expenses for commercial purposes which benefit individuals or firms such as purchase of livestock, seeds, etc.
 10. Honorariums, travel and subsistence (meals and lodging) expenses for individuals or groups giving talks, demonstrations, musical programs, etc., primarily for entertainment purposes.
 11. Grain and seed certification work.
 12. Membership fees in organizations.
 13. Purchase of gifts, prizes, ribbons, medals, badges of merit, pennants or other insignia used by participants in connection with Extension demonstration.
 14. Purchase of seed, fertilizer or other materials for distribution to producers or others unless clearly shown as part of an Extension programs.
 15. Travel, subsistence (meals and lodging), tuition or other expenses of members of 4-H clubs, farm organizations or other organizations or individuals in attending camps or courses of instruction in schools or colleges, or for making observation tours or purchasing livestock or other materials.
 16. Wages of 4-H club camp help, such as dormitory and kitchen workers, guides or monitors.
 17. Salary advances to part-time Extension workers who are to be paid later by another agency.
-

A3. Expenses Approved: County/District Agents in New Agent Training

1. Mileage and subsistence (meals and lodging): as provided for by state statutes and incurred in official travel will be paid from the State Extension Budget. (Prior approval must be obtained from the Area Extension Director.) Required orientation, and new agent training meetings, on a state basis scheduled by the State Extension Administration.

2. Mileage and subsistence (meals and lodging) will be paid for travel to trainings (as assigned by area director) by the permanent County/District.
3. When conducting programs in lieu of one of the Extension agents, either within or outside the training County/District, travel expenses (mileage and subsistence [meals and lodging]) shall be paid by the training County/District Extension (prior approval must be obtained from the Executive Board).

When conducting programs either within or outside the permanent County/District, travel expenses (mileage and subsistence [meals and lodging]) shall be paid by the permanent County/District (prior approval must be obtained from the Executive Board).

SECTION B- PREPARATION OF MONTHLY COUNTY/DISTRICT EXTENSION FINANCIAL STATEMENT

B1. Financial Procedure

1. Maintain in the files a finance folder for each month. Keep all invoices, deposit slips, canceled warrant checks, bank statements, savings account statements, monthly financial statements, and other financial records in these folders.
2. Maintain only one checking account (not including limited checking or savings accounts) for the County/District Extension. Deposit promptly all funds received. In the preparation of the monthly financial statement, KSU 8-7, " County/District Extension Financial Statement- Receipts and Summary", (Exhibit B & B-1) record all funds deposited during the month.
3. Receipt all funds received, (checks or cash). Use the standard receipt book, KSU 8-12 (Exhibit A). The total of receipts issued must equal amount deposited. Mark "void" any receipts in error. Leave both copies in the receipt book. The receipt book is used only for Extension Council receipts.
4. Check the invoices for items purchased to determine if they are itemized and correct.
5. Prepare warrant checks for payment of invoiced at the close of each month. NEVER PAY WITH CASH.
6. Monthly financial statements, canceled warrant checks, deposit slips, bank statements (checking and savings), receipts and invoices should be retained for five years. The December statement is considered an annual statement and should be filed permanently.
 - a. Five year files should include the following for each year:
 - (1) Budget

- (2) Certificate of Filing
- (3) Certificate of Appropriation
- (4) Financial Records (deposit slips, monthly bank statements, canceled vouchers, monthly financial reports- January to November inclusive)
- (5) Public notices of commission district and annual meetings
- (6) Employment agreements of all agencies
- (7) Published county budget

b. Permanent files should include the following:

- (1) Council Member 8-4 & 8-15
- (2) December Financial Statement 8-6, 8-7, 8-9
- (3) Minutes 8-5
- (4) Memorandum of Understanding
- (5) Annual Reports
- (6) Auditors Reports
- (7) Transfer of Property

7. Hold monthly executive board meetings during the last week of the month or the first week of the following month, and have financial accounts ready for approval.
8. By the 7th of each month, mail for reviewing, to the Extension Auditor, Research/ Extension Business Office, Waters Hall, Kansas State University, Manhattan, KS 66506:

Two (2) legible copies of KSU 8-6, "County/District Extension Financial Statement-Expenditures" (Exhibit C);

Two (2) legible copies of KSU 8-7, "County/District Extension Financial Statement-Receipts and Summary" (Exhibit B);

One (1) copy each of banking and savings statements;

One (1) copy of all itemized deposit slips;

One (1) copy of each warrant check.

9. One (1) copy of KSU 8-9 or Report, "County/District Extension Financial Statement-Educational Services (Reimbursable)" (Exhibit D), will be filed in the county with the monthly statement. (DO NOT SEND TO KSU)
10. KSU Forms 8-6 and 8-7 should be legible and utilize the current financial reporting package. Copies may be made on a copy machine.
11. After reviewing, the Research/Extension Business Office will forward one copy of each of the KSU 8-6 and KSU 8-7 to the Area Director. The Area Director will return an approved copy to the County/District for the permanent records.

B2. Check the Bank Statement

Secure a copy of each bank statement each month.

1. Check the bank statement to determine if any warrant checks issued for previous months have not cleared the bank. If any, list them in columns i and j, KSU 8-7, "County/District Extension Financial Statement- Receipts and Summary" (Exhibit B & B-1). The total shown on line 16a, column j, should be transferred to line 16, Summary.
2. Determine if there are any additional bank debit items, such as debit slips for a bank service charge or no fund check which was deposited. Two copies of all debit slips are needed. The amount of each debit item should be recorded on the financial statement in the same manner as warrant checks.

A bank debit slip for a service charge is an expense item and should be recorded in the Miscellaneous column, KSU 8-6, "County/District Extension Financial Statement- Expenditures" (Exhibit C), and included in the totals on lines 19A and 19 of KSU 8-7, "County/District Extension Financial Statement- Receipts and Summary" (Exhibit B & B-1).

3. A no fund check originally received for a sale or for an educational service (reimbursable) is recorded as an educational service reimbursable item and should be recorded in that column, KSU 8-6, "County/District Extension Financial Statement- Expenditures" (Exhibit C), and included in the total on line 19 of KSU 8-7, County/District Extension Financial Statement- Receipts and Summary", Summary Section (Exhibit B & B-1).
4. Check the deposit slips against the bank statement for deposits made during the month.

B3. Preparation of Warrant Check, KSU 8-8

1. Three copies of the warrant check, KSU 8-8 (Exhibits E, pages 4-26 - 4-56) will be prepared – an original and two non-negotiable copies. The first non-negotiable copy is sent to the Research/Extension Business Office for auditing. Attach to the second non-negotiable copy the original invoice. This copy is then filed in the monthly finance folder. All warrant checks will be numbered consecutively.
2. The items on each warrant check should be grouped according to budget headings (columns 1 thru 12, KSU 8-6) and shown as a sub-total for each budget heading. Detailed itemization will not be shown on the warrant check. The original invoice will be attached

to the second non-negotiable copy of the warrant check. The following statement MUST APPEAR on each warrant check:

“Audited and approved as correct, due and unpaid:
Signed _____
County/District Extension Director or Coordinator

The above statement on the warrant check should be signed by the appropriate Extension agent before being presented to the Executive Board for approval.

3. The warrant checks for payment of invoices should be dated the last day of the month.
4. Hourly employees must show the purpose, the number of hours worked, the rate per hour, and the total.
5. All Extension agents must use KSU 8-17, “Travel Payment Voucher” (Exhibit F), in presenting their claims for subsistence (meals and lodging), travel and miscellaneous reimbursement to the Executive Board. KSU 8-17 will be used by all agents. Miscellaneous expenses claimed on KSU 8-17, “Travel Payment Voucher” should include items such as taxi, registration fees, and other costs connected with travel.
6. In preparing the warrant check for the agent’s subsistence (meals and lodging) and travel expenses, use a warrant check separate from the salary warrant check and attach the KSU 8-17 form to the warrant check before presenting to the Executive Board for approval. The warrant check must carry the following statement:

“Expenses for (Agent’s name) during the month of _____, are itemized on KSU 8-17”

The County/District Extension Director or Coordinator is to sign form KSU 8-17 for all agents before presentation to the Executive Board for payment. These forms are available from the Area Office.

7. Warrant checks in payment of equipment, such as computers, copy machines, etc., must show the serial number of the equipment.
8. County/District Extension is exempt from State Sales Tax and Federal Excise Tax. Use proper tax exemption certificates when necessary (Section D, page 4-17).

B4. Classifying Expense and Posting on KSU 8-6

The following recommendations are made for recording warrant checks under the appropriate budgeted column on KSU 8-6:

Column 1: Printing, Audit, Bonds, Liability Insurance

1. Public notices in newspaper.
2. Advertisements in newspapers (help wanted, etc.).
3. Printing of newsletters and Extension newspapers.
4. Audit of County/District Extension financial business.
5. Treasurer's bond (for largest amount expected to be on deposit during the year).
6. Liability Insurance for Executive Board and Program Development Committee Members, employees, and volunteers.

Column 2: Telephone

Enter only expenses paid for telephone services

Column 3: Rent, Heat, Light

1. Rent on Extension office space.
2. Water, heat, electricity.
3. Janitorial service (contracted).
4. Rent for meeting rooms (schools, churches, public buildings, etc.).

Column 4: Supplies, Stationery, and Postage

1. Paper, notebooks, envelopes, copy charges, and other office supplies.
2. Film and development of film.
3. Stamps, post office box rent, and postage meter rent.
4. Shipping costs for supplies, etc.
5. Other commodities and equipment costing less than \$100.00.

Column 5: Equipment, including Auto Exchange

This classification is for the purchase of items costing \$100.00 or more, and expected to be useful for two or more years. All equipment must be recorded on the annual inventory (except services and repairs).

1. Office furniture and fixtures.
2. Computers, telephone, copiers, and other duplicating machines.
3. Typewriters, calculators, and other office equipment.
4. Cameras, lenses, flash attachments, tripods, projectors, TV, VCR, screens and other photographic items.
5. Sewing machines, shears, portable scales, and other equipment.
6. The original cost of the vehicle (may be a shared expense with column 12, Capital Outlay), less trade-in allowance.
7. Service contracts on equipment, repair of equipment (do not show on inventory).

Column 6: Miscellaneous (Educational Programs Support)

1. Expenses for annual meetings, board meetings, and PDC meetings including meals.
2. Subscriptions to magazines and newspapers for office use, books costing less than \$100.00, and items purchased for demonstration purposes.
3. Bank service charges, penalties, etc.
4. Insurance on property and equipment other than automobiles.

5. Non-travel and non-subsistence expenses of delegates and agents, judging fees and mileage.
6. Registration fee for Extension training for county personnel.

Column 7: Travel

1. Vehicle operation costs, including gasoline, oil, tires, repairs, insurance.
2. Mileage or public carrier fare for agents (claim must be submitted on KSU 8-17).

Column 8: Subsistence (meals and lodging)

Daily subsistence as provided by Kansas statutes and submitted on form KSU 8-17 can be paid only on travel away from official headquarters (must be more than 30 miles from official headquarters and stay overnight).

Column 9: Salaries

1. Salaries of County/District Extension agents, secretaries, and others employed by County/District Extension. The following should be included:
 - a. Net salaries to employees (the actual amount shown on the warrant check).
 - b. KSU checks to agents.
2. * State and federal withholding tax, Social Security, and/or Medicare, but only the exact amount which was withheld from employees.
3. * Kansas Public Employees Retirement Systems (KPERS), health benefits when paid, but only the exact amount which was withheld from employees.
4. * Any other amount which has been withheld from an employee and is paid to another agency (United Way, etc.).
5. The KSU invoice shows the portion of County/District Extension Agent's salary which will be entered on form KSU 8-6 each month (Exhibit M).

When items, denoted by *, are withheld from a salary which is classified miscellaneous or reimbursable, they should be recorded as miscellaneous or reimbursable when paid.

When an agent in training is employed as a permanent agent during the same month, the University check received for that month includes salary for both employments as an agent in training and for the University portion of the salary for the permanent county position. In the salary column of the KSU 8-6 form record only that portion of the University check received for the period covered by the permanent county employment agreement. This will be the amount shown on KSU invoice for KSU portion of County/District Extension agent's salary, (Exhibit M). For determining the county portion of an agent's salary who has been employed in the permanent county position for less than a calendar month, use the "Payroll Table", (Exhibit H). All days except Saturdays and Sundays are considered work days.

Column 10: Employer's Contribution

1. All payments to Social Security and Medicare, other than the amounts withheld from employees' salaries, excluding penalties. (See column 6, item c, page 4-9)
2. All payments to KPERS, other than the amounts withheld from employees' salaries.
3. Workmen's Compensation Insurance.

4. Unemployment taxes and insurance.
5. Health benefits, other than the amounts withheld from employees' salaries.

Column 11: Educational Services (Reimbursable)

1. Items purchased for resale.
2. Payment for services which will be reimbursed (soil tests, feed tests, fertility test, demonstrations, meetings, classes, etc.).
3. Payment of salaries which will be reimbursed.
4. Payment of sales tax which has been collected on sales.
5. Grant Funds
6. Workshop Registrations for clientele.

County/District Extension may collect fees for specific services which require special equipment or personnel such as a soil testing service and other educational services when approved by the Director of Extension. All such receipts and expenditures must be provided for in the budget, and entered on the County/District Extension monthly financial statements.

KSU 8-9 or report, "County/District Extension Financial Statement- Educational Services (Reimbursable)" (Exhibit D), is to be used for the records of all educational services (reimbursable) accounts which are maintained locally and approved by the Director of Extension. Each educational service (reimbursable) account should be designated by a letter such as; A) FNP grants, B) Soil Testing, etc.

Funds deposited for educational services (reimbursable) accounts are to be recorded on KSU 8-7b, 8-9 or report form. The date of deposit is recorded in the date column.

Complete the necessary KSU 8-7b, 8-9 or report form before preparing KSU 8-6 and KSU 8-7.

Record each educational services (reimbursable) expenditure on KSU 8-7, in columns c and e.

Column 12: Capital Outlay (Equipment, including Auto Exchange)

1. Equipment (including auto exchange).
2. Other items specifically designated by the Executive Board to be paid for from Capital Outlay Funds.

B5. Recording Monies Received

1. All monies received must be receipted and deposited in the regular checking account. This includes county appropriations, sales of reimbursable items, and interest on savings.
NOTE: Do not deposit directly into savings accounts.

On KSU form 8-7 (Exhibit B), all deposits, except transfers from savings, will be recorded in column C, and in either D, E, or F.

- a. County appropriations will be recorded in columns C and D.
 - b. Reimbursable sales and services will be recorded in columns C and E.
 - c. Sale of items which were originally purchased or paid for from the Extension Council's funds will be recorded in columns C and F.
 - d. Interest will be recorded in columns C and F.
2. Savings accounts must be approved by the Executive Board, and recorded in the minutes.
- a. To transfer monies to savings accounts:
 - (1) Must be made by warrant check.
 - (2) Record in column 14 on Form 8-6 (Exhibit C).
 - (3) Record in Savings Account Record of Form 8-7a (Exhibit B).
 - (4) Do not add as an expenditure.
 - b. To transfer monies from saving accounts:
 - (1) Treasurer requests transfer or redemption, and deposit to the checking account.
 - (2) Record on Form 8-7b (date in column A, the words "Transfer from Savings, Certificates of Deposit, etc." in column B, and the amount in column H). Do not show as a deposit in column C (Exhibit B-1).
 - (3) Record on line 8, Form 8-7a, column O (Exhibit B).
 - (4) This transfer will show as a deposit on your bank statement.
 - c. To record interest from savings accounts: Certificates of Deposit, Money Market Certificates, or other Time Deposits.
 - (1) Deposit all interest into the regular checking account.
 - (2) Record on Form 8-7b, in columns A, B, C, and F, (Exhibit B-1).
 - (3) Record on Interest Earned, Form 8-7b, in the month in which the interest was received and deposited in the checking account (Exhibit B-1).
 - (4) Do not add the interest to the savings balance.
 - (5) Interest should not be shown as collected until it is deposited into the checking account. Interest should be deposited at least once a year.
3. Changing the regular checking account from one bank to another.
- a. Use a warrant check to transfer the money. Record it as a transfer in column 14, Form KSU 8-6.
 - b. Record as receipt (transfer) in column H of Form KSU 8-7b.
 - c. It is recommended that a new numbering series be initiated.
-

B6. Procedure for Canceling an Outstanding Warrant Check

Any warrant check that is outstanding after six months should be considered for cancellation and should be canceled unless reasons are known for delay in processing.

1. Procedure for canceling a current year's warrant check:
 - a. Write "Canceled Warrant Check" in the expenditures column on KSU 8-6. Enter in the check no. column, the number of the warrant check to be canceled.
 - b. In parentheses, enter the amount of the warrant check in the budget column to which it was originally charged. The amount of this warrant check to be canceled will also be posted in parentheses, in column 13, of KSU 8-6.
 - c. Subtract the amount of the warrant check being canceled from the column to which it was originally charged from the monthly total of KSU 8-6.
 - d. Enter in column 1 of KSU 8-7, in the previous month's outstanding warrant checks section the number of the warrant check being canceled. In column j, same section, enter the amount of the warrant check to be canceled. This amount will also be included in the total for line 16a and 16 , KSU 8-7.
 - e. When the above procedure is followed, the current year's warrant check will be canceled and will not be listed on the following month's statement (Exhibits B and C).

 2. Procedure for canceling a previous year's warrant check:
 - a. Record on KSU 8-7b, in column b, the canceled warrant check number and the date it was written.
 - b. In column C of KSU 8-7b, record the amount of the warrant check to be canceled. This amount will also be included in the total of lines 2 and 4 of KSU 8-7b. If the warrant check to be canceled was originally issued for an item paid for out of the regular budget, it will also be recorded in column F and included in the totals, line 2 and 4 of KSU 8-7b. If it was issued for an Educational Service (reimbursable) item, it would be recorded in column E, Educational Services (reimbursable), and included in the totals, line 2 and 4 of KSU 8-7b.
 - c. After making these entries, do not list the canceled warrant check in the section "Previous Month's Outstanding Warrant Checks", (Exhibit B).
-

B7. Preparation of Financial Check Sheet, KSU 8-19

KSU 8-19, "Financial Check Sheet" (Exhibit I) is to be completed and sent to the Area Extension Director following the completion of the December financial statement.

The Financial Check Sheet may also be used any time during the year to prove the balance of KSU 8-6 and/or KSU 8-7.

1. Educational Services (reimbursable)
 - a. Carryover balance from the previous year's KSU 8-9 or report.
 - b. Yearly Receipts: enter the yearly receipts for each amount as shown on line T of KSU 8-9 or report.
 - c. Total Receipts: sum of carryover and yearly receipts.
 - d. Yearly Expenses: from KSU 8-9 or report enter the yearly expenditures for each account as shown on line T.
 - e. Balance 12/31: subtract the yearly expenses from total receipts.
 - f. Total: sum of "balance 12/31" column.

2. Capital Outlay (equipment, including auto exchange)
 - a. Amount: enter the amount shown on next budget year's worksheet.
 - b. Expenses: from form KSU 8-6 enter the yearly expenditures as shown on line N, column 12, Capital Outlay.
 - c. Balance 12/31: subtract expenses from amount.

3. Extension Account
 - a. Net Balance: enter the amount shown on line 10 of KSU 8-7.
 - b. Cash Balance pledged to Budget: amount shown as the cash balance on next year's budget, KSU 8-1.
 - c. Balance Educational Services (reimbursable transactions): enter total of educational services (Section I).
 - d. Balance Capital Outlay: amount shown under Balance, II, capital Outlay.
 - e. Total: lines 2, 3, and 4.
 - f. Unencumbered balance: subtract line 5 from line 1.

4. Financial Statement- Receipts
 - a. Balance on Hand January 1: taken from line 5, KSU 8-7 from the January statement for the year for which the statement is being prepared.
 - b. Kansas State University: amount shown in column G, line 4 on KSU 8-7 of the December statement.
 - c. County: amount shown in column D, line 4 on KSU 8-7 of the December statement.
 - d. Educational Services (reimbursable transactions): amount shown in column E, line 4 on KSU 8-7 of the December statement.
 - e. Other: amount shown in column F, line 4 on KSU 8-7 on the December statement.
 - f. Total: enter sum of items 1 through 5.

5. Financial Statement- Expenses
 - a. Operation Cost: amount shown in the total column, line N of KSU 8-6 on the December statement .
 - b. Balance on Hand December 31: amount shown on line 10, KSU 8-7 on the December statement.
 - c. Total: enter sum of 1 and 2.
 - (1) The total receipts (line 6) and total expenses (line 3) must balance.
 - (2) Audit: (fill in information requested).

- (3) Treasure's Bond: (fill in information requested).
- (4) KSU 8-19, "Financial Check Sheet" (Exhibit K).

SECTION C- COUNTY/DISTRICT AUDITING

C1. County/District Extension Responsibilities

1. All County/District Extension Councils with an annual budget of \$275,000 or more must make arrangements for an annual audit of their financial account. An audit is optional for Counties/Districts with an annual budget of less than \$275,000.
2. The Treasurer of each County/District Extension (if a, above applies) should make arrangements for auditing with a licensed public accountant.
3. Auditor's report is submitted to:
 - a. County Commissioner
 - b. Area Director
 - c. Treasurer, Extension Board (for the county file).

C2. Suggestions Concerning Audit- Minimum Requirements

Audits should fulfill requirements in accordance with Kansas Municipal Audit Guides. The following may be requested for an audit:

1. Minutes: They are required to read the minutes of all meetings:
 - a. to see that there has been compliance with the orders of the Board.
 - b. to see that statutes are being complied with.
 - c. to see that all minutes are properly approved and signed.
2. Bonds: They are to check the Treasurer's bond:
 - a. to see that it meets the statutory requirements of 100% of the maximum amount on deposit during the year.
 - b. to see that the bond was filed with each County Clerk.
3. Insurance: They are required to examine all insurance policies for coverage, endorsements and co-insurance clauses to determine that the insurance company is authorized to do business in Kansas and that policies are written in accordance with statutory requirements.
4. Money (Cash or Checks):

- a. They will count cash on hand and review deposit slips to determine that all money has been deposited.
 - b. They will determine that all monies were deposited promptly.
 - c. They will obtain written confirmation from the bank of beginning and ending balances.
5. Receipts: Receipts (KSU 8-12) shall be issued at the time money is received.
 6. Checks: The auditor will examine warrant checks for number, date, payee, amount, signatures, payee endorsement, and bank cancellation. Warrant checks must be audited and approved by the County/District Extension Director or Coordinator.
 7. Comparison: Receipts and expenditures will be compared with budgeted receipts and expenditures.
 8. Expenditures: The auditor will establish the reliability of extensions, footings and recording of warrant checks. All expenditures must be authorized by the Executive Board. An entry in the Minutes should read, "That the Treasurer and 2 Executive Board Members are hereby authorized to pay bills totaling (\$____) dollars as listed on the financial report for the month of ____."
 9. Inventories: The auditor will examine the Equipment Inventory (KSU 8-10), (Exhibit L).
 10. Petty Cash Fund- Illegal
 11. Excise and Sales Taxes: The auditor will examine invoices to determine that State Sales Tax and Federal Excise Tax were not paid.
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SECTION D- FEDERAL AND STATE TAX EXEMPTIONS

The Cooperative Extension Service is a sub-division of the Federal government and is classed as a "municipality" which entitles it to certain federal and state tax exemptions. The County/District Extension are entitled to the same exemptions. Two such exemptions are:

1. Federal Excise Tax Exemption of Telephone, Tires, Automobiles, Etc. KSU 8-13 (Exhibit K). Extension Councils are entitled to federal tax exemptions on merchandise and services which are for their exclusive use and benefit, and paid from Extension Council funds. The company furnishing the goods or services must be provided the Federal Excise Tax Exemption Certificate, KSU 8-13.
2. Kansas Sales Tax Exemption Certificate, KSU 8-14 (Exhibit L). To be used by County

Extension Councils claiming to be exempt state sales tax on merchandise and services.

NOTE: County Extension Councils are not exempt Kansas gasoline tax, however they are exempt federal excise tax on gasoline.

SECTION E- COLLECTION OF SALES TAX BY COUNTY EXTENSION COUNCILS

1. County/District Extension must collect sales tax on sales of education supplies for individual use. Sales made to other governmental units (federal, state or county) are not subject to sales tax. However, the receipt must clearly show that the purchase was made by the governmental units.
2. A sales receipt must be made for each sale. The receipt must show the total amount of the sale separate from the sales tax collected.

a. Example:

(1)	Kansas Farm and Household Account Book	\$2.50
	Sales Tax	.13
	Total	\$2.63

- b. All books and records necessary for proving the amount of sales tax collected by County/District Extension are to be on file for a period of five years.
3. When sales tax is collected by the County/District Extension, it will be based on the current Kansas Retailers Sales Tax. In some counties and towns, there is an additional county and/or city sales tax.
4. Reporting payment of sales tax collected.

The County/District Extension is required to make returns on forms provided by the Director of Revenue and to pay the proper tax due. Payment of any sales tax collected shall be sent to the State Director of Revenue, Sales Tax Division, State Commission of Revenue and Taxation, Topeka, Kansas 66612.

5. State of Kansas, Retailers' Sales Tax, Law and Regulations

Defined and explained in Handbook STD-12, and available from: Department of Revenue, Sales and Excise tax Bureau, State Office Building, Topeka, Kansas 66625

SECTION F- EXHIBITS

Please note that most exhibits are not on-line. Please refer to the hard copy of the Administrative Handbook located in the county/district office to view exhibits. Exhibits F, I, and J can be viewed at the Extension Administrative Documents and Forms website:

http://www.ksre.ksu.edu/Employee_Resources/DesktopDefault.aspx?tabid=85

<u>Exhibit</u>	<u>Title</u>
A	KSU 8-12, Receipt
B	KSU 8-7a, County Extension Council Financial Statement-Summary*
B-1	KSU 8-7b, Receipts*
C	KSU 8-6, County Extension Council Financial Statement-Expenditures*
D	KSU 8-9 or report, County Extension Council Financial Statement-Educational Services (reimbursable)*
E	KSU 8-8, Warrant Check**
F	KSU 8-17, Travel Voucher- General Expense
G	Federal and State Withholding Guides
H	Payroll Table, Work Day Periods
I	KSU 8-19, Financial Check Sheet
J	KSU 8-10, Equipment Inventory - County KSU 9-10, Equipment Inventory - District
K	KSU 8-13, Federal Excise Tax Exemption Certificate
L	KSU 8-14, Kansas Exemption Certificate
M	KSU Bi-weekly Pay Invoice

* These forms are part of the Extension Fund Accounting Program.

** This form has been discontinued. Please check with Area Administration for details.

CHAPTER 4

OFFICE MANAGEMENT

Section A - Personnel and the Office

Section B - County/District Filing System

Section C - Forms

Section D - Extension Council Meetings

Section E - Extension District Meetings

Appendix 1 - Suggested Administrative File Folders for County/District Offices

Appendix 2 - Sample Forms - Forms can be viewed at the Extension
Administration Documents and Forms website:

http://www.ksre.ksu.edu/Employee_Resources/DesktopDefault.aspx?tabid=85

CHAPTER 4

OFFICE MANAGEMENT

SECTION A - PERSONNEL AND THE OFFICE

The county/district office staff consists of all the people employed by the county extension council/district governing body and Kansas State University. The local office represents not only the local council, but K-State Research and Extension at the state level, and the United States Department of Agriculture (CSREES) on the federal level.

Enthusiastic, professional and punctual staff members project the image of competent professionals disseminating the latest research-based information.

OFFICE STAFF

The local extension office may consist of the following staff:

1. **County Extension Director:** This position exists in counties with larger metropolitan areas where one person has administrative responsibility for all staff and provides leadership to the overall extension program.
2. **County/District Extension Coordinator:** The responsibility of the county/district coordinator is assigned annually to one of the agents in the office by the county extension council/district governing board and the area extension director. The assignment of this responsibility should be recorded in the executive board minutes. The coordinator performs or assigns administrative functions necessary to office operation. This may include scheduling staff conferences, hiring and training office personnel, overseeing budgets, purchasing supplies and equipment, and working closely with the board chair.
3. **County/District Extension Agent:** Extension agents provide leadership in developing, implementing and evaluating adult and youth extension educational programs in the county of employment, without regard to race, color, religion, national origin, sex, age or disability. Subject matter assignments may include agriculture, family and consumer sciences, and 4-H Youth.
4. **Agent Assistant:** An agent assistant's role is to help the agent deliver the local educational program. Assistants work part-time and are responsible to the agent for their work assignment. Their responsibilities generally are narrowly focused, with specific functions and a targeted audience. Salary for assistants is paid from the local council.
5. **Office Professional:** The office professional(s) are the first and most frequent contact that the public has with the local office. It is important that they be well informed of the overall mission of K-State Research and Extension, and the particular educational emphasis of the local office.

A partial listing of responsibilities of the office professional is listed below:

- Receptionist: Greet visitors and callers, and help them feel welcome in the office. Respond to their requests for information, when appropriate, or refer them to the agent or office professional who can assist them. Take complete messages, including name, telephone number/address and topic.
- Office management: Coordinate activities of the office, such as word-processing, accounting, flow of correspondence, report filing, etc.
- Mail: Open, sort and stamp with the date received. Scan and note due dates for responses. Make copies, as appropriate, to keep everyone informed of upcoming events and important information.
- Word-processing, photocopying, and processing office correspondence: The image and credibility of the organization and its staff are reflected in correspondence, news releases, newsletters, meeting handouts, etc. Accuracy and neatness are important in each item distributed by the local office.
- Staff schedules: Office professionals should know the schedules of agents to respond to customers' phone messages and office visits.
- Mailing lists: Keeping up-to-date mailing lists is critical in managing postage dollars. Mailing lists are for the sole use of extension personnel and are not to be furnished directly or indirectly to any other person, organization or agency.
- Filing: Quick retrieval of information is imperative in an office. (See Appendix 1 for a suggested file system for administrative files.)
- Reports: Office professionals should assist, as needed, with reports and records including monthly financial statements, expense accounts, Monthly Progress Reports, weekly crop reports, etc.
- Supplies and bulletins: A current inventory of all supplies, bulletins and other educational materials should be maintained.

K-STATE RESEARCH AND EXTENSION IDENTIFICATION

An April 1998 publication, "Research and Extension Identification Guide," offers guidelines for creating consistency of "corporate image" and increasing awareness for K-State Research and Extension. Logo, stationery, newsletters, publications, office and vehicle signs are to be consistent across the organization.

TELEPHONE

The person who answers the telephone may be the only contact a taxpayer has with K-State Research and Extension. Following are some pointers to make each telephone contact a positive encounter:

- When the telephone rings, answer promptly (on the first ring if possible) using this greeting: “K-State Research and Extension, _____ County/Area/ Department, this is (name of person answering).” A smile when answering will carry over to the tone of voice.
- Request the caller’s identity, when necessary, in a tactful manner: “May I tell him/her who is calling?” Knowing the name of the caller will allow the person answering the phone to gather the information needed to respond to the caller efficiently.
- Take a message. If the person requested is not in, offer to take a message. Get the name and telephone number. Ask callers if they would like to leave a message and the best time to return a call. Repeat the information back to be certain that the telephone number and message are correct. If the person requested is gone for the day or the week, let callers know so they will have an idea of when to expect a return call.
- Deliver messages promptly. A consistent location for phone messages to be returned will ensure a timely response and demonstrate the office’s commitment to customer service. Carbon message pads (helpful in case the original is lost) or e-mail can be used to record calls to be returned.
- Avoid abrupt phrases. Instead of, “She’s out,” “He’s busy” or “Could you call back later,” try, “She is at a meeting at the library until noon. I expect her back at 1 p.m.” Also avoid, “He hasn’t come in yet” or “She’s left for the day.” Instead use, “He’s not here now, but I expect him about 8:30.” Each office should discuss the particular response to be used in specific situations.
- Avoid providing information of a technical nature. That is the responsibility of extension agents or specialists. There may be information that can be furnished – based upon supervisor’s preferences, – but be positive of its accuracy. A record of callers, addresses and/or phone numbers, information requested and information given will be helpful to supervisors for any follow-up action. Again, each office will want to discuss this issue in more detail.
- Exercise good judgement in using the telephone for personal business. The telephone is provided to facilitate handling business matters. When necessary to use the telephone to make appointments, check on children or confirm social or volunteer commitments, make the calls quickly. Extended phone conversations with relatives and friends are not appropriate.

STAFF CONFERENCE

A regularly scheduled staff conference will enhance the office's focus on serving its customers. The conference can be used to inform staff of upcoming events, schedule work loads with support staff, formulate responses to frequently asked questions, evaluate progress and resolve conflicts. Notes of decisions made should be shared with those unable to attend.

SECTION B - COUNTY/DISTRICT FILING SYSTEM

For a number of years county/district offices have used the Kansas Extension Service Uniform Filing System. While the subject matter files have not been updated, the administrative files should continue to follow the system outlined in Appendix 1 of this chapter.

The filing system is based upon the following principles:

1. In general, administrative files – which would include extension council/district governing body records, financial documents, etc. – will be located in the office professional's office, while subject matter reference files are located in agent offices.
2. The following items are to be maintained for five years:
 - a. Budgets
 - b. Director's Certificate of Proper Functioning
 - c. Certificate of Filing
 - d. Certificate of Appropriation
 - e. Financial Records (deposit slips, monthly bank statements, canceled vouchers, monthly financial reports – January to November inclusive)
 - f. Public notices of elections and annual meetings
 - g. Published budgets
 - h. Employment agreements
3. The following items are to be maintained permanently:
 - a. List of council/governing body members
 - b. December or Annual Financial Statement
 - c. Minutes of meetings
 - d. Memorandum of Understanding
 - e. Program Accomplishment Reports
 - f. Auditor's reports
 - g. Transfer of Property
 - h. Affirmative Action Plan
 - i. Equal Employment Opportunity Plan
 - j. Civil rights compliance review forms
4. The office professional's file is to consist of two complete files:

One set contains last year's material

Second set contains the current year's material

First set is cleaned out after one year passes (during which time the second set is used).

Discard everything except material that goes in permanent files.

5. File folders are labeled as follows:
Primary files (label placed in left position)
Secondary files (label placed in the center position)
Tertiary files (label placed in right position)
(See examples on page 4-13.)

The primary guides are not numbered, while the secondary and tertiary guides are numbered.

6. A suggested format for color-coding file folders is as follows:
Left side (Canary): includes primary subject name, secondary and tertiary names, and numbers, if applicable
Right side: Green for correspondence, white for general, cherry for specific subjects
7. File folders should be straight cut with no tabs. Use kraft rather than manila folders. Folders that have been creased twice will stand straight. Add a file folder when one becomes full.
8. A "hold" file is an excellent method of retaining material such as reminders for meetings, events and due dates.

SECTION C - FORMS

Forms can be viewed at the Extension Administrative Documents and Forms website:

http://www.ksre.ksu.edu/Employee_Resources/DesktopDefault.aspx?tabid=85

SECTION D - EXTENSION COUNCIL MEETINGS

1. Extension Council Elections

Each fall the executive board conducts its annual election of county extension council members, as established by the Kansas County Extension Council Law, Section 2-611. The board determines the date, time and place of the election. The election meeting shall be held annually, not earlier than September 1, and at least 10 days before the extension annual meeting. The election in each commissioner district may be at large or county-wide, by a mail ballot. All county citizens of voting age are qualified to participate in the election. Twelve council members are elected or re-elected annually. A member may serve two, two-year terms. A record of extension council members should be kept on form KSU 8-15 and placed on file or with the minutes of the executive board meetings.

Public notice for meetings and mail ballot elections shall be published once in the official county newspaper at least one week but not more than three weeks prior to each county extension council election. The public notice may be similar to KSU 8-24 or 24b, "Public Notice . . ." (for counties holding commissioner district elections) or KSU 8-24a or 24c, "Public Notice . . ." (for counties holding county-wide elections).

2. Annual Meetings

The county extension council shall meet annually, not earlier than October 1 and not later than December 20, and shall elect from among its own members an executive board consisting of a chair, vice-chair, secretary, treasurer, and five additional members. The date, time, and place of the annual meeting shall be determined and fixed by the executive board. No more than three members of the executive board shall be elected from any county commissioner district, and at least one member shall be elected from each county extension council member group, including agricultural pursuits, family and consumer sciences, 4-H club and youth work, and educational programs in economic development initiatives. The executive board of the county extension council is authorized to transact all business of the council, shall have control of all council property, and may employ and fix the compensation of such persons as are necessary to conduct the business of the council, except as herein otherwise expressly provided, as stated in Section 2-611.

Public notice of the annual meeting must be published once in the official county newspaper at least one week but not more than three weeks prior to the date of the annual meeting. The public notice may be similar to KSU 8-23, "Public Notice . . ."

Prior to the annual meeting, three copies of KSU 8-4b, "County Extension Council Members" should be prepared. Following the annual meeting, KSU 8-4a, "Extension Council Executive Board Members" should be completed and signed by the current Executive Board Chairman. One copy is filed with the county clerk, one copy in the county extension office, and one copy forwarded to the area extension director.

"The members of the executive board, after their election and prior to entering upon the

duties of their respective offices, shall take and sign the usual oath of public office, and the same shall be filed in the office of the county clerk” (K.S.A. 2-611). It is suggested that the county extension director/coordinator make arrangements to have an official present at the annual meeting to administer the oath, KSU 8-20, “Oath.”

3. Budget Meetings

It is recommended that the board chair personally contact the county commissioners and request a budget meeting date prior to notifying other executive board members and the area extension director. A proposed budget should be prepared and presented to the county commission for approval on KSU 8-1, “Budget for the _____ County Extension Council.” Three copies of the approved budget should be signed by a county commissioner. One copy of the budget and KSU 1-1, “Certificate of Proper Functioning” are filed with the county clerk. One copy of the budget is filed in the county extension office, and one is forwarded to the area extension director.

As soon as the budget is filed, the county clerk should be requested to execute two copies of KSU 8-2, “Certificate of Filing.” One copy is filed in the county extension office, and one is forwarded to the area extension director.

After the county budget is adopted, two copies of KSU 8-3, “Certificate of Appropriation” should be completed by the county clerk. One copy is filed in the county extension office, and one is forwarded to the area extension director.

4. Monthly Board Meetings

At all executive board or council meetings the secretary shall record the minutes. Agents should provide reports at monthly board meetings, as outlined in Chapter 5.

SECTION E - EXTENSION DISTRICT MEETINGS

1. Establishment of Districts and Appointment of Governing Board

Prior to July 1 of any year, any two or more county extension councils may establish an extension district composed of all counties of such councils by entering into an agreement in accordance with Kansas Extension District Law, Section 2-623, to combine the extension programs for each county involved into one extension program serving the district. No such agreement shall be effective unless it has received the prior approval of (1) the board of county commissioners of each county included in the proposed extension district, subject to the provisions of subsection (I); (2) the executive board of the extension council of each county included in the proposed district and the director of extension of Kansas State University of Agriculture and Applied Science, or the director’s authorized representative, acting together as a body; and (3) the attorney

general in accordance with subsection (h).

Upon the establishment of an extension district under Section 2-623, the board of county commissioners of each county joining in the establishment of an extension district shall appoint four qualified electors to membership on the district's governing body. The terms of all members so appointed shall commence July 1 following their appointment. Of the members so appointed, two shall serve for terms ending upon the election and qualification of their successors at an election held on the first Tuesday in April of the first odd-numbered year following their appointment. The other two members shall serve for terms ending upon the election and qualification of their successors at an election on the first Tuesday in April of the second odd-numbered year following appointment.

2. Extension District Elections and Appointment of Program Development Committee

The governing body of each extension district shall be composed of four representatives from each county in the extension district. Each member of the governing body shall hold office for a term of four years and until such member's successor is elected in a county-wide election on the first Tuesday in April in each odd-numbered year. The governing body of each extension district shall organize annually in July by electing from among its members a chairperson, vice-chairperson, secretary and treasurer.

The governing body of the extension district shall appoint program development committees to develop educational program plans in agriculture, family and consumer sciences, 4-H club and youth work, and economic development initiatives. Each program-development committee shall consist of six or more members from each county, shall be chaired by a member of the district governing body and shall meet as needed to plan educational programs to meet the district's needs.

3. Extension District Budget Meeting

The extension district's governing body and the director of extension of Kansas State University of Agriculture and Applied Science shall meet and act together to adopt the district's annual budget to provide for extension programs.

The governing body may make an annual tax levy upon all the taxable tangible property of the extension district to raise funds to plan and conduct the district's educational extension programs. Taxes will be levied and collected as other taxes, at a rate fixed in accordance with the approved budget and not to exceed the greater of (1) the rate of 2.5 mills or (2) the rate determined to yield an amount equal to the product of \$75,000 multiplied by the number of counties within the district. The governing body shall certify the levy so fixed to the clerk of each county in the extension district and provide a hearing for public input.

APPENDIX 1

SUGGESTED ADMINISTRATIVE FILE FOLDERS FOR COUNTY/DISTRICT OFFICES

ADMINISTRATION	Correspondence (green)
ADMINISTRATION	General (white)
ADMINISTRATION	Correspondence (green) Director's Office
ADMINISTRATION	Newsletter (cherry) (K-State Research and Extension Communicator)

1 Budget and Fiscal

ADMINISTRATION 1 Budget and Fiscal	Audit (year)
ADMINISTRATION 1 Budget and Fiscal	Budget (year)
ADMINISTRATION 1 Budget and Fiscal	Income Tax Withheld (year)
ADMINISTRATION 1 Budget and Fiscal	Social Security Tax Withheld (year)
ADMINISTRATION 1 Budget and Fiscal	KPERS
	1-1 Financial Statements
ADMINISTRATION Budget and Fiscal Financial Statements	1-1 January (make case folder for each month of the calendar year)
	1-2 Financial Statements, Other Groups
ADMINISTRATION 1-2 Budget and Fiscal Financial Statements, Other Groups	

2 Civil Rights Records

ADMINISTRATION 2
Civil Rights Records Programs

ADMINISTRATION 2
Civil Rights Records Equal Employment Opportunity

(For a more detailed list see the “Civil Rights Filing System Guide for Kansas County/District Extension Offices.”)

3 Employment Agreements

ADMINISTRATION 3
Employment Agreements Extension Agents
(current year)

ADMINISTRATION 3
Employment Agreements Extension Agents
(previous year)

ADMINISTRATION 3
Employment Agreements Office Professionals,
Agent Assistants, etc.

4 Equipment

ADMINISTRATION 4
Equipment Vehicles
(title, insurance)

ADMINISTRATION 4
Equipment Office equipment

ADMINISTRATION 4
Equipment Inventory (current year)

ADMINISTRATION 4
Equipment Operating Manuals
and Guarantees

ADMINISTRATION 4
Equipment Service contracts

5 Extension Council Records

ADMINISTRATION 5
Extension Council Records Executive Board
(members, minutes, notices, etc)

ADMINISTRATION 5
Extension Council Records Extension Council
(members, minutes, notices, etc)

6 Memoranda

ADMINISTRATION 6
Memoranda

Memoranda with agencies
and Memoranda organizations
(case file as needed)

7 Office Management

ADMINISTRATION 7
Office Management

Office layout

8 Personnel

ADMINISTRATION 8
Personnel

(case folder for each agent,
office professional and agent assistant)

APPENDIX 2

Forms are located on the Extension Administration Documents and Forms website.

http://www.ksre.ksu.edu/Employee_Resources/DesktopDefault.aspx?tabid=85

CHAPTER 5

REPORTS

Section A - Monthly Progress Report

Section B - Specialist's Quarterly Report

Section C - Annual Program Accomplishment Report

Section D - Annual Meeting Report

Section E - Annual and Sick Leave Reports

Section F - Extension Agent Performance Reviews

Section G - Resignation Reports

Section H - Weekly Crop Progress Reports



CHAPTER 5

REPORTS

Reports are essential in any large organization. Administrators, executive boards, support groups, and clientele need to know about the system's issues, programs, and accomplishments. Reports are also important because they are a good way for faculty to get recognition for the work they do.

SECTION A - MONTHLY PROGRESS REPORT

All county/district extension faculty are required to submit a Monthly Progress Report (MPR). The MPR is designed to report program progress to the executive board/district governing body, area director, and the state Planning and Reporting office. Emphasis is on the long-term value the report provides to the relationship with the board and the total program.

Reporting progress in relation to the Action Plan Goals/Anticipated Outcomes will reinforce the agent's commitment to local programming. Clear, concise reports keep board members abreast of present and planned activities that contribute to accomplishing program goals. The report should be more than a review of the monthly calendar.

The Monthly Progress Report can be shared as a hard copy with board members, along with a brief oral report that summarizes the written report. Properly presented, these reports can be instrumental in maintaining high morale and support and can ensure a positive and effective working relationship with board members.

An electronic version of the MPR is submitted to the area director and Planning and Reporting office. Estimated Direct Educational Client Contacts are data needed in the Planning and Reporting office to complete federal civil rights compliance, but may be omitted from the board copy of the report.

Monthly reports to the executive board/district governing body provide agents with an opportunity to promote county/district programming, emphasize the impact or outcomes of program effort, and gain involvement of board members on an ongoing basis. Board members can ask questions and increase their understanding of the program planning and implementation process.

SECTION B - SPECIALIST'S QUARTERLY REPORT

All area and state extension faculty are required to submit a Specialist's Quarterly Report (SQR). The SQR is designed to report an estimate of where specialists have invested their time across the core mission themes and major programming issues. Estimated Direct Educational Client Contacts are data reported to complete federal civil rights compliance.

SECTION C - ANNUAL PROGRAM ACCOMPLISHMENT REPORT

Annual program accomplishment reports are written to correspond with each County/District Action Plan. This one- or two-page summary explains the need for the program, the agents' role in planning and implementing the program, how the professional development commitment increased the agents' effectiveness in carrying out the plan, and describes resulting benefits to clientele. These results (i.e., impacts and outcomes) are usually expressed as changes in one or more of the following areas: social, economic, and environmental conditions; practices; knowledge, attitudes, skills, and aspirations. Planned results, as well as the unexpected, are included. This information can make excellent material for county planning committees and executive boards at annual extension meetings.

SECTION D - ANNUAL MEETING REPORT

Agents' reports at the annual meeting of the county extension council/district governing body should highlight the important aspects of the year's program. An effective report can build enthusiasm for ongoing programs and generate support and interest in future activities. Reports may indicate trends programs are taking. Program development committee chairpersons might be asked to give an update on their planning discussions especially at the time a five-year plan of work is completed.

Reports should highlight major programs conducted in the county/district emphasizing outcomes, and impacts. Because agents will share time, reports should succinctly present main points and be an appropriate length. Agents usually make an oral presentation, supported by visuals or multimedia. If statistical information is presented, it should be available in printed form.

SECTION E - ANNUAL AND SICK LEAVE REPORTS

Requests for annual leave are to be made monthly to the extension council executive board/district governing body and recorded in the minutes. Annual and sick leave used are to be reported biweekly to the area extension office. A summary of leave earned and leave remaining will be recorded on the biweekly pay voucher.

SECTION F - EXTENSION AGENT PERFORMANCE REVIEWS

In any work environment, people are the organization's most important asset. If the organization is to accomplish its mission, employees must have a clear understanding of their roles, know how well they are performing those roles and be given opportunities to develop and refine their skills. The performance review process is designed with those purposes in mind.

The review is an ongoing process that follows or approximates this schedule:

- **January/February:**

Extension agent and board review the position description, previous year's program accomplishment reports, action plans and professional self-development goals and objectives.

- **Monthly:**

Extension agents provide a written and oral board report reflecting progress made toward action plans/goals/anticipated outcomes.

- **Fall:**

The agent presents a brief oral and written review for the board (and sends a copy to the area director) summarizing the current year's program accomplishments, effect of professional development commitment, and action plans and professional development goals for the next year. The board members and area director complete an Extension Agent Performance Review form, based on materials provided by the agent. The forms are compiled and shared with the agent. Any follow-up actions to be taken will be documented, listing specific concerns, method of addressing each concern and date by which the actions will be taken.

SECTION G - RESIGNATION REPORTS

The resigning agent is to submit a written letter of resignation to the extension council executive board and the area extension director containing the following information:

- (a) Reason for resigning.
- (b) Last day in the office.
- (c) Last day on the payroll (this date should allow for annual leave, which may be due).
- (d) Permanent address where W-2 form is to be sent.
- (e) Other information desired.

For the purpose of continuity in the educational program and to assist the successor, the agent is to assemble the following information:

- (1) Five-year action plans, annual updates, and program accomplishment reports showing progress made.
- (2) A calendar of upcoming events and activities.
- (3) A list of program development committee members.
- (4) A list of routine responsibilities, such as radio and television programs, news columns, etc.
- (5) Other information that might be helpful.

SECTION H - WEEKLY CROP PROGRESS REPORTS

Under an agreement with the Kansas Department of Agriculture, Topeka, Weekly Crop Progress Reports are completed by agricultural agents when requested. The purpose of the report is to provide the Department of Agriculture and the agricultural community with current, weekly information describing crop and livestock conditions in every county of the state.

Completing the Report: Questions on the report are changed regularly to reflect the seasonal nature of agriculture. Each month during the reporting season (March-November), a supply of questionnaires will be sent to the agricultural agent for use in the appropriate month. The report exists in two forms: 1) a single page printed on legal-size paper with instructions and definitions printed on the back, and 2) an electronic Internet version. Although completion of the report involves considerable time, thought, and effort on the part of the agricultural agent, its summary provides a valuable resource to the agricultural community in Kansas and the United States. In the event the agricultural agent position is vacant or the agent is on vacation or sick leave, other agent(s) should assume the responsibility for preparing and submitting the report. For answers to any questions regarding the report's completion, contact the crop weather statistician at (785) 233-2230. The phone number is also printed on the upper right corner of the report.

Submitting the Report: The report should be submitted in a timely fashion to arrive in Topeka no later than 9 a.m. (CST) each Monday. Three options are available for submitting the report: mail, facsimile, and Internet.

- (a) Internet: The Internet option is the preferred. The Internet version of the report can be accessed at <http://cpcswb.nass.usda.gov>. To log in to the Web site, the agent will need a user name and password, which can be obtained, along with any assistance with the Internet version, by contacting the crop weather statistician.
 - (b) Mail: If the report is submitted by mail, use the first-class return envelopes provided each month, and mail early enough to allow the report to arrive in Topeka by Monday morning.
 - (c) Facsimile: The number to use when submitting the report by FAX is (785) 233-2518. The FAX number is also printed on the upper right corner of the report.
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CHAPTER 6

PROGRAM PLANNING

Section A - Reasons and Guidelines for Program Planning

Section B - Five-Year Program

Section C - Forms and Calendar for Developing the Five-Year Action Plan

CHAPTER 6

PROGRAM PLANNING

SECTION A - REASONS AND GUIDELINES FOR PROGRAM PLANNING

The foundation for program development involves a process that will define:

- where your audience wants to be (vision)
- why they want to be there (mission)
- how things are right now (situation)
- a set of audience-focused goals (goals)
- a strategy to reach the audience's goals (action plan)
- a method of measuring the results (evaluation)
- plans for the unexpected (contingency planning).

The K-State Research and Extension professional educator must possess the knowledge, understanding, and ability to develop, carry out, and evaluate a program plan around needs and issues that are important, relevant, and appropriate for the target audience. This section of the Program Planning chapter seeks to provide the basic reasons and guidelines for program planning, application, and evaluation.

1. The legal responsibility for planning the extension program rests with the county extension council/district governing body. The Extension Law describes the responsibility of the council/body: "... to plan the educational extension programs of the county/district." Such a plan belongs to the county/district and provides guidance and direction to extension professionals working to bring educational programming to the audiences targeted within that plan.

2. Extension professionals have a responsibility for leadership, training, and guidance in the planning process. It is the professional educator who provides the theoretical framework; background information; tools to analyze the situation; group process methods to ensure consideration of each person's thoughts and ideas, including methods to reach under served audiences; and the ability to express the people's identified issues, needs, and goals in clear, succinct terms.
 3. The extension council/governing body will define priorities for programming through its program development committees. The county and district extension laws describe the purpose and need for program development committees in the programming areas of agriculture, family and consumer sciences, 4-H youth, and economic development. The elected council/governing body must ensure a representation of the interests, issues, and needs of county residents, including under served audiences, and cooperating organizations and agencies. In planning programs, the council and its committees and subcommittees may bring greater representation by appointing appropriate, interested individuals to these committees.
 4. Five years is a reasonable planning cycle for the development, implementation, and evaluation of a county/district program. In-depth planning need not take place each year, but rather on a longer cycle. K-State Research and Extension utilizes substantive needs assessment and issue identification processes on a five-year interval. Action and evaluation plans to meet the goals and objectives defined through the needs assessment and issue identification can then be written on a similar five-year interval, with provision for annual update.
 5. Any defined program plan for a county/district must be flexible to respond to unforeseen issues, emergencies, and special needs, when they arise within the county/district. The five-year plan may require adjustment to adapt these changes in program priorities, personnel, and resources. The written plan must be a guide to quality, relevant programming and not a harness to the process.
 6. The county/district five-year action plan must be approved by the county/district extension executive board and the area director as the framework of priorities, goals, and strategies in carrying out the educational programs and evaluation processes by extension professionals working in the county/district.
 7. County action plans – along with the statewide core mission themes, issues, and action plans – provide guidance to the extension professional for implementing annual personal goals based on the five-year plan.
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SECTION B - FIVE-YEAR PROGRAM

1. The county/district five-year program. A long-range extension program consists of the agreed upon issues that fall within the mission of extension, together with educational goals to be achieved within a period of more than one year. A five-year program plan is suggested.
2. The statewide five-year Research and Extension program. A Kansas State University Agricultural Experiment Station and Cooperative Extension Service five-year plan will be developed through issues identification processes involving citizens, stakeholders, and employees of K-State Research and Extension. Core mission themes, and issues/needs/concerns identified within those themes will become the major framework for county/district plans if those issues are important and relevant to the citizens of Kansas and appropriate for the work of K-State Research and Extension.
3. The program development cycle. Program development involves a series of processes that include: Issue identification, situation analyses, setting of goals and objectives with the intended audience, developing an educational strategy, implementing the strategy, evaluating outcomes of the educational programs, and then starting the process over. The long-range plan offers five years to cycle through this process on major issues. Shorter cycles may be appropriate for targeted programming within the core mission themes or major issues.
4. The written county/district extension five-year program. The written county/district action plan includes:
 - Situation Statement. A local situation statement should express the way things are right now and why the county or district extension program plans to expend time and resources toward a given set of issues.
 - Goal/Anticipated Outcome. The goal should be written to show the anticipated accomplishment of the audience or citizens because of the educational program.
 - Annual Objectives. Annual objectives should identify expected accomplishments in a shorter period (i.e., each year) from the sequencing of the actions or strategies.
 - Plan of Action. These are the strategies, activities, events, and organizing steps necessary to accomplish annual objectives and overall goal for the issue(s) addressed.
 - Professional Development. The types of learning opportunities (training, meetings, reading, and study) necessary for the extension professional who intends to support application of the county/district action plan.
 - Evaluation Plans. If the goals and annual objectives are written with anticipated

outcomes for the intended audience, the evaluation strategies should be self-evident. The evaluation must substantiate the effectiveness of the action plan toward accomplishing the stated goals and annual objectives.

5. Council/body member training. County/district extension professionals and area extension directors are to assist in training extension council/district governing body members to plan and execute the educational program.
6. County/district extension professional in-service education. In-service education and training for faculty is offered through a consistent series of professional development and subject matter training opportunities created and/or suggested by area and state extension faculty. Offerings and participation are under the guidance and suggestion of the area extension director and assistant extension directors for program.
7. Specialist in-service education and training. Assistant extension directors for program are responsible for planning in-service and professional development training opportunities for program development.
8. Facts and Trends (situational materials). Relevant information, statistics, and interpretive materials will be developed around the core mission themes and major issues important to Kansas citizens on at least a five-year interval. These resources will help provide background situational facts and analyses important in developing county/district five-year action plans.

SECTION C - FORMS AND CALENDAR FOR DEVELOPING THE FIVE-YEAR ACTION PLAN

1. Developing the five-year county/district action plan. The written long-range action plan is the basis for developing specific action steps, including the events and activities necessary to achieve the plan's long-range, annual, and short-range goals and objectives.
2. Provisions for establishing or updating the county/district plan. The county/district five-year action plan is the organization's plan and not simply the plan of a single extension professional. Therefore, the plan, whether first submitted or updated, must be approved and signed by the county/district executive board and the area extension director. Specific forms and guidelines are available through the office of Planning and Reporting with K-State Research and Extension.
3. Calendar for submission of the five-year plan and any annual updates. The five-year planning cycle begins on January 1 of the years ending in 4 or 9 (i.e., 2004, 2009, etc.). Therefore, the usual process for the five-year plan is as follows:

- Year One (2004, 2009, etc.): Begin implementation of completed five-year action plan.
- Year Two and Three: Continue programming and evaluation.
- Year Four: Identify needs, issues, and concerns statewide. Make findings available to local county extension council/district governing body for local issues identification processing.
- Year Five: Develop the next five-year statewide and county/district action plans.

4. Scheduling. The Master Schedule is an ongoing list of K-State Research and Extension activities and events. It can be obtained from the Planning and Reporting office or through Internet access: (<http://www.oznet.ksu.edu/prev/>).

Dates proposed for scheduling are submitted with the following annual deadlines:

- May 1 Major event dates are requested from administration and specialists.
- Mid-June Public meeting/professional development/in-service education dates are requested from specialists. Event information forms are sent to previously listed contact persons. Counties/districts submit 4-H fair/camp dates.
- Mid-July All requested dates are due in Planning and Reporting Office. Dates are added to the Master Schedule; conflicts are resolved.
- Early-Sept. Coordination meeting. Single and multi-county dates for events and activities are added to the Master Schedule.



CHAPTER 7

PERSONNEL BENEFITS

Section A - Overview of Benefits

Section B - Unclassified Leave Policies (Including Extension Agents)

- B1. Annual Leave
- B2. Bereavement Leave
- B3. Family and Medical Leave Act (FMLA)
- B4. Holiday Leave
- B5. Job Injury Leave
- B6. Jury Duty
- B7. Leave Without Pay
- B8. Military Leave for Reserve Component (Including National Guard)
- B9. Sabbatical Leave
- B10. Shared Leave
- B11. Sick Leave
- B12. Three-Week Study Leave

Section C - Classified Leave Policies

- C1. Annual Leave
- C2. Family and Medical Leave Act (FMLA)

- C3. Funeral Leave
- C4. Holiday Leave
- C5. Job Injury Leave
- C6. Jury Duty
- C7. Leave Without Pay
- C8. Military Leave in the Armed Forces
- C9. Military Leave for Reserve Component (Including National Guard)
- C10. Shared Leave
- C11. Sick Leave

Exhibits

- Exhibit A: Kansas State University/K-State Research and Extension Summary of Benefits for Unclassified Personnel who participate in Civil Service Retirement System (CSRS) http://www.oznet.ksu.edu/Employee_Resources/DesktopModules/ViewDocument.aspx?DocumentID=1555
 - Exhibit B: Kansas State University/K-State Research and Extension Summary of Benefits for Unclassified Personnel who participate in Federal Employee Retirement System (FERS) http://www.oznet.ksu.edu/Employee_Resources/DesktopModules/ViewDocument.aspx?DocumentID=1556
 - Exhibit C: Kansas State University Summary of Benefits for Faculty/Unclassified Employees <http://www.k-state.edu/hr/benefits/benefitsunclass.htm>
 - Exhibit D: Kansas State University Summary of Benefits for Classified Staff Members <http://www.k-state.edu/hr/benefits/benefitsclass.htm>
 - Exhibit E: Application for Sabbatical Leave from Kansas State University <http://www.k-state.edu/academicpersonnel/forms/sabbat.html>
 - Exhibit F: Guidelines for Sabbatical Leave from Kansas State Univeristy <http://www.k-state.edu/academicpersonnel/depthead/sabbat/sabblv.html>
 - Exhibit G: Application for Study Leave Other than Sabbatical Leave - KSU 1-9c http://www.oznet.ksu.edu/Employee_Resources/DesktopModules/ViewDocument.aspx?DocumentID=1594
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CHAPTER 7

PERSONNEL BENEFITS

SECTION A - OVERVIEW OF BENEFITS

Faculty and staff of K-State Research and Extension have a different combination of benefits based on the date of hire.

Extension agents, specialists and administrators who were hired prior to July 1, 1986, are state employees with a federal benefits. Therefore, they participate in either the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS). Some personnel benefits of the State of Kansas are also available.

Extension agents, specialists and administrators hired after July 1, 1986, have State of Kansas benefits, including the Board of Regents Retirement Plan.

Classified employees located on the Kansas State University campus and in area extension offices have State of Kansas benefits and participate in the Kansas Public Employees Retirement System (KPERS).

County/district office professionals, agent assistants and other employees of county extension councils or district governing bodies have benefits provided by the council or district.

Exhibit A for a Summary of Benefits for Unclassified Personnel on the Civil Service Retirement System.

http://www.oznet.ksu.edu/Employee_Resources/DesktopModules/ViewDocument.aspx?DocumentID=1555

Exhibit B for a Summary of Benefits for Unclassified Personnel on the Federal Employees Retirement System.

http://www.oznet.ksu.edu/Employee_Resources/DesktopModules/ViewDocument.aspx?DocumentID=1556

See Exhibit C for a Summary of Benefits for Faculty/Unclassified Employees hired after July 1, 1986. <http://www.k-state.edu/hr/benefits/benefitsunclass.htm>

See Exhibit D for a Summary of Benefits for Classified Staff Members.

<http://www.k-state.edu/hr/benefits/benefitsclass.htm>

SECTION B - UNCLASSIFIED LEAVE POLICIES

Additional information is also available on the K-State Policy and Procedures Manual Web site: (<http://www.ksu.edu/policies/ppm>)

B1. Annual Leave

1. Each unclassified employee appointed on a 12-month basis to a regular position, excluding those on a temporary appointment, earns and accumulates annual leave upon employment. The maximum annual leave credits earned each pay period are shown in the following table:

APPOINTMENT FTE	HOURS EARNED PER PAY PERIOD
Less than .25	2.0
.25 - .49	4.0
.50 - .74	6.0
.75 - 1.0	8.0

2. Exempt unclassified employees, including part-time employees, only use annual leave in either half-day or full-day increments.
3. Unclassified employees earn annual leave for only the first two pay periods in each month. Twelve-month unclassified employees will not accumulate more than 22 days (176 hours) of annual leave per fiscal year. The maximum accumulation an unclassified employee may have is 38 days (304 hours). When this maximum accumulation is reached, the employee does not earn any more annual leave until such time as the maximum accumulation is reduced.
4. Unclassified employees do not earn annual leave while on sabbatical leave or leave without pay. Unclassified employees are not required to use accumulated annual leave credits before going on sabbatical leave; however, they may not exceed the maximum accumulation limit.
5. Each unclassified employee who resigns or is otherwise separated from employment is paid for accumulated annual leave at the same time as he or she is paid for the last day of work. In no case will an unclassified employee be paid for any annual leave in excess of 22 days (176 hours). Pay for annual leave at separation is calculated on the employee's salaried or hourly rate of pay.

B2. Bereavement Leave

Unclassified employees may be granted leave with pay upon the death of a close relative. Such leave shall in no case exceed six working days. The employee's relationship to the deceased and necessary travel time are among the factors considered by the direct supervisor in determining whether to grant bereavement leave, and if so, the amount of leave to be granted.

B3. Family and Medical Leave Act (FMLA)

1. Policy

- a. The Family and Medical Leave Act (FMLA), effective August 5, 1993, entitles eligible employees to up to 12 workweeks of unpaid leave for the birth, adoption or foster placement of a child; for a serious health condition of the employee; or for an employee to care for the employee's family member with a serious health condition. Kansas State University has developed this policy to outline both the employee's and the university's rights and obligations under FMLA and state law. This policy should be construed and applied in a manner consistent with Kansas law, FMLA and federal regulations implementing FMLA. For purposes of this policy, "university employee" or "employee" shall mean an individual employed by the university, regardless of geographical location, who is eligible to receive state benefits. FMLA entitlement is a coordinated entitlement with the provisions of the KPERS disability waiting period, the Workers' Compensation Program, and the Shared Leave Program. University employees are required to use any accrued paid leave toward the 12 workweeks of FMLA leave to which they are entitled. FMLA is not intended to cover short-term conditions for which treatment and recovery are brief.

2. Entitlement

- a. The Kansas State University policy for implementing FMLA, entitles eligible employees to up to 12 workweeks of unpaid leave, within a 12-month period, for:
 - (1) the birth of the employee's child or placement of a child with the employee for adoption or foster care, and care of the child upon birth or placement in the employee's home (must be taken within 12 months following birth or placement)
 - (2) the care of an employee's spouse, son, daughter, or parent, as defined by 29 Code of Federal Regulations 825, with a serious health condition; or
 - (3) the serious health condition of the employee that makes the employee unable to perform the functions of the employee's position.
- b. The 12-month period will be measured forward from the first date that FMLA leave is taken. The next 12-month period would begin the first time FMLA leave is taken after completion of any previous 12-month period. Entitlement for eligible employees who work less than full time will be prorated. For example, an employee who normally works 20 hours per week will use one week of FMLA entitlement for every 20 hours of FMLA leave. Each employee is entitled to up to 12 of his or her normal workweeks per year.

3. Eligibility

- a. Eligibility for leave under FMLA will be determined as follows:

- (1) The employee has been employed by the university, another Regent's institution, or another Kansas state agency for at least 12 months prior to commencement of leave; AND
 - (2) The employee has worked (in pay status) for the university, another Regent's institution, or another Kansas state agency at least 1,250 hours during the 12 months immediately preceding the date leave begins.
- b. The 12 months employment requirement does not have to be consecutive. Any previous employment with the university, another Regent's institution, or another Kansas state agency counts toward establishing FMLA eligibility.

See Chapter 4865 of the K-State Policy and Procedures Manual for additional information (<http://www.ksu.edu/policies/ppm/4865.html>).

B4. Holiday Leave

1. Legal and officially observed holidays include New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day, and other days designated by the Governor as days on which state offices are closed. If a holiday falls on a Saturday, the preceding Friday is the officially observed holiday; if a holiday falls on a Sunday, the following Monday is the officially observed holiday. The governor may designate, in a particular year, additional days on which state offices are to be closed in observance of a holiday or a holiday season.
 2. Unclassified employees are not eligible for any holiday on which school is in session (i.e., Veteran's Day).
 3. The governor may designate a discretionary holiday for observance of a holiday or other special day without closing state services. To be eligible for a discretionary holiday, an unclassified employee must be eligible for and/or participate in either the group health insurance plan or the KPERs retirement plan and be employed by the State of Kansas for at least six months. The purpose of the discretionary holiday is to give eligible employees a day for observance of a religious or special occasion.
 4. The discretionary holiday must be used at one time and may not be taken in increments.
 5. County/district extension offices may follow either the state holiday schedule or the holiday schedule set by the board of county commissioners. The decision should be made annually by the extension council executive board or district governing body.
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B5. Job Injury Leave

Any unclassified employee who sustains a qualifying job injury, as determined by the provost, is eligible for job injury leave. Qualifying job injury means an injury that (1) renders the employee unable to perform the regular job duties; (2) arose out of and in the course of employment with the state; and, (3) was sustained as a result of a shooting, stabbing, or aggravated battery, as defined in Kansas statutes, by another against the employee.

B6. Jury Duty

1. Each unclassified employee will be granted leaves of absence with pay for required jury duty, in order to comply with a subpoena as a witness before the Civil Service Board, the Kansas Commission on Civil Rights, the U.S. Equal Employment Opportunity Commission, or a court, legislative committee, or other public body, except for appearances that involve an employee, either as defendant or plaintiff, in a personal matter. In such cases involving a personal matter, vacation leave, compensatory leave, or leave without pay will be used.
 2. Each unclassified employee granted such leave who receives pay or fees for a required appearance, excluding jury duty, shall turn over to the State of Kansas the pay or fees in excess of \$50.00. The employee may retain any amount paid for expenses in traveling to an from the place of the jury duty or required appearance except that when an employee travels in a state vehicle for a required appearance before a court, or legislative committee, or other public body, the employee shall turn over to the State of Kansas any mileage expense payments received.
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B7. Leave Without Pay

Any authorized leave from university duties for purposes not directly a part of the university program and during which period the faculty member does not receive university compensation constitutes a leave without pay. Such leave requires the approval of the department head, dean, and provost, and presupposes values in the leave related to the faculty member's subsequent service to the institution. These reasons may be professional growth, significant public service, or in justifiable cases, health or other personal reasons.

B8. ***Military Leave for Reserve Component (Including National Guard)***

Each unclassified employee in a regular position, excluding an employee on a temporary appointment, who is a member of a reserve component of the military service of the United States is granted a maximum of 15 working days of military leave with pay for active duty within each 12-month period beginning October 1 and ending September 30 of the following year. This provision will not apply to any hours of military leave with pay for active duty used before October 1, 2006.

Active duty in excess of 15 working days within the 12-month period will be charged to military leave without pay or, at the employee's request, to accrued vacation leave.

B9. **Sabbatical Leave**

1. Sabbatical leave of not to exceed 11 months at half pay or five months at full pay may be granted to a full-time faculty member who has served continuously for a period of six years or longer at one or more of any of the Regent institutions of higher education, with approval of the department head, dean and provost, and the Board of Regents, provided that the faculty member agrees to return to the service of the state institution granting the sabbatical leave for a one-year period immediately following the expiration of the leave. Otherwise the faculty member will refund that portion of sabbatical pay as represented by the portion of the time he or she fails to serve.
2. Annual leave is not earned while on sabbatical leave. Sick leave is earned in proportion to pay status during sabbatical.
3. Applications for sabbatical leave by agents are due to the area extension director by November 1 of the year prior to the fiscal year in which the sabbatical is to begin. For area and campus based faculty, applications must be submitted to the associate director by November 1 of the year prior to the fiscal year in which the sabbatical is to begin.

See Application for Sabbatical Leave From Kansas State University
<http://www.k-state.edu/academicpersonnel/forms/sabbat.html>

See Guidelines for Sabbatical Leave From Kansas State University
<http://www.k-state.edu/academicpersonnel/depthead/sabbat/sabblv.html>

B10. **Shared Leave**

1. The Shared Leave Program is a means for unclassified employees to transfer sick leave to another qualifying unclassified or classified employee experiencing a serious, extreme or life-threatening illness, injury, impairment or physical or mental condition either personally or by a family member which has caused, or is likely to cause, the employee to take leave without pay or terminate employment, and keeps the employee from performing regular work duties.

2. Common illnesses, minor injuries or routine surgery that are not serious or life-threatening are excluded.
 3. Each unclassified employee, except those on a temporary appointment, is eligible to receive or donate shared leave after six months of continuous service with the State of Kansas.
 4. Requests must be made in writing on a Shared Leave Request Form and submitted through the employee's department to the director of the Division of Human Resources.
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B11. Sick Leave

1. Each unclassified employee earns and accumulates sick leave upon employment. The maximum sick leave credit an employee may accrue in any pay period is 3.7 hours. The amount of sick leave hours earned each pay period and the increments in which sick leave may be used is determined as follows:

APPOINTMENT FTE	HOURS EARNED PER PAY PERIOD
Less than .25	0.9
.25 - .49	1.9
.50 - .74	2.8
.75 - 1.0	3.7

2. Exempt unclassified employees only use sick leave in either half-day or full-day increments.
3. There is no limit on the amount of sick leave that may be accumulated.
4. Sick leave hours earned by an unclassified employee during a biweekly pay period are credited to the employee, and available for use on the first day of the following biweekly pay period.
5. Unclassified employees on sabbatical leave earn sick leave in proportion to their pay status during the sabbatical leave.
6. Sick leave may be granted only for the following reasons:
 - a. illness or disability of the employee, including pregnancy, childbirth, miscarriage, abortion and recovery therefrom and personal appointments with a physician, dentist or other recognized health practitioner; or
 - b. illness or disability, including childbirth, miscarriage, abortion, and recovery therefrom, of a family member, and a family member's personal appointments with a physician, dentist or other recognized health practitioner, when the illness, disability or appointment reasonably requires the employee to be absent from work. Employee's family includes: (a) persons related to the employee by blood,

- marriage, or adoption; and (b) minors residing in the employee's residence as a result of court proceedings pursuant to the Kansas code for care of children or the Kansas juvenile offenders code; or
 - c. legal quarantine of the employee; or
 - d. the adoption of a child by an employee or initial placement of a foster child in the home of an employee, when the adoption or initial placement reasonably requires the employee to be absent from work.
7. Any state unclassified employee retiring from Kansas State University who has accumulated 800 hours or more of sick leave shall receive, at the time of retirement, compensation for accumulated sick leave as follows:
- a. compensation for 30 working days, if such person has completed eight or more years of service and has accumulated at least 800 hours of sick leave;
 - b. compensation for 45 working days, if such person has completed 15 or more years of service and has accumulated at least 1000 hours of sick leave; or
 - c. compensation for 60 working days, if such person has completed 25 or more years of service and has accumulated at least 1200 hours of sick leave.
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B12. Three-Week Study Leave

Study leave not to exceed three weeks with pay may be granted to extension agents once every three fiscal years with approval of the executive board and the director's representative, provided that this leave not be granted in the same fiscal year that (1) sabbatical leave is granted or (2) provided that three-week study leave not be granted immediately preceding or succeeding sabbatical leave.

See Application for Study Leave Other than Sabbatical Leave - KSU 1-9c.
http://www.oznet.ksu.edu/Employee_Resources/DesktopModules/ViewDocument.aspx?DocumentID=1594

SECTION C - CLASSIFIED LEAVE POLICIES

Additional information is also available on the K-State Policy and Procedures Manual Web site: (<http://www.k-state.edu/policies/ppm/>)

C1. Annual Leave

1. Each classified employee in a regular position, excluding those on a temporary appointment, earns and accumulates vacation leave upon employment. The maximum vacation leave credits earned each pay period and the maximum amount of vacation leave credits that may be accumulated are shown in the following table:

Hours in Pay Status per Pay Period*	Hours Earned Per Pay Period Based Upon Length of Service			
	Less than 5 years	5 years and less than 10 years	10 years and less than 15 years	15 years and over
0-7	0.0	0.0	0.0	0.0
8-15	0.4	0.5	0.6	0.7
16-23	0.8	1.0	1.2	1.4
24-31	1.2	1.5	1.8	2.1
32-39	1.6	2.0	2.4	2.8
40-47	2.0	2.5	3.0	3.5
48-55	2.4	3.0	3.6	4.2
56-63	2.8	3.5	4.2	4.9
64-71	3.2	4.0	4.8	5.6
72-79	3.6	4.5	5.4	6.3
80**	3.7	4.7	5.6	6.5
Maximum accumulation of hours:	144.0	176.0	208.0	240.0

* Hours in pay status does not include overtime earned, additional hours, and holiday compensation.

** Maximum standard hours allowable under the Fair Labor Standards Act (FLSA).

2. Non-exempt classified employees are charged annual leave only for those times they normally work. Non-exempt classified employees may use annual leave in increments of a quarter of an hour, if necessary.
3. Annual leave hours earned during a biweekly pay period are credited to the employee, and available for use, on the first day of the following biweekly pay period.
4. The maximum accumulation of annual leave is enforced each year (generally mid-June) based on the excess amount of leave the classified employee has accumulated as of the last pay period of the fiscal year. See Chapter 4860 of the K-State Policy and Procedures Manual for additional information (<http://www.ksu.edu/policies/ppm/4860.html>).
5. Each classified employee, including a probationary employee, who resigns or is otherwise separated from employment is paid for accumulated annual leave at the same time as he or she is paid for the last day of work. In no case will a classified employee be paid for any vacation leave in excess of the maximum accumulation based on length of service. Pay for annual leave at separation is calculated on the employee's salaried or hourly rate of pay.

C2. Family and Medical Leave Act (FMLA)

1. Policy
 - a. The Family and Medical Leave Act (FMLA), effective August 5, 1993, entitles eligible employees to up to 12 workweeks of unpaid leave for the birth, adoption or foster placement of a child; for a serious health condition of the employee; or for an employee to care for the employee's family member with a serious health condition. Kansas State University has developed this policy to outline both the employee's and the University's rights and obligations under FMLA and state law. This policy should be construed and applied in a manner consistent with Kansas law, FMLA and federal regulations implementing FMLA. For purposes of this policy, "university employee" or "employee" shall mean an individual employed by the university, regardless of geographical location, who is eligible to receive state benefits. FMLA entitlement is a coordinated entitlement with the provisions of the KPERS disability waiting period, the Workers' Compensation Program, and the Shared Leave Program. University employees are required to use any accrued paid leave toward the twelve workweeks of FMLA leave to which they are entitled. FMLA is not intended to cover short-term conditions for which treatment and recovery are brief.

2. Entitlement
 - a. The Kansas State University policy for implementing FMLA, entitles eligible employees to up to 12 workweeks of unpaid leave, within a 12-month period, for:
 - (1) the birth of the employee's child or placement of a child with the employee for adoption or foster care, and care of the child upon birth or placement in the employee's home (must be taken within twelve months following birth or placement);
 - (2) the care of an employee's spouse, son, daughter, or parent, as defined by 29 Code of Federal Regulations 825, with a serious health condition; or
 - (3) the serious health condition of the employee that makes the employee unable to perform the functions of the employee's position.
 - b. The 12-month period will be measured forward from the first date that FMLA leave is taken. The next 12-month period would begin the first time FMLA leave is taken after completion of any previous 12-month period. Entitlement for eligible employees who work less than full time will be prorated. For example, an employee who normally works 20 hours per week will use one week of FMLA entitlement for every 20 hours of FMLA leave. Each employee is entitled to up to 12 of his or her normal workweeks per year.

3. Eligibility
 - a. Eligibility for leave under FMLA will be determined as follows:
 - (1) the employee has been employed by the university, another Regent's institution, or another Kansas state agency for at least 12 months prior to commencement of leave; AND
 - (2) the employee has worked (in pay status) for the university, another Regent's institution, or another Kansas state agency at least 1,250 hours during the 12 months immediately preceding the date leave begins.
 - b. The 12 months employment requirement does not have to be consecutive. Any

previous employment with the university, another Regent's institution, or another Kansas state agency counts towards establishing FMLA eligibility.

See Chapter 4860 of the K-State Policy and Procedures Manual for additional information.
(<http://www.k-state.edu/policies/ppm/4860.html>)

C3. Funeral Leave

Classified employees in a regular position, excluding those on a temporary appointment, may be granted leave with pay for up to six working days to make arrangements for and to attend the funeral of an immediate family member. The employee's relationship to the deceased and necessary travel time are among the factors considered in determining whether to grant funeral leave, and if so, the amount of leave to be granted. Funeral leave shall not exceed six working days in any one instance.

C4. Holiday Leave

1. Legal and officially observed holidays include New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day, and other days designated by the governor as days on which state offices are closed. If a holiday falls on a Saturday, the preceding Friday is the officially observed holiday; if a holiday falls on a Sunday, the following Monday is the officially observed holiday. The governor may designate, in a particular year, additional days on which state offices are to be closed in observance of a holiday or a holiday season.
2. The governor may designate a discretionary holiday for observance of a holiday or other special day without closing state services. To be eligible for a discretionary holiday, a classified employee must be eligible for and/or participate in either the group health insurance plan or the KPERS retirement plan and be employed by the State of Kansas for at least six months. The purpose of the discretionary holiday is to give eligible employees a day for observance of a religious or special occasion. The discretionary holiday must be used at one time and may not be taken in increments.
3. Effective June 14, 1998, classified employees appointed to a temporary position are not paid holiday pay unless the employee actually works on the holiday.
4. Each full time, non-exempt classified employee who is required to work on a legal holiday or on an officially observed holiday shall receive holiday compensation in addition to the regular pay for the pay period.

C5. Job Injury Leave

Any classified employee who sustains a qualifying job injury, as determined by the director of the Division of Human Resources, is eligible for job injury leave. Qualifying job injury means an injury which (1) renders the employee unable to perform the regular job duties; (2) arose out of and in the course of employment with the state; and, (3) was sustained as a result of a shooting, stabbing, or aggravated battery, as defined in Kansas statutes, by another against the employee.

C6. Jury Duty

1. Each classified employee, excluding an employee on a temporary appointment, will be granted leaves of absence with pay for required jury duty, in order to comply with a subpoena as a witness before the Civil Service Board, the Kansas Commission on Civil Rights, the U.S. Equal Employment Opportunity Commission, or a court, legislative committee, or other public body, except for appearances which involve an employee, either as defendant or plaintiff, in a personal matter. In such cases involving a personal matter, vacation leave, compensatory leave, or leave without pay will be used.
 2. Each classified employee granted such leave who receives pay or fees for a required appearance, excluding jury duty, shall turn over to the State of Kansas the pay or fees in excess of \$50.00. The employee may retain any amount paid to the employee for expenses in traveling to and from the place of the jury duty or required appearance except that when an employee travels in a state vehicle for a required appearance before a court, or legislative committee, or other public body, the employee shall turn over to the State of Kansas any mileage expense payments received.
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C7. Leave Without Pay

Any classified employee with permanent status may be granted leave without pay for a reasonable period of time consistent with the effective fulfillment of university duties, but not to exceed one year, for illness or disability, childbirth, miscarriage, abortion and recovery thereof; the adoption of a child by the employee; the initial placement of a foster child in the home of the employee; in order to care for a family member who has a serious health condition; or other good and sufficient reason, when the director of the Division of Human Resources deems such leave to be in the best interest of the service.

C8. Military Leave in the Armed Forces

Each classified employee in a regular position, excluding an employee on a temporary appointment, who enlists or is drafted into the Armed Forces of the United States, including reservists and members of the National Guard, who are activated to military duty, are granted military leave without pay for the duration of the active duty. The employee must notify the department head of a military order requiring active duty, for other than training purposes and provide, within a reasonable period of time, documentation to substantiate the military order for active duty.

C9. Military Leave for Reserve Component (Including National Guard)

Each classified employee in a regular position who is a member of a reserve component of the military service of the United States will be granted a maximum of 12 working days per calendar year of military leave with pay for active duty for training purposes. Any active duty for training purposes in excess of 12 working days in a calendar year is charged to military leave without pay or, at the employee's request, to accrued annual leave.

C10. Shared Leave

1. The Shared Leave Program is a means to transfer annual and/or sick leave to a qualifying employee experiencing a serious, extreme or life-threatening illness, injury, impairment or physical or mental condition either personally or by a family member which has caused, or is likely to cause, the employee to take leave without pay or terminate employment, and keeps the employee from performing regular work duties.
 2. Common illnesses, minor injuries or routine surgery that are not serious or life-threatening are excluded.
 3. Each classified employee, except those on a temporary appointment, is eligible to receive or donate shared leave after six months of continuous service with the State of Kansas.
 4. Requests must be made in writing on a Shared Leave Request Form and submitted through the employee's department to the director of the Division of Human Resources.
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C11. Sick Leave

1. Each classified employee, excluding those on a temporary appointment, earns and accumulates sick leave upon employment. The maximum sick leave credit an employee may accrue in any pay period is 3.7 hours. The amount of sick leave hours earned each pay period and the increments in which sick leave may be used is determined as follows:

HOURS IN PAY STATUS PER PAY PERIOD	HOURS EARNED PER PAY PERIOD
0-7	0.0
8-15	0.4
16-23	0.8
24-31	1.2
32-39	1.6
40-47	2.0
48-55	2.4
56-63	2.8
64-71	3.2
72-79	3.6
80**	3.7

** Hours in pay status does not include overtime earned, additional hours and holiday compensation.

2. Non-exempt classified employees are charged sick leave only for those times they normally work. Non-exempt classified employees may use sick leave in increments of a quarter of an hour, if necessary.
3. There is no limit on the amount of sick leave that may be accumulated.
4. Sick leave hours earned by a classified employee during a biweekly pay period are credited to the employee, and available for use on the first day of the following biweekly pay period.
5. Classified employees do not earn sick leave while on leave without pay.
6. Sick leave may be granted only for the following reasons:
 - a. illness or disability of the employee, including pregnancy, childbirth, miscarriage, abortion and recovery therefrom, and personal appointments with a physician, dentist or other recognized health practitioner; or
 - b. illness or disability, including childbirth, miscarriage, abortion, and recovery therefrom, of a family member, and a family member's personal appointments with a physician, dentist or other recognized health practitioner, when the illness, disability or appointment reasonably requires the employee to be absent from work. Employee's family includes: (a) persons related to the employee by blood, marriage, or adoption; and (b) minors residing in the employee's residence as a result of court proceedings pursuant to the Kansas code for care of children or the Kansas juvenile offenders code; or

- c. legal quarantine of the employee; or
 - d. the adoption of a child by an employee or initial placement of a foster child in the home of an employee, when the adoption or initial placement reasonably requires the employee to be absent from work.
7. If a classified employee or a member of the employee's family as specified above becomes ill while the employee is taking vacation leave and is deprived of all or a significant portion of the vacation due to the illness, the department head/director, upon request of the employee, may charge to sick leave some or all of the time the employee or family member was ill while on vacation.
8. Any state classified employee retiring from Kansas State University who has accumulated 800 hours or more of sick leave shall receive, at the time of retirement, compensation for accumulated sick leave as follows:
- a. compensation for 30 working days, if such person has completed 8 or more years of service and has accumulated at least 800 hours of sick leave;
 - b. compensation for 45 working days, if such person has completed 15 or more years of service and has accumulated at least 1000 hours of sick leave; or
 - c. compensation for 60 working days, if such person has completed 25 or more years of service and has accumulated at least 1200 hours of sick leave.
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CHAPTER 8

4-H POLICIES AND GUIDELINES



CHAPTER 9

Standards for Mail and Mailing Lists For County/District Extension Offices

Mail that is sent with federal, state or county tax sources should reflect the educational mission of K-State Research and Extension. The following standards are intended to address questions that may arise about the appropriate use of mail and mailing lists:

1. Mailing lists maintained in the county/district office are for the sole purpose of furthering the educational mission of K-State Research and Extension and should not be furnished to any other person(s), firm, association or agency unless directed or approved by the Director of K-State Research and Extension.
2. See the K-State Research and Extension Communication and Style Guide for the format for stationery, enclosures and newsletter panels.
3. Enclosures should be included with any educational information that is mailed without accompanying letterhead. This will insure that the recipient knows how to contact the individual sending the information.
4. Program assistants may, at the discretion of the county director and other agents, co-sign stationery but the agent to which the assistant reports, must also sign. In the case of a county with no agent, the office professional and/or program assistant will be authorized to sign letters.
Executive board and district governing body chairs may sign letters regarding council/governing body business.
5. The appropriate format for signing a letter is:
Signature
County Extension Agent or County Extension Director
6. When trade or brand names must be used in a newsletter or publication, an appropriate disclaimer should be included to indicate that the names are used only for the purpose of information and that K-State Research and Extension does not guarantee or warrant the standard of the product, nor does it imply approval of the product to the exclusion of others which may also be available.

An example of a suitable disclaimer clause is “The information given herein is supplied with the understanding that no discrimination is intended and no endorsement by K-State Research and Extension is implied.”

7. Correspondence regarding social or recreational activities related to K-State Research and Extension’s mission may be mailed with K-State Research and Extension letterhead, envelopes and postage. Examples would include a 4-H skating party, recognition for a resigning/retiring staff member, etc.
8. Letters soliciting donations for fair awards, trips for 4-Hers, etc can be mailed on K-State Research and Extension stationery if the award, trip or event is related to the educational mission of K-State Research and Extension.

9. Established organizations and coalitions with whom K-State Research and Extension collaborates should use their own financial resources to purchase stationery and postage to correspond with their membership about the organization's business. Examples would include fair boards and livestock associations.

Information regarding 4-H events at the fair are part of K-State Research and Extension's educational mission and may be mailed on letterhead.

10. Advertising for commercial businesses may not be mailed with K-State Research and Extension letterhead and postage. A list of several commercial resources that are related to K-State's Research and Extension mission could be included in a letter with the disclaimer statement (See # 6).

11. Personal messages that are not related to the educational mission such as holiday or birthday cards, wedding invitations, etc should not be mailed in K-State Research and Extension envelopes or with K-State Research and Extension letterhead and postage.

4/15/04



CHAPTER 10

PROFESSIONAL DEVELOPMENT

Section A - Responsibilities for Professional Development

- A1. Extension Faculty Members
- A2. K-State Research and Extension

Section B - Types of Professional Development

- B1. New Faculty Orientation
- B2. In-Service Education
- B3. Graduate Education
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Section C - Professional Self-Development

- C1. Individual Professional Development Planning
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- D1. Mentoring Guidelines and Materials
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Section E - Faculty Development Leaves

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CHAPTER 10

PROFESSIONAL DEVELOPMENT

Professional development is a continuous learning, growth and development process enabling professional extension faculty members (county/district extension agents and area/state extension specialists) to: a) improve their competencies; b) contribute productively and significantly to customers, colleagues, their unit, the organization, and their profession; and c) achieve maximum personal potential as professional extension educators.

Professionalism and ethical practices require extension faculty members, regardless of positions or fields of specialization, to demonstrate commitment through continuous professional development in providing a high level of quality, professional service to customers or colleagues.

SECTION A - RESPONSIBILITIES FOR PROFESSIONAL DEVELOPMENT

A1. Extension Faculty Members

To become better at doing what they are doing now or prepare to take greater or different responsibilities in the future, extension faculty members: a) make a commitment and assume personal responsibility, or “ownership,” for self-directing, planning, and managing continuous professional development throughout their careers; and b) engage in and maintain informal or formal beneficial developmental relationships and partnerships, as mentors or mentees, with their colleagues.

A2. K-State Research and Extension

K-State Research and Extension, as a “learning organization,” is committed to investing in continuous professional development of extension personnel. Major responsibilities of the K-State Research and Extension organization to extension faculty members are to: a) initiate, plan, finance, coordinate, implement, and evaluate organizational professional development programs, activities, and services; b) inform faculty members of other professional development opportunities and sources of financial assistance; c) provide three-week study leaves and sabbatical leaves to faculty members; and d) consult with and coach faculty members in creating individual professional self-development plans and mentoring partnerships.

SECTION B - TYPES OF PROFESSIONAL DEVELOPMENT

B1. New Faculty Orientation

The New Faculty Orientation is designed for new county/district extension agents to actively participate in the program during their first 12 months of employment with K-State Research and Extension. The purpose of the orientation program is for agents to:

1. Accept their new professional extension roles and responsibilities with confidence;
2. Understand and accept what is expected of them as extension agents;
3. Achieve a high level of performance and become productive during their first employment year;
4. Gain job satisfaction and personal success; and
5. Feel comfortable in the new work place environment with their customers and colleagues.

The orientation program is coordinated by the five area extension directors and Professional Development leader, and consists of a series of four orientation training sessions: “K-State Research and Extension Orientation,” “Communications and Technology,” “Interpersonal Relations,” and “Program Development and Resources.”

New extension agents participate in the “K-State Research and Extension Orientation” session on their first day of employment, and are assigned a qualified and experienced extension agent(s) by their area director to provide guidance, assistance, and support as a faculty mentor during their first employment year.

B2. In-Service Education

K-State Research and Extension provides workshops, seminars and update sessions for extension agents to maintain and enhance their subject matter, leadership and processes, and technology competencies. The in-service education sessions are also used as models for introducing extension educational methods and techniques that agents can adapt and use in working with customers.

The in-service education sessions, usually three to six hours in length, are primarily conducted and facilitated by state and area extension specialists, and are held at Kansas State University (Manhattan and Salina) and in the five State of Kansas Extension areas. In addition, in-service education (subject matter training) sessions are also held each fall at the K-State Research and Extension Annual Conference.

B3. Graduate Education

Approximately one-third of the county/district extension agents have been involved in graduate education programs and earned a master's degree from Kansas State or other universities.

The Kansas State University colleges of Agriculture, Education, Engineering, and Human Ecology graduate programs (master of science degrees) are designed to promote students' professional development, as well as academic and research competencies.

1. College of Agriculture
Agribusiness, Agricultural Economics, Agronomy, Animal Sciences, Entomology, Food Science (interdisciplinary & interdepartmental), Grain Science, Horticulture, and Plant Pathology
2. College of Education
Adult and Continuing Education (Extension Education)
3. College of Engineering
Biological and Agricultural Engineering
4. College of Human Ecology
Apparel, Textiles and Interior Design; Human Nutrition; Food Science (interdisciplinary and interdepartmental); Food Service/Hospitality and Dietetics; and Family Studies and Human Services

Information about K-State colleges' graduate programs (degree requirements, course descriptions, admission and enrollment, tuition and fees, etc.) can be obtained by:

- a. Accessing the KSU Graduate Catalog Web site:
(<http://www.ksu.edu/grad/catalog/>)
or
- b. Contacting departmental graduate studies directors (coordinators or chairs) or college associate deans of academic programs.

B4. Other Development Opportunities

1. Professional Associations
State of Kansas and national extension professional associations or organizations

promote professionalism, and provide their members with professional development opportunities (study tours, workshops, seminars, conferences, etc.).

- a. Kansas Associations
 - Kansas Association of County Agricultural Agents (KACAA)
 - Kansas Extension Association of Family and Consumer Sciences (KEAFCS)
 - Kansas Association of Extension 4-H Agents (KAE4-HA)
 - Kansas Extension Agents Association (KEAA)
 - Alpha Rho Chapter, Epsilon Sigma Phi (Kansas Honorary Extension Fraternity)

- b. National Associations
 - National Association of County Agricultural Agents (NACAA)
 - National Extension Association of Family and Consumer Sciences (NEAFCS)
 - National Association of Extension 4-H Agents (NAE4-HA)
 - Epsilon Sigma Phi (National Honorary Extension Fraternity)

Information about Kansas and national extension associations' or organizations' professional development opportunities can be obtained by contacting their presidents, professional improvement/development committee chairs, or area/regional representatives.

2. Leadership Development Programs

Two major leadership development programs, 21st Century Leadership in a Learning Organization and National Extension Leadership Development-North Central, are available to experienced extension faculty members (agents and specialists) and administrators to enhance their capabilities for creatively and effectively leading their units and the organization into and during the next century. The 21st Century Leadership program is sponsored by K-State Research and Extension, and the NELD-NC program by North Central States' Cooperative Extension Services.

Both the 21st Century Leadership and NELD-NC programs conduct a series of four, three-day seminars for participants over an approximate twelve-month period. In addition to active involvement in the seminars, participants read books and articles, complete assignments between the seminars, and develop innovative leadership projects. Each year fifteen K-State Research and Extension faculty are eligible to participate in the 21st Century Leadership program, and three or four extension faculty and administrators in the NELD-NC program.

Program applications and/or nomination forms may be obtained from the Office of Planning and Reporting, with financial assistance provided by the director and associate director of extension.

3. Journal of Extension

The Journal of Extension (JOE) is an official, refereed quarterly publication of the Cooperative Extension System. The Journal expands and updates the research and knowledge base for extension faculty to improve their effectiveness as professionals. In addition, it serves as a forum for emerging and contemporary issues affecting extension education.

The Journal is written and edited by extension faculty, sharing with their colleagues successful educational applications, original and applied research findings, scholarly opinions, educational resources, and challenges on issues of critical importance to extension professionals.

To access JOE, go to the Web site at : (<http://www.joe.org/>)

SECTION C - PROFESSIONAL SELF-DEVELOPMENT

C1. Individual Professional Development Planning

Individual professional development planning is a practical, holistic, proactive and systematic process. The benefits of extension faculty members in preparing and implementing individual development plans, in addition to achieving and maintaining their highest level of competencies, are to: a) assume more responsibility and control of self-directing and managing their professional development; b) select or create relevant learning activities and experiences; c) integrate and accelerate informal and formal learning experiences; and d) establish beneficial developmental partnerships with colleagues.

The individual development planning process consists of six basic steps:

1. Personal self-assessment and identification of strengths and development needs;
2. Determination of three to five development objectives based on strengths and development needs;
3. Exploration and identification of potential learning activities and experiences;
4. Creation and preparation of a two- or three-year individual development plan;
5. Implementation of the development plan and monitoring progress and impact; and
6. Maintaining records of participation in learning activities and experiences.

After completing the first draft of an individual development plan, the faculty member should have it reviewed by a colleague (mentor), county extension council executive board or district extension governing body chair, county extension director, area extension director, and/or Professional Development leader for reactions and suggestions. Feedback can be obtained through personal meetings, telephone conversations, mail, fax or e-mail.

Individual development planning process guidelines and an example action plan format can be viewed on the Office of Planning and Reporting Web site: (<http://www.oznet.ksu.edu/prev/>). In addition, a seminar, "Achieving Professional Excellence: Strategies for Self-Development," is conducted annually by the Professional Development leader for faculty members to: a) self-assess learning styles and competencies; b) create and manage an individual development plan; c) engage and maintain developmental partnerships; and d) achieve personal/professional life balance.

C2. Midcareer Faculty Professional Renewal

The KSU PROF (Professional Renewal of Faculty) program, established in 1992, is designed for midcareer faculty members, including extension agents, with six or more years of experience to: a) assume personal responsibility and control of their professional careers, and b) self-assess, reflect upon, direct, plan and manage their careers in the context of a balanced personal and professional life.

The program is a professional career/life process conducted in each fall in cooperation with the University of Nebraska-Lincoln. It consists of a three-day Faculty Development Institute (retreat) and one-day Professional Growth Planning Workshop. Participation in KSU PROF is voluntary, with faculty members being nominated by the area extension director or department head.

Financial assistance for faculty members to participate in the KSU PROF program, including a \$1,000-\$1,500 developmental assistance growth plan grant, is provided by the director and associate director of extension. Additional information and nomination forms are available from area extension directors, department heads, or the Planning and Reporting office.

C3. Senior Faculty Creative Retirement

Retirement is not necessarily a loss of personal satisfaction, growth and development, work and career, or contributions to family, friends, and communities. K-State Research and Extension conducts two, six-hour workshops, "Creative Retirement for a Quality Life," each spring for

faculty members and spouses to:

1. View retirement realistically and positively during their final 15 years (or less) of employment;
2. Gain information on state or federal retirement finances and benefits;
3. Create a personal vision and prepare a passionate retirement/life plan; and
4. Manage changes and transitions for a high quality of life before and after retirement.

The workshops' training team members and facilitators are: Extension Operations leader, Professional Development leader, and the Benefits Counseling manager of the Human Resources Division.

SECTION D - PARTNERSHIPS FOR PROFESSIONAL DEVELOPMENT (MENTORING)

Mentors volunteer to serve as “organizational leaders” by providing guidance and assistance to beginning faculty members/unit heads or new, but experienced faculty members/unit heads during their first year of employment. The relationship is a developmental partnership of equals, working and learning together to exchange ideas, views, information and experiences, based on mutual respect and trust. Although new employees (mentees) have responsibility for their learning and development, mentors help them learn things they may not learn on their own or might learn less quickly or less well.

D1. Mentoring Guidelines and Materials

Professional mentoring guidelines (goals/objectives, mentoring benefits, process/procedures, roles and responsibilities) and resource materials (books, journals and videocassettes) for self-directed study and learning about mentoring are available in the Lifelong Learning Resource Center, and can be accessed on the Office of Planning and Reporting Web site: (<http://www.oznet.ksu.edu/prev/>).

D2. Mentor Orientation and Training

For potential or current mentors to learn more about the concept, benefits, and practices of mentoring, the Professional Development leader conducts and facilitates mentoring orientation sessions, “Understanding and Practicing Effective Mentoring,” and informal mentor group

interaction sessions, “Mentoring: A Partnership for Professional Development,” at the request of area extension directors or department heads.

D3. Outstanding Mentor Awards

Two professional mentor awards are presented at K-State Research and Extension annual conference to personnel at the county/district and area/state levels who have provided “outstanding mentoring services” to new faculty members or department heads during their first year of employment. Mentees have the opportunity to nominate their mentors. Outstanding Mentoring Awards recipients receive a plaque and \$250 at annual conference awards luncheon meetings.

The mentoring partnership helps new faculty members and department heads achieve job satisfaction and success, enhances performance and productivity as professionals, and benefits the mentor and organization as well as the mentee.

SECTION E - FACULTY DEVELOPMENT LEAVES

Faculty development leaves allow personnel to pursue advanced study, conduct research, or secure professional “internship” experiences with other organizations or institutions (e.g., business and industry, foundations, government agencies, professional associations).

E1. Three-Week Study Leave

County/district extension agents may be granted three-week study leave with pay once every three fiscal years. The area extension director must receive the completed study leave application at least two months prior to the period of requested leave. Annual leave and/or leave without pay may also be used with the three-week study leave, but the total period of study leave may not exceed 38 working days. The study leave must be approved by county/district extension coordinator or director, county extension council/district extension governing body chair, area extension director, and director of extension.

E2. Sabbatical Leave

Full-time faculty members on regular appointments, including county/district extension agents, may apply for sabbatical leave after six years of employment and meritorious service (performance) with K-State Research and Extension. Sabbatical leaves may be granted on a five-

month basis at full pay or eleven months at half pay.

To apply for a sabbatical leave, agents must complete an application form, attach a description of the sabbatical leave objectives and plan of work, and a statement of the merits of the proposed leave from their area extension director. In addition, a graduate school acceptance letter or organization agreement letter should be attached to the application, if the sabbatical leave is for advanced study or organizational experience.

The completed application must be submitted to the area extension director before November 1 prior to the fiscal year in which the sabbatical leave is to begin. The sabbatical leave must be approved by the county extension council/district extension governing body chair, area extension director, and director of extension.

Three-week study or sabbatical leave guidelines and application forms are available from area extension directors, department heads, Professional Development leader, or associate director of extension.

SECTION F - LIFELONG LEARNING RESOURCE CENTER

F1. Publications and Audiocassettes/Videocassettes

Books, journals, magazines, newsletters, audiocassettes/videocassettes, and multimedia modules are available in the Lifelong Learning Resource Center.

Major topics included are:

1. Communications and human relations
2. Developmental partnerships (mentoring and coaching)
3. Leadership and management
4. Lifelong learning and development
5. Personal/professional life management and balance
6. Organizational change and development
7. Professional and career development
8. Stress and conflict management

9. Teaching and learning strategies
10. Team building and performance

Audiocassettes or videocassettes are available to faculty members on loan for one week, and books for three weeks. Material descriptions are listed in the Lifelong Learning Resource Center Guide, accessed through the Office of Planning and Reporting Web site:
<http://www.oznet.ksu.edu/prev/>.

F2. Reading-And-Roundtable Team Dialogue Sessions

The Reading-And-Roundtable Team Dialogue program, consists of a series of two to four informal group luncheon sessions each year. The program is designed for faculty members to read a book or journal article in advance of a session, then come together with colleagues for a luncheon discussion to review the book and share ideas, insights and perspectives.

Books are reserved on loan from the Lifelong Learning Resource Center (785-532-6775) or purchased from the K-State Union Bookstore (785-532-6583/1-800-KSU-CATS). Sessions are facilitated by one or two faculty volunteers, and usually attended by ten to twelve faculty members.

F3. Learning and Development Financial Assistance Sources

Financial assistance – in the form of scholarships, fellowships, grants and loans – is available for faculty members to participate in noncredit and credit professional development opportunities: study travel tours, workshops and seminars, institutes, conferences, graduate credit courses, and advanced degree programs. The primary sources of financial assistance are professional associations, foundations and Kansas State University.

To obtain information on financial assistance (descriptions and amounts, eligibility requirements, application deadlines, and source contacts), access the Office of Planning and Reporting Web site: (<http://www.oznet.ksu.edu/prev/>).

Upon faculty members' personal requests or recommendations from area extension directors or department heads, the Professional Development leader consults with and coaches personnel and facilitates informal group interaction sessions on: a) personal self-assessments and analysis, b) individual self-development planning (professional, career, and retirement), c) professional and graduate education opportunities, d) learning and development resources, e) three-week study leaves and sabbatical leaves, and f) sources of financial assistance.

The individual coaching and informal group sessions are for guidance, advising and assistance in stimulating and empowering faculty members to take responsibility for their learning, growth, and development across their personal/professional lives.



CHAPTER 11
EQUAL EMPLOYMENT OPPORTUNITY
(Under Construction)



CHAPTER 12
MISCELLANEOUS
(Under Construction)
