

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 19, No. 22 June 1, 2000 Pages 919-974

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State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions, and Kansas county officials are included in the Kansas Directory, published by the Secretary of State. The directory also is available on the Secretary of State's web site at www.kssos.org.

The following appointments, which are effective upon their filing with the Secretary of State unless otherwise specified, were recently filed with the Secretary of State:

Advisory Council on Aging

Robert Roth, 421 S. Lynwood, Wichita, 67218. Term expires June 30, 2003. Succeeds Jim Farha, resigned.

All-Sports Hall of Fame
Board of Trustees

Rita J. Bicknell, 714 E. 510 Ave., Pittsburg, 66762. Term expires April 30, 2004. Succeeds C. Clair Hutchinson.

George Fahnestock, 3532 N. Comotara, Wichita, 67226. Term expires April 30, 2004. Succeeds Wes Santee.

David J. Fiser, 3111 Harahey Ridge, Manhattan, 66502. Term expires April 30, 2004. Succeeds Ernie Barrett.

Kansas Dental Board'

Dr. Robert B. Henson, 1235 S. Columbine Circle, Salina, 67401. Term expires April 30, 2004. Reappointed.

Allen B. Reavis, 1428 N. 3rd, Atchison, 66002. Term expires May 1, 2004. Succeeds Kelly Douglass.

Angie R. Wilson, 1206 Frontview, Dodge City, 67801. Term expires April 30, 2004. Succeeds Patty Seery.

Military Affairs Coordinating Council

LTG Robert Arter, Army National Bank, Limit Branch, 300 Kansas Ave., Fort Leavenworth, 66027. Term expires November 1, 2002. Reappointed.

Dean R. Campbell, 1925 Bluestem Terrace, Manhattan, 66502. Term expires November 1, 2002. Reappointed.

Anderson Chandler, P.O. Box 1737, Topeka, 66601. Term expires November 1, 2002. Reappointed.

Robert Dool, 8951 Boxthorn Court, Wichita, 67226. Term expires November 1, 2002. Reappointed.

Fred Hepler, 321 Kaw Drive, Junction City, 66441. Term expires November 1, 2002. Reappointed.

John G. Montgomery, Chair, 222 W. 6th, Junction City, 66441. Term expires November 1, 2002. Reappointed.

Jerry H. Reilly, 6th and Delaware, P.O. Box 9, Leavenworth, 66048. Term expires November 1, 2002. Reappointed.

Robin Spurrier, Spurrier Chemical Companies, Inc., P.O. Box 2812, Wichita, 67201. Term expires November 1, 2002. Reappointed.

Joan Wagnon, 215 S.E. 7th, Room 352, Topeka, 66604. Term expires November 1, 2002. Reappointed.

Ron Thornburgh
Secretary of State

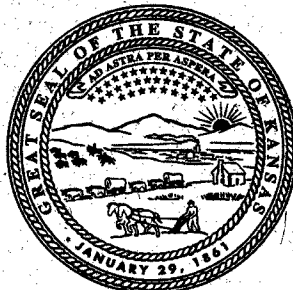
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State of Kansas

Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will conduct a conference call meeting at 8:30 a.m. Monday, June 19, to review and consider approval of the Total Maximum Daily Load (TMDL) sections of the Lower Arkansas, Upper Arkansas and Cimarron basin sections of the FY 2002 Kansas Water Plan.

An agenda and other details of the meeting are available from the Kansas Water Office, 901 S. Kansas Ave., Topeka, 66612-1249, (785) 296-3185 or toll free at 1-888-KAN-WATER. If accommodations are needed for persons with disabilities, please notify the Kansas Water Office at the address above at least two days prior to the meeting.

Kent Lamb
Chairman

Doc. No. 025273

State of Kansas

**Department of Administration
Division of Architectural Services**

**Notice of Commencement of
Negotiations for Technical Services**

Notice is hereby given of the commencement of negotiations for surveying and soil testing services for state construction projects for the six-month period from July 1, 2000 to December 31, 2000. Soil testing services would include testing and reporting prior to construction and inspection services during construction. Firms that provide concrete, welding, asphalt, steel, lead paint and hazardous material testing also are being sought.

Firms interested in providing these services should submit an SF 254 form indicating their qualifications, fees for their services, and geographical areas of the state in which they are willing to work to Gary Grimes, Deputy Director of Planning and Project Management, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899, ext. 204. An original of the SF 254 form (plus attachments as required) should be submitted with letters of interest.

It is the intention of the division to pre-approve a separate group of qualifying firms and award projects on a rotational basis. If a firm anticipates being limited to specific-sized projects, by dollar volume or location in the state, that information also should be supplied with the response.

Any questions or expressions of interest should be directed to Gary Grimes before 5 p.m. June 16.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 025272

State of Kansas

Department on Aging

Notice of Sliding Fee Scales

Pursuant to K.S.A. 75-5928(d)(2), the Kansas Secretary of Aging is publishing the annual sliding fee scales for the Senior Care Act and the Income Eligible programs. The scales that will be used for state fiscal year 2001, beginning July 1, 2000, are as follows:

**Senior Care Act FY 2001 Sliding Fee Scale
(Based on Monthly Income)
Effective July 1, 2000**

%	1-Person Household	2-Person Household
	20	Up to 1143
30	1144 to 1243	1541 to 1675
40	1244 to 1343	1676 to 1810
50	1344 to 1443	1811 to 1945
60	1444 to 1543	1946 to 2080
70	1544 to 1643	2081 to 2214
80	1644 to 1743	2215 to 2349
90	1744 to 1843	2350 to 2484
100	1844 and above	2485 and above

%	3-Person Household	4-Person Household
	20	Up to 1936
30	1937 to 2106	2335 to 2538
40	2107 to 2275	2539 to 2742
50	2276 to 2444	2743 to 2946
60	2445 to 2614	2947 to 3150
70	2615 to 2783	3151 to 3354
80	2784 to 2953	3355 to 3559
90	2954 to 3122	3560 to 3763
100	3123 and above	3764 and above

**Income Eligible Program FY 2001 Sliding Fee Scale
(Based on Monthly Income)
Effective July 1, 2000**

Donation	1-Person Household	2-Person Household
	5%	Up to 743
10%	744 to 843	1002 to 1136
15%	844 to 943	1137 to 1271
	944 to 1043	1272 to 1405

Donation	3-Person Household	4-Person Household
	5%	Up to 1259
10%	1260 to 1428	1518 to 1721
15%	1429 to 1597	1722 to 1925
	1598 to 1768	1926 to 2130

Questions about the fee scales or other facets of the Senior Care Act or Income Eligible programs may be directed to Cindy Lane, Home Services Manager, at (785) 296-6448.

Connie Hubbell
Secretary of Aging

Doc. No. 025279

State of Kansas

**Department of Administration
Division of Personnel Services**

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Tuesday, August 1, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a proposed rule and regulation of the Department of Administration, Division of Personnel Services, on a permanent basis.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to the Secretary of Administration, Room 263-E, State Capitol, 300 S.W. 10th Ave., Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Faith Loretto at (785) 296-6000 or (785) 296-4798 (TTY). Handicapped parking is located at the south end of Landon State Office Building, and the north entrance is accessible.

A summary of the proposed regulation and its economic impact follows.

K.A.R. 1-5-24. Overtime. The amendment to K.A.R. 1-5-24 is being proposed in order to implement the optional overtime policy provision of House Bill 2034. The amendment would allow for an official state holiday that occurs within a regularly scheduled workweek to be counted as time worked for employees in certain positions, classes, or other organizational units whose primary job duties involve highway or building safety. Such positions, classes or other organizational units shall be designated by the Secretary of Administration. Currently, K.A.R. 1-5-24 does not count holiday hours as time worked towards overtime calculation.

Agencies will be required to submit requests for those positions, classes or other organizational units they would like designated to be eligible for the optional overtime provision. These requests will be subject to approval by the Secretary of Administration. The Division of Personnel Services will issue a bulletin identifying those positions, classes or other organizational units that are approved by the secretary. Agencies may make requests to amend the list of eligible positions, classes or other organizational units at any time. Any changes would be implemented by amendments to the bulletin.

The proposed amendment will have some economic impact due to the greater potential for overtime if an employee were to work any hours in addition to their nor-

mal schedule during a workweek in which a holiday falls. Since the positions, classes or other organizational units to which the proposed amendment will apply have not been identified, we are unable to estimate the economic impact at this time. The department anticipates that the impact will be minimal since the positions, classes or other organizational units to which this amendment will apply will be limited. It will be necessary to create four new earnings codes in SHARP, but will not require programming changes, so there is no additional cost.

Copies of the proposed regulation and the associated economic impact statement may be obtained from the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-4863, or from the Internet at <http://da.state.ks.us/ps/documents/regs/proposed.htm>.

Dan Stanley
Secretary of Administration

Doc. No. 025292

State of Kansas

**Department of Administration
Division of Architectural Services**

**Notice of Commencement of
Negotiations for Technical Services**

Notice is hereby given of the commencement of negotiations for air and water balancing services and commissioning of mechanical and electrical systems for state construction projects for the six-month period from July 1, 2000 to December 31, 2000. Negotiations also are commencing for infrared testing services and mechanical and electrical troubleshooting.

Interested individuals or firms in the balancing field must be certified by the National Environmental Balancing Bureau or the Associated Air Balance Council. Said individuals or firms must be engaged in balancing work on a full-time basis. Balance agencies that are of the same parent company as the designers or contractors of a particular project will not be considered for that project.

Firms interested in providing these services should submit an SF 254 form indicating their qualifications, fees for their services, and geographical areas of the state in which they are willing to work to Gary Grimes, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899, ext. 204. An original of the SF 254 form (plus attachments as required) should be submitted with letters of interest.

It is the intention of the division to pre-approve a separate group of qualifying firms and award projects on a rotational basis. If a firm anticipates being limited to specific-sized projects, by dollar volume or location in the state, that information also should be supplied with the response.

Any questions or expressions of interest should be directed to Gary Grimes before 5 p.m. June 16.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 025271

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of June 5-18. Any individual with a disability may request accommodation in order to participate in committee meetings. Requests for accommodation should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or (785) 296-8430 (TTY).

Date	Room	Time	Committee	Agenda
June 6	514-S	10:00 a.m.	Joint Committee on	Agenda not available.
June 7	514-S	9:00 a.m.	Administrative Rules and Regulations	
June 7	123-S	10:00 a.m.	Joint Committee on State	Agenda not available.
June 8	123-S	9:00 a.m.	Building Construction	
June 13	526-S	10:00 a.m.	Joint Committee on State-Tribal	Agenda not available.
June 14	526-S	9:00 a.m.	Relations	
June 14	519-S	10:00 a.m.	Legislative Post Audit	Legislative matters.

Jeff Russell
Director of Legislative
Administrative Services

Doc. No. 025286

(Published in the Kansas Register June 1, 2000.)

State of Kansas

Attorney General

Notice of Available Grant Funding

Grant funds are available from the Federal S.T.O.P. Violence Against Women Grant Program for fiscal year October 1, 2000 through September 30, 2001. The purpose of this grant program is to fund units of state or local government and private not-for-profit organizations in developing strategies and enhancing victim services in cases involving violent crimes against women.

The allocation of grant awards must reflect that 25 percent of each federal fiscal year grant award will be allocated to each of the following areas: law enforcement, prosecution/courts, not-for-profit victim service providers and discretionary projects. Federal S.T.O.P. Violence Against Women Grant funds cannot be used to supplant state and local funds that would otherwise be available for targeting violent crimes against women.

Grant applications may be obtained by contacting the office of the Kansas Attorney General, 2nd Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, 66612-1597, (785) 368-7063 or (800) 828-9745. Applications also may be accessed via the Internet at www.ink.org/public/ksag. This is to obtain a printed copy only. Applications cannot be submitted on-line.

All grant applications are to be postmarked by Monday, July 10. No applications will be accepted after that date.

Carla J. Stovall
Attorney General

Doc. No. 025284

City of Wichita, Kansas

Notice to Bidders

The City of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67201, until 10 a.m. Friday, June 30, for the following project:

KDOT Project No. 87 TE-0073-01
(OCA Code 706358)
Landscaping

I-235 Corridor Landscaping from south
of Zoo Boulevard to Broadway north

Requests for the bid documents and plans should be directed to KBP Reprographics, (316) 264-9344, or Sandy Frerichs, (316) 268-4488. Other questions should be directed to the respective design engineer at (316) 268-4501.

All bids received will thereafter be publicly opened, read aloud and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Marty Murphy at (316) 268-4499 or Sandy Frerichs at (316) 268-4488 for extra sets of plans and specifications.

Sandy Frerichs
Administrative Aide
City of Wichita—Engineering

Doc. No. 025280

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the projects listed below. Seven signed copies of the response should be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084- West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. Responses shall be limited to four pages. Responses must be received in Room 1084-West by 5 p.m. June 14 for the consulting engineering firm to be considered.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

50-28 K-7854-01
Finney County

The scope of improvement is to provide for plan production for a grade separation at US-50/US-83 and Spruce Street in Garden City.

83-28 K-7855-01
Finney County

The scope of services is to prepare a conceptual study report to outline possible improvements on US-50/US-83 from US-50/US-83 on the east side of Garden City, north and west to US-50/US-83 on the north side of Garden City. The report should address the critical design issues, controlling features, alignment alternatives and comparative project costs. Potential social, environmental and right-of-way issues should be identified and analyzed. Corridor preservation techniques should be considered to maintain the needed access until the project can be programmed for construction. The study estimate is \$200,000.

It is KDOT's policy to use the following criteria as the basis for selection of the consulting engineering firms:

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

E. Dean Carlson
Secretary of Transportation

Doc. No. 025259

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Capitol Plaza Hotel, Topeka, until 2 p.m. June 21, and then publicly opened:

District One—Northeast

Douglas—59-23 K-7312-01—Bridge 22 over U.S. 59, 0.7 mile (1.2 kilometers) north of the junction of K-10, bridge repair. (State Funds)

Jefferson—92-44 K-7653-01—K-92 bridge 24 over Perry Reservoir, 4.3 miles (6.8 kilometers) east of the junction of K-4, bridge overlay. (State Funds)

Johnson—435-46 K-7895-01—53rd Street bridge over southbound I-435, bridge repair. (State Funds)

Johnson—46 N-0179-01—City of Prairie Village, signing. (Federal Funds)

Leavenworth—52 C-3651-01—County Route 1400, 0.6 mile (1 kilometer) north of County Route 855, grading. (State Funds)

Marshall—58 C-3535-01—County road 1.5 miles (2.4 kilometers) south and 2 miles (3.2 kilometers) east of Marysville, 0.2 mile (0.4 kilometer), bridge repair. (Federal Funds)

Nemaha—66 C-3513-01—Community Drive from Main Street north to U.S. 36 in Seneca, 0.6 mile (1 kilometer), grading and surfacing. (Federal Funds)

Nemaha—63-66 K-6364-01—K-63 Tennessee Creek bridge 5.3 miles (8.5 kilometers) north of the K-9 north junction, bridge replacement. (Federal Funds)

Pottawatomie-Riley-Shawnee—24-106 K-8047-01—U.S. 24 from the east city limits of Belvue east to the Pottawatomie County line; U.S. 24 from the east junction of U.S. 77 east to the junction of K-13; U.S. 24 from the west city limits of Rossville east to the 2-lane/4-lane, 30.6 miles (49.2 kilometers), crack repair. (State Funds)

Riley—24-81 K-5655-01—U.S. 24 Timber Creek bridge 6, 0.4 mile (0.6 kilometer) east of K-82, bridge replacement. (Federal Funds)

Shawnee—89 C-2874-01—Southwest Jordan Road over the Wakarusa River, 0.2 mile (0.37 kilometer), grading, bridge and surfacing. (Federal Funds)

Shawnee—89 C-3416-01—Northwest 39th Street east of Button Road, 0.2 mile (0.4 kilometer), grading, bridge and surfacing. (Federal Funds)

Shawnee—75-89 K-6681-01—U.S. 75/35th Street north of Topeka, grading, bridge and surfacing. (Federal Funds)

Shawnee—75-89 K-5666-01—U.S. 75 northbound Kansas River bridge, 0.5 mile (0.8 kilometer) north of the I-70/U.S. 75 junction, bridge replacement. (Federal Funds)

Shawnee—75-89 - K-5666-02—U.S. 75 east junction of I-70 north to 0.2 mile (0.3 kilometer) north of the Kansas River, pavement reconstruction. (Federal Funds)

Shawnee—75-89 - K-5666-04—U.S. 75 Kansas River Bridge, 0.5 mile (0.8 kilometer) north of I-70, bridge painting. (Federal Funds)

Shawnee—470-89 K-8025-01—I-470 from the junction of I-70 south and east to 0.7 mile (1.2 kilometers) east of Gage Boulevard, 5 miles (8.1 kilometers), pavement marking. (State Funds)

Wyandotte—32-105 K-5277-02—K-32 from east of the old K-132 intersection southeast to 55th Street in Kansas City, 1 mile (1.6 kilometers), grading, bridge and surfacing. (Federal Funds)

Wyandotte—32-105 K-5277-03—K-32, Kansas River Bridge, bridge replacement. (Federal Funds)

Wyandotte—32-105 K-7643-01—K-32 bridge 104, old K-132/K-32 interchange, bridge overlay. (State Funds)

Wyandotte—70-105 K-8043-01—I-70 bridge 029 east-bound over the Union Pacific Railroad and three city streets, bridge repair. (State Funds)

District Two—Northcentral

Lincoln—181-53 K-7665-01—K-181 culvert 1 mile (1.6 kilometers) north of county route 1759, culvert. (State Funds)

Marion—50-57 K-5385-01—U.S. 50 east of county route 1410 east to the Marion-Chase county line, 4 miles (6.4 kilometers), grading, bridge and surfacing. (Federal Funds)

District Three—Northwest

Decatur—83-20 K-7678-01—U.S. 83 bridge 9, Sappa Creek Drainage, 3.5 miles (5.7 kilometers) south of the junction of U.S. 36, bridge repair. (State Funds)

Republic—81-79 K-7841-01—U.S. 81 at the U.S. 36, 18th Street and 23rd Street intersections, lighting. (State Funds)

Russell—70-84 K-7304-01—I-70, 0.7 mile (1.2 kilometers) west of the junction of U.S. 40B east to the Russell-Ellsworth county line, 16.8 miles (27 kilometers), overlay. (State Funds)

Russell—231-84 K-8028-01—K-231 from the junction of I-70 south 0.7 mile (1.2 kilometers) to the north city limits of Dorrance, 0.7 mile (1.2 kilometers), overlay. (State Funds)

District Four—Southeast

Allen—169-1 K-8029-01—U.S. 169 from 0.2 mile (0.4 kilometer) south of Tank Farm Road north to 0.4 mile (0.6 kilometer) south of the junction of U.S. 55, 9.3 miles (15 kilometers), shoulders. (State Funds)

Cherokee—66-11 K-7870-01—K-66 and Water Street in the city of Galena, traffic signals. (State Funds)

Franklin—50-30 K-8162-01—U.S. 50 from Davis Road on the east side of Ottawa east to the junction of I-35, 0.9 mile (1.4 kilometers), shoulders. (State Funds)

Greenwood—96-37 K-3292-05—U.S. 36, 3.6 miles (5.8 kilometers) east of the Butler-Greenwood county line then east 0.1 mile (0.2 kilometer), grading and surfacing. (State Funds)

Montgomery-Labette-Neosho—169-106 K-8163-01—U.S. 169 from U.S. 400 northeast to just north of the Labette-Neosho county line, 3.6 miles (5.8 kilometers), slurry seal. (State Funds)

Montgomery-Wilson—400-106 K-7839-01—U.S. 400/U.S. 169 interchange in Montgomery County and the U.S.

400/U.S. 75 interchange in Wilson County, lighting. (State Funds)

District Five—Southcentral

Barber—4 U-1655-01—Stolp Street east of Oak Street in Medicine Lodge, 0.04 mile (0.06 kilometer), grading, bridge and surfacing. (Federal Funds)

Butler—8 C-3649-01—County road 6.5 miles (9 kilometers) west of K-196 at the Whitewater River, grading and surfacing. (Federal Funds)

Pratt—76 C-3551-01—County road 2.0 miles (3.2 kilometers) east and 1.5 miles (2.4 kilometers) north of Cullison, 0.1 mile (0.18 kilometer), grading, bridge and surfacing. (Federal Funds)

Reno—78 C-3439-01—East 4th Street from Halstead Street to Airport Road in Hutchinson, grading and surfacing. (Federal Funds)

District Six—Southwest

Clark—160-13 K-6702-01—U.S. 160 from Humphries Street east to Highland Street in Ashland, 0.4 mile (0.6 kilometer), grading and surfacing. (State Funds)

Finney—50-28 K-7763-01—U.S. 50/U.S. 83 and Spruce Street in Garden City, traffic signals. (State Funds)

Seward—88 U-1661-01—Western Avenue from 15th Street to Tucker Road in Liberal, 1 mile (1.6 kilometers), grading and surfacing. (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

E. Dean Carlson
Secretary of Transportation

Doc. No. 025285

State of Kansas

Law Enforcement Training Commission

Notice of Meeting

The Kansas Law Enforcement Training Commission will meet at 9:30 a.m. Wednesday, June 28, at the Kansas Law Enforcement Training Center, located 12 miles southeast of Hutchinson, south of K-96 at the Hutchinson Air Base Industrial Tract (HABIT), the former Naval Air Station, or 1 mile west and 1 mile south of Yoder. The meeting is open to the public.

Darrell Wilson
Chairperson

Doc. No. 025269

(Published in the Kansas Register June 1, 2000.)

Summary Notice of Sale

\$7,000,000*

Certificates of Participation, Series 2000 A
Evidencing a Proportionate Interest
in Basic Rent Payments to be Made by the
City of Olathe, Kansas
Pursuant to an Annually Renewable
Lease Purchase Agreement of the
City of Olathe, Kansas

Bids

Bids will be received by the director of financial services for the City of Olathe, Kansas, on behalf of the governing body at the Municipal Building, 126 S. Cherry St., Olathe, KS 66061, until 11 a.m. Tuesday, June 6, 2000, for the purchase of \$7,000,000* principal amount of Certificates of Participation, Series 2000 A, Evidencing a Proportionate Interest in Basic Rent Payments to be Made by the City of Olathe, Kansas, pursuant to an Annually Renewable Lease Purchase Agreement of the city. All bids will be publicly read at the sale and will be acted upon by the governing body at its meeting to be held at 7 p.m. June 6, 2000. No bid will be considered of less than 98.25 percent of the principal amount of the 2000 A Certificates and accrued interest to the date of delivery.

Certificate Details

The 2000 A Certificates will consist of fully registered certificates in the denomination of \$5,000 or any integral multiple thereof. The 2000 A Certificates shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the 2000 A Certificates will be made. Individual purchases of 2000 A Certificates will be made in book-entry form only. Purchases will not receive certificates representing their interest in 2000 A Certificates purchased. The 2000 A Certificates will be dated June 15, 2000, and will become due annually on September 1, beginning September 1, 2001, in the years as follows:

Maturity September 1	Principal Amount*
2001	\$125,000
2002	215,000
2003	225,000
2004	235,000

2005	250,000
2006	265,000
2007	275,000
2008	290,000
2009	310,000
2010	325,000
2011	345,000
2012	360,000
2013	385,000
2014	405,000
2015	430,000
2016	455,000
2017	480,000
2018	510,000
2019	540,000
2020	575,000

The 2000 A Certificates will bear interest from the dated date at rates to be determined when the 2000 A Certificates are sold, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2001. Security Bank of Kansas City, Kansas City, Kansas, will be the paying agent and certificate registrar for the 2000 A Certificates.

Redemption of Certificates Prior to Maturity

The 2000 A Certificates will be subject to mandatory and optional redemption prior to maturity as provided in the notice of sale and preliminary official statement.

Good Faith Deposit

Each bid for the 2000 A Certificates shall be accompanied by a good faith deposit in the form of a certified or cashier's check or a financial surety bond in the amount of 1 percent of the principal amount of the 2000 A Certificates, payable to the order of the city.

Delivery and Payment

The city will pay for preparing the 2000 A Certificates. The 2000 A Certificates will be delivered in book-entry form only to the Depository Trust Company, New York, New York, on or before June 29, 2000.

Approval of 2000 A Certificates

The 2000 A Certificates will be sold subject to the approving legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, special tax counsel, which opinion will be furnished and paid for by the city, will accompany the 2000 A Certificates and will be delivered to the successful bidder when the 2000 A Certificates are delivered.

Additional Information

Additional information regarding the 2000 A Certificates may be obtained from Kevin Hammeke, the city's director of financial services, (913) 782-2600, fax (913) 393-6203; or from the city's financial advisor, George K. Baum & Company, Kansas City, Missouri, Attention: Dave Arteberry, (816) 474-1100.

Dated May 23, 2000.

City of Olathe, Kansas
Kevin Hammeke
Director of Financial Services
Municipal Building
126 S. Cherry St.
Olathe, KS 66061

* Preliminary; subject to change.

Doc. No. 025290

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Tuesday, June 13, 2000

01670

Department of Wildlife and Parks—Furnish and Install Vault Toilets, Paola

01676

Kansas State Treasurer's Office —Office Furniture

01687

Department of Transportation—Dump Trucks with Snowplows and Hopper Spreaders, Various Locations

Thursday, June 15, 2000

01692

Department of Education—Photocopy Machines

01694

University of Kansas Medical Center—Anti-Virus Software

Friday, June 16, 2000

01716

Department of Transportation—Tandem Axle Tractor Truck, Chanute

01717

Department of Transportation—Equipment Transport Semi-Trailer, Salina

01718

Department of Transportation—Pothole Patcher, Norton and Salina

01719

Department of Transportation—Rubber Track Crawler, Topeka

Tuesday, June 20, 2000

A-8856

Topeka Juvenile Correctional Facility—Reroof Cherokee Lodge and Gymnasium

Wednesday, June 21, 2000

A-8851

Topeka Juvenile Correctional Facility—Replace Flues and Modify Combustion Air System, Power Plant

A-8855

Topeka Juvenile Correctional Facility—Supply Air Duct Replacement, Kiowa and Comanche Cottages

Request for Proposals

Thursday, July 6, 2000

01682

Uniforms for the Kansas Highway Patrol, Salina

John T. Houlihan
Director of Purchases

Doc. No. 025288

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. APAC-Missouri, Inc. has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 for a portable asphalt plant. Emissions of sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOC), total particulate matter (PM), and particulate matter equal to or less than 10 microns in diameter (PM₁₀) were evaluated during the permit review process.

APAC-Missouri, Inc., Columbia, Missouri, owns and operates the portable asphalt plant to be initially located at LaCygne Quarry, LaCygne, Linn County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Herbert Buckland, (785) 296-6438, at the KDHE central office, or Lynelle Stranghoner, (316) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Herbert Buckland, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business July 3.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business July 3 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 025276

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63; 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-00-126/135
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Jacob Beachy 5702 W. Longview Road Hutchinson, KS 67501	SE/4 of Section 18, T24S, R6W, Reno County	Arkansas River Basin

Kansas Permit No. A-ARRN-M045

This is a new facility for a 70 head (98 animal units) of dairy cattle.

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

Compliance Schedule: The approved waste management plan shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Doug Coltrane 2081 Iowa Road Humboldt, KS 66748	SW/4 of Section 20, T25S, R19E, Allen County	Neosho River Basin

Kansas Permit No. A-NEAL-M011

This is a permit renewal of an existing facility for 100 head (140 animal units) of dairy cattle.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Mueller Dairy Curt Mueller 2040 Delaware Road Iola, KS 66748	SW/4 of Section 8, T26S, R19E, Allen County	Neosho River Basin

Kansas Permit No. A-NEAL-M012

This is a permit renewal for an existing facility for 120 head (168 animal units) of dairy cattle.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Dave Hauser 1771 Delaware Road Humboldt, KS 66748	NE/4 of Section 13, T26S, R18E, Allen County	Neosho River Basin

Kansas Permit No. A-NEAL-M013

This is a permit renewal for an existing facility for 80 head (112 animal units) of dairy cattle.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Fonda Cudney 2101 Greenlawn Road Columbus, KS 66725	SE/4 of Section 27, T34S, R23E, Cherokee County	Neosho River Basin

Kansas Permit No. A-NECK-M001

This is a permit renewal for an existing facility for 50 head (70 animal units) of dairy cattle.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Greene Farms, Inc. Scott Green P.O. Box 24 Jewell, KS 66949	SE/4 of Section 30, T4S, R7W, Jewell County	Republic River Basin

Kansas Permit No. A-LRJW-B005

This is a new permit for an existing facility for 400 head (400 animal units) of cattle.

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

Compliance Schedule: A Manure/Waste Management Plan shall be developed for the facility and submitted to the Department for approval by September 1, 2000.

Name and Address of Applicant	Legal Description	Receiving Water
3 MK Pork, LLC Dale Keesecker 2069 Prairie Road Washington, KS 66968	SW/4 of Section 17, T2S, R3E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-H002 Federal Permit No. KS-0089681

This is a permit renewal for an existing facility for 8,000 head (3,200 animal units) of swine.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
K C Feeders 553 W. Road 40 Scott City, KS 67871	E/2 of Section 22 & N/2 of Section 23, T18S, R34W, Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C015 Federal Permit No. KS-0081175

This is a permit renewal for an existing facility for 20,000 head (20,000 animal units) of beef cattle.

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

Compliance Schedule: The approved waste or manure management plan shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Ingram Farms Feedyard Craig and Genine Ingram Route 1, Box 4 Long Island, KS 67647	W/2 of the NW/4 of Section 13, & E/2 of the NE/4 of Section 14, T1S, R20W, Phillips County	Upper Republican River Basin

Kansas Permit No. A-URPL-B003

This is a new facility for a maximum of 990 head (495 animal units) of beef cattle.

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

Compliance Schedule: The approved current manure/waste management plan shall be adhered to as a condition of the permit. Prior to land application of wastewater or manure solids, the soil of the receiving land shall be sampled and analyzed. The retention structure shall be sealed with bentonite to the maximum waterline elevation of 90.2 and a permeability test shall be conducted.

Name and Address of Applicant	Legal Description	Receiving Water
Norris Dairy 37070 W. 191st Edgerton, KS 66021	SW/4 of Section 31, T14S, R22E, Johnson County	Marais des Cygnes River Basin

Kansas Permit No. A-MCJO-M004

This is a permit renewal for an existing facility with 90 head (126 animal units) of dairy cows and 60 head (30 animal units) of replacement heifers less than 700 pounds each.

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

Compliance Schedule: The KDHE Manure/Water Management Plan shall be completed and submitted to the Department within 60 days of the effective date of the permit.

Public Notice No. KS-00-113/115

Name and Address of Applicant	Waterway	Type of Discharge
Auburn, City of P.O. Box 160 Auburn, KS 66402	Wakarusa River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-KS03-0002 Federal Permit No. KS0094650

Legal: SW¼, S24, T13S, R14E, Shawnee County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring for ammonia also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Pottawatomie County RWD #4 24325 Oregon Trail Road St. Marys, KS 66536	Kansas River via Lost Creek via Spoils Bank Ditch	Processed Wastewater

Facility Name: Pottawatomie County RWD #4 Reverse Osmosis Treatment Plant

Kansas Permit No. I-KS05-PO02 Federal Permit No. KS0095591

Legal: SE¼, S29, T9S, R11E, Pottawatomie County

Facility Description: The proposed action is to issue a new permit for the discharge of processed wastewater. This water treatment plant uses reverse osmosis to remove/reduce contaminants in the raw water. The R.O. concentrate and associated maintenance wastewaters are discharged through a pipe to a spoils bank ditch before reaching Lost Creek. The initial operation will consist of two reverse osmosis units with expansion to a third unit planned in the future. Chlorination of the permeate takes place downstream of the R.O. units. The proposed permit includes limits for pH. Monitoring for chloride and nitrate also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Wabaunsee County RWD #2 Route 1, Box 16A Wamego, KS 66547	Kansas River via Antelope Creek	Processed Wastewater

Facility Name: Wabaunsee County RWD #2 Reverse Osmosis Treatment Plant

Kansas Permit No. I-KS01-PO01 Federal Permit No. KS0095443

Legal: NE¼, S20, T10S, R10E, Wabaunsee County

Facility Description: The proposed action is to issue a new permit for the discharge of processed wastewater. This water treatment plant uses reverse osmosis to remove/reduce contaminants in the raw water. Minor amounts of washdown water, test lab wastewater/chemicals, and neutralized acidic backwash water will be discharged at random times to the same discharge point. The proposed permit includes limits for pH. Monitoring for chloride and nitrate also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Public Notice No. KS-ND-00-020

Name and Address of Applicant	Legal Location	Type of Discharge
United Proteins, Inc. P.O. Box 133 Wright, KS 67881	NW¼, S23, T26S, R24W, Ford County	Nonoverflowing

Facility Location: Route 1, Box 32A, Wright, KS 67881

Kansas Permit No. I-UA11-NP04

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily processed wastewater. This facility produces inedible variety meats and pharmaceutical collections. This facility consists of a solids-settling tank followed by a two-cell evaporative pond. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Public Notice No. KS-EG-00-006

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for the use of the well(s) described below within the State of Kansas.

Name and Address of Applicant	Well Location
John Morrell & Company P.O. Box 1608 Great Bend, KS 67530	NW¼, S4, T20S, R13W, Barton County

Facility Name: Great Bend Packing

Injection Well Identification: #1

Kansas Permit No. KS-01-009-001

(continued)

Facility Description: The proposed action is to issue a new permit to authorize the injection of non-hazardous liquid waste generated by this facility consisting of sanitary waste water, meat processing waste water, meat muscle thawing waste water, brine waste water and any chemical additives, approved by KDHE, that are present in the waste water. This facility is a meat processing plant. The proposed permit includes limits for injection pressure, daily injection volume and pH. Monitoring for injection rate, temperature, chloride, biochemical oxygen demand, conductivity, total alkalinity, oil and grease, ammonia, sodium, calcium, magnesium, sulfate, total dissolved solids and total suspended solids also will be required. The construction, operation, and monitoring of the injection wells will meet requirements that apply to Class I nonhazardous waste injection wells under K.A.R. 28-46-1 through K.A.R. 28-46-44 and K.A.R. 28-15-11 through K.A.R. 28-15-22.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Dena Endsley for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620.

All comments regarding the draft permit or application notice postmarked or received on or before July 1 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-00-126/135, KS-00-113/115, KS-ND-00-020, KS-EG-00-006) and name of applicant/application as listed when preparing comments.

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

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th, Hays,
67601-2651, (785)625-5664

North Central District Office, 2501 Market Place,
Salina, 67401-7699, (785)827-9639

Northeast District Office, 800 W. 24th, Lawrence,
66046-4417, (785)842-4600

Southwest District Office, 302 W. McArtor Road,
Dodge City, 67801-6098, (316)225-0596

South Central District Office, 130 S. Market, 6th Floor,
Wichita, 67202-3802, (316)337-6020

Southeast District Office, 1500 W. 7th, Chanute,
66720, (316)431-2390

Plans and documents for all new facilities and for expansions of existing swine facilities also may be reviewed on the Internet at www.kdhe.state.ks.us.

- For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 025287.

State of Kansas

Department of Health and Environment

Notice of Meeting

The Kansas Department of Health and Environment will host a public meeting from 9 a.m. to approximately 3:30 p.m. Tuesday, June 20, at the Clarion Hotel, 5805 W. Kellogg Drive, Wichita, as part of the process of updating the state's Solid Waste Management Plan, which was completed and adopted in late 1996. This meeting will provide an opportunity for the public to help determine the statewide priorities in solid waste management for the next five years.

The Kansas Solid Waste Management Plan provides the statewide blueprint for how the state will partner with municipalities, counties, regional entities, schools, other units of government and the private sector. Topics will include data needs; local solid waste planning; public/private partnerships; the adequacy of existing solid waste management systems; adequacy of laws and regulations; technical training and assistance; public education and awareness; compliance and enforcement; waste reduction; and wise use of state resources.

Anyone who is unable to attend the meeting but wishes to provide comments should submit written statements postmarked not later than July 7 to Bill Bider, KDHE, Bureau of Waste Management, Forbes Field, Building 740, Topeka, 66620. KDHE will subsequently update the Kansas Solid Waste Management Plan and present it for final review and adoption by the KDHE Secretary at a later date.

For more information and to register for the meeting, call the Kansas Department of Health and Environment, Bureau of Waste Management, at (785) 296-1600 or (800) 282-9790.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 025275

State of Kansas

**Office of Judicial Administration
Court of Appeals Docket**

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

Kansas Court of Appeals
Pratt County Courthouse
300 S. Ninnescah St.
Pratt, Kansas

Before Brazil, C.J.; Elliott, J.; and Paddock, S.J.

Tuesday, June 13, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
82,385	State of Kansas, Appellee, v. Hubert L. Garrett, Appellant.	Attorney General Julie McKenna, C.A. Bradley P. Sylvester	Saline
84,442	Haskell County, Kansas, and the Haskell County Commissioners, Appellants, v. David K. Sullivan, Appellee.	Nels P. Noel Wayne R. Tate	Haskell
83,514	City of Dodge City, Appellee, v. Russell L. Wetzal, Appellant.	Terry J. Malone Michael S. Holland	Ford
83,785	State of Kansas, Appellee, v. Justin M. Kastl, Appellant.	Attorney General Nels P. Noel, C.A. Gregory G. Lower	Haskell
83,953	State of Kansas, Appellee, v. Abel M. Ornelas, Appellant.	Attorney General Nels P. Noel, C.A. Jessica R. Kunen, Chief A.D. Jennifer C. Roth, Asst. A.D.	Haskell
1:30 p.m.			
84,618	Alice T. Ruiz, Appellee, v. Eckerd Drug and Liberty Mutual Ins. Co., Appellants.	Steven R. Jarrett Douglas M. Greenwald Frederick L. Greenbaum	Work Comp
84,271	In the Matter of the Marriage of Debora S. Gordan-Hanks, Appellant, and Ricky Hanks, Appellee.	Ronald W. Nelson Janet L. Damore	Johnson
83,482	State of Kansas, Appellee, v. Andrew L. Star, Appellant.	Attorney General Douglas P. Campbell, C.A. Jessica R. Kunen, Chief A.D. Mary Curtis, Asst. A.D.	Grant
78,361	State of Kansas, Appellee, v. Christine Ann Ridpath, Appellant.	Attorney General Larry D. Tittel, C.A. Jessica R. Kunen, Chief A.D. Patrick H. Dunn, Asst. A.D.	Ness

Wednesday, June 14, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
84,193	James L. Schoenberger, d/b/a Jason Oil Company, <i>et al.</i> , Appellees, v. Missouri Pacific Railroad Co., and Union Pacific Land Resources Corp., Appellant.	Michael S. Holland Joseph W. Jeter Robert J. O'Connor David E. Benston	Ness

(continued)

83,819	Donita M. Rowland, Appellant, v. Southwest Developmental Services, Inc.; Gerald Greene; David Hile; Michael P. Harris, DDS; Larry Jasper; Chester Nordling; Gerald Stoppel; David L. McElwain; Charles Unruh; Gerald Nix; Jud Price; Patricia Fletcher; David W. Collins; Richard Farrar, Appellees.	Donald A. Frigon Tristram E. Felix	Finney
84,282	James L. Carver and Janice E. Carver, Appellants, v. Norman T. Backstrom, Sheila Backstrom, Alta Arnett, <i>et al.</i> , Appellees.	Douglas F. Martin Bruce H. Wingerd	Clay
Summary Calendar—No Oral Argument			
82,620	State of Kansas, Appellee, v. Alita Castro, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Sedgwick
83,558	State of Kansas, Appellee, v. Richard A. Tanner, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Kirk C. Redmond, Asst. A.D.	Johson
83,702	In the Matter of the Parentage of K.M.T., a Minor, dob: 11/06/95. Tyrone R. Tschantz, Appellant, and Amber D. Moyer, Appellee.	Janice L. Branson Charles Ball	Franklin
83,792	Charles Cole, Appellant, v. Michael Nelson, Appellee.	Charles Cole, pro se Julie Riddle	Butler
83,660	State of Kansas, Appellee, v. Jerry P. Bayless, Sr., Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A. Michael E. Cleary	Sedgwick
83,957	John Tucker, <i>et al.</i> , Appellees, v. City of Kansas City, Kansas, d/b/a the Unified Government of Wyandotte County, Kansas City, Kansas, <i>et al.</i> , Appellants.	Mark Birmingham Delia M. York	Wyandotte
84,211	State of Kansas, Appellant, v. Ronald Hawley, Appellee.	Attorney General Matthew J. Richter, Asst. C.A. Grover L. Bryan	Seward
84,259	In the Interest of: S.O.A., dob: 03/05/87 T.B.F., dob: 12/03/88 N.R.B., dob: 12/18/94 P.L.N., dob: 02/26/96 P.M.N., dob: 09/23/97	Gwendolen B. Mason Robert E. Shaver	Sedgwick

82,817	State of Kansas, Appellee, v. Hector Noe Alfaro, Appellant.	Attorney General Tamara S. Hicks, Asst. C.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Finney
84,322	In the Matter of the Estate of Madaline M. Young, Deceased.	Lee Thompson Guy R. Steier	Cloud

Kansas Court of Appeals
643 U.S. Courthouse
500 State Ave.
Kansas City, Kansas

Before Lewis, P.J.; Pierron, J.; and David W. Kennedy, D.J., assigned.

Tuesday, June 13, 2000

1:30 p.m.

Case No.	Case Name	Attorneys	County
84,015	Rudolph B. Thompson, Jr., Appellant, v. Lady Baltimore Foods, Inc., Appellee.	Robert G. Herndon Kurt A. Level Kip A. Kubin	Work Comp
83,971	Michael Baughman, William McGivern, Glen Looney, and Frank Buck, Appellees, v. U.S.D. No. 500, Appellant.	Stephen W. Cavanaugh Juliann Johnson Deryl W. Wynn	Wyandotte
83,800	First National Bank of Olathe, v. Kansas City Barbecue Co., et al., and Little Joe's Asphalt, Inc., Appellee, v. David Mance, Appellant.	Bill L. Klapper Gary A. Nelson	Leavenworth
84,182	In the Interest of T.M., dob: 12/16/97; and A.M., dob: 12/20/98.	Linda L. Blackburn, Asst. D.A. Scott A. Wells Carolyn H. Patterson	Reno
79,079	State of Kansas, Appellee, v. Frankie Boyd, Appellant.	Attorney General Sheryl L. Lidtke, Asst. D.A. Jessica R. Kunen, Chief A.D. Mary D. Prewitt, Asst. A.D.	Wyandotte

Wednesday, June 14, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
84,040	City of Kansas City, KS, Appellant, v. Sandra F. Watson, Appellee.	Delia M. York Mark Birmingham	Wyandotte
83,549	Randy McHorse and Ella Koontz, Additional Party Pltf., Appellant, v. Kent Eaks, Appellee.	Michael D. Gibbens Leo L. Logan Casey L. Griffith	Miami
84,106	State of Kansas, Appellee, v. Kristy L. Chambers, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. J. Charles Droegge	Johnson
83,559	Four B. Corp., d/b/a Hen House, Appellee, v. Kansas Human Rights Commission, and Shannon M. Hakleman, Appellants.	John D. Dunbar Barbara Scott Girard	Johnson

(continued)

1:30 p.m.

83,205	State of Kansas, Appellee, v. Nathan W. Cunningham, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Karen Eager, Asst. A.D.	Johnson
83,318	Michael M. Flanery, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D. Attorney General Sheryl L. Lidtke	Wyandotte
82,408	State of Kansas, Appellee, v. James N. Lake, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Patrick Dunn, Asst. A.D.	Johnson
Summary Calendar—No Oral Argument			
82,572	Tyrone Baker, Appellant, v. Charles Simmons, <i>et al.</i> , Appellees.	Randall H. McEwen Jon D. Graves	Reno
83,368	Richard L. Mundell, Jr., Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Daniel C. Estes, Asst. A.D. Attorney General Joe E. Lee, C.A.	Lyon
83,434	State of Kansas, Appellee, v. Jasper R. Epps, Jr., Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Johnson
84,382	State of Kansas, Appellee, v. Anthony F. Edwards, Appellee.	Attorney General Cynthia J. Long, Asst. D.A. Donald R. Hoffman	Shawnee
82,972	Patrick C. Lyon, Appellant, v. Carol Werth, <i>et al.</i> , Appellees.	Patrick C. Lyon, pro se Debra Vermillion James W. Coder, Asst. A.G.	Johnson
83,146	David N. Hause, Jr., Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D. Attorney General Frank E. Kohl, C.A.	Leavenworth
83,400	State of Kansas, Appellee, v. Louise L. Kalani, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Stevens
84,195	In the Interest of T.A., a Minor Child.	Terri L. Harris Frank E. Kohl, C.A. Kevin Reardon	Leavenworth
84,702	In the Matter of the Adoption of P.M.G.C., an Adult Child; M.C.G., a Minor Child; and C.D.G., a Minor Child.	James R. Campbell Stephen J. Smith	Coffey
83,753	State of Kansas, Appellee, v. Garry L. Sammons, Appellant.	Attorney General Christopher L. Schneider, Asst. D.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Wyandotte
84,489	James S. Kirk and Darlene Mullin, Executrix of the Estate of Kathryn Stewart Morse, Deceased, Appellants, v. City of Shawnee, Kansas, Appellee.	Donald W. Vasos Steven G. Piland	Johnson

Kansas Court of Appeals
 Kansas Judicial Center
 Court of Appeals Courtroom, 2nd Floor
 301 W. 10th Ave.
 Topeka, Kansas

Before Green, P.J.; Gernon, J.; and Philip C. Vieux, D.J., assigned.

Tuesday, June 13, 2000

9:30 a.m.

Case No.	Case Name	Attorneys	County
83,147	State of Kansas, Appellee, v. Jimmy Dean Hill, Jr., Appellant.	Attorney General Eric W. Godderz, C.A. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Osage
81,780	Ola L. Drake, Appellant, v. Benedek Broadcasting Corp, Appellee, v. Lionel Q. Drake, Appellant.	John M. Simpson Michael W. Merriam	Shawnee
83,251	State of Kansas, Appellee, v. Jay D. Hastings, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Paul W. Burmaster	Johnson
82,849	State of Kansas, Appellee, v. Laray Jenkins, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Niki Christopher, Asst. A.D.	Johnson

1:30 p.m.

82,944	In the Matter of the Marriage of Rhonda Overman, a/k/a Rhonda Davenport, Appellee, and Alfred Burwell Davenport, Appellant.	Edward G. Collister, Jr. Robert L. Baer Michael J. Coffman	Coffey
84,317	State of Kansas, Appellant, v. Demetrius Clay, Appellee.	Attorney General William M. Edwards, Asst. C.A. Robert Kuchar Alice A. Craig	Franklin
84,164	Cheryl M. Emmons, Appellant, v. Lemaster, Inc., and Charles A. Lemaster, Appellants.	Darrell Smith Stephen J. Smith	Franklin
83,186	State of Kansas, Appellee, v. Jack Russell Crider, Jr., Appellant.	Attorney General Jacqueline J. Spradling, Asst. D.A. Jessica R. Kunen, Chief A.D. Niki Christopher, Asst. A.D.	Johnson
83,317	State of Kansas, Appellee, v. Donald John Byrd, Appellant.	Attorney General Barry R. Wilkerson, Asst. C.A. Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D.	Riley

Wednesday, June 14, 2000

9:30 a.m.

Case No.	Case Name	Attorneys	County
83,928	Alvin Becker and Debi Becker, Husband and Wife, Appellants, v. Ralph Becker. Old Republic Insurance Co., Garnishee, Appellees.	Guy R. Steier J. Franklin Hummer	Osborne

(continued)

82,595	State of Kansas, Appellee, v. Daniel S. Ortiz, Appellant.	Attorney General Vernon E. Buck, Asst. C.A. Jessica R. Kunen, Chief A.D. Jennifer C. Roth, Asst. A.D.	Lyon
83,418	In the Matter of the Appeal of Broce Construction Co., Inc., Broce-O'Dell Concrete Products, Inc., Broce Manufacturing Co., Inc., from an Order of the Division of Taxation on Assessment of Corporate Income Tax.	James Bartle Carol B. Bonebrake	Tax Appeal
Summary Calendar—No Oral Argument			
82,613	State of Kansas, Appellee, v. Angel D. Coulter, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden Jessica R. Kunen Patrick H. Dunn	Sedgwick
83,737	Patrick C. Lynn, Appellant, v. State of Kansas, Appellee.	Patrick C. Lynn, pro se Steven J. Obermeier, Asst. D.A.	Johnson
83,762	In the Matter of the Marriage of Marty D. Sykes, Appellant, and Joyce Ellen Sykes, Appellee.	James G. Chappas Richard H. Seaton, Jr.	Nemaha
84,038	Travis Wright by and through his Parents, Mary Wright and Wayne Wright, Appellant, v. USD No. 379; Benny Wallace, and Keith George, Appellees.	Craig J. Altenhofen Lawton M. Nuss	Clay
84,399	State of Kansas, Appellee, v. Russell L. Hendrich, Appellant.	Attorney General James R. Fetters, C.A. Kevin L. Phillips	Smith
83,223	State of Kansas, Appellee, v. Troy H. Nelson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Elizabeth Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Sedgwick
83,469	State of Kansas, Appellee, v. Thomas Woodberry, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Sedgwick
83,745	In the Matter of the Marriage of Mary E. Leidig, Appellant, and Jerry P. Leidig, Appellee.	Mary E. Leidig, pro se Jerry P. Leidig, pro se	Cloud
84,125	Brian K. Devoe, Appellant, v. Kansas Dept. of Corrections, Kansas Parole Board, Winfield Correctional Facility, Warden Emmalee Conover, <i>et al.</i> , Appellees.	Jennifer Passiglia James W. Coder, Asst. A.G.	Cowley

83,245	Jerry R.C. Cooper, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D. Attorney General Timothy J. Chambers, Asst. D.A.	Reno
84,509	Rickie Beck, Appellant, v. Louis Bruce, <i>et al.</i> , Appellees.	Rickie Beck, pro se Jon D. Graves	Reno

**Kansas Court of Appeals
Sedgwick County Courthouse
Courtroom 11-1
525 N. Main
Wichita, Kansas**

Before Marquardt, P.J.; Wahl, S.J.; and Ernest Johnson, D.J., assigned.

Tuesday, June 13, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
82,685	State of Kansas, Appellee, v. Marcus D. Hamm, Appellant.	Attorney General Keith E. Schroeder, Deputy D.A. Jessica R. Kunen, Chief A.D. Rick Kittel, Asst. A.D.	Reno
82,718	State of Kansas, Appellee, v. Christopher S. Lucia, Appellant.	Attorney General Keith E. Schroeder, Deputy C.A. Jessica R. Kunen, Chief A.D. Patrick H. Dunn, Asst. A.D.	Reno
83,679	State of Kansas, Appellant, v. David Bolen, Appellee.	Attorney General Thomas R. Stanton, Asst. C.A. Jessica R. Kunen, Chief A.D. Patrick H. Dunn, Asst. A.D.	Saline
84,645	Jeffrey Parsons, Appellee, v. Louis A. Bruce, Appellant.	Sam S. Kepfield Jon D. Graves	Reno
83,810	State of Kansas, Appellant, v. Dale L. Funk, Appellee.	Attorney General JoAnna L. Derfelt, Asst. D.A. Leslie J. Hulnick	Reno

1:30 p.m.

83,420	James E. Ramey, Appellant, v. K-Mart Corporation, Appellee.	W. J. Fitzpatrick Patrick J. Murphy	Montgomery
84,436	In the Interest of S.E., dob: 10/18/91, a Child Under the Age of 18 Years.	William E. Muret Nicholas M. St. Peter Stephen J. Ternes	Cowley
82,910	Charles E. Stevens, Appellant, v. Kansas Dept. of Revenue, Appellee.	James L. Sweet James G. Keller	Saline
83,922	State of Kansas, Appellee, v. Daniel Eugene Ragle, Appellant.	Attorney General Ty Kaufman, C.A. William S. Mills	McPherson
84,441	In the Matter of C.F.H., dob: 08/22/82, a Child Under the Age of Eighteen.	Wm. Rex Lorson J. Wade Bainum, Asst. C.A.	Saline

(continued)

Wednesday, June 14, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
84,092	Larry D. Graves, Appellee, v. Eaton Corporation, Respondent, Self-Insured, Appellant.	Scott J. Mann Edward D. Health, Jr.	Work Comp
83,766	In the Matter of the Care and Treatment of Conn Richard Goracke.	John C. Giele Terry R. Gross	Saline
84,667	State of Kansas, Appellee, v. Joe C. Lane, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A. Daniel E. Monnat	Sedgwick

Summary Calendar—No Oral Argument

82,893	State of Kansas, Appellee, v. Khek P. Ng, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Jessica R. Kunen, Chief A.D. Daniel C. Estes, Asst. A.D.	Sedgwick
83,340	State of Kansas, Appellee, v. Michael L. Crespi, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Daniel C. Estes, Asst. A.D.	Johnson
83,540, 83,541	State of Kansas, Appellee, v. Paul L. Goseland, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Elizabeth Reimer, Asst. D.A. Geary N. Gorup	Sedgwick
83,542	Kongthakhounk Thidsorn, Appellant, v. Excel Corporation, Appellee.	David O. Alegria J. Steven Massoni Stephen M. Kerwick	Ford
83,128	State of Kansas, Appellee, v. Andre L. Wright, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Kirk C. Redmond, Asst. A.D.	Johnson
83,519	Craig and Renee Mattison, Appellees, v. The Engine X-Change, LLC, Appellant.	Norman R. Kelly James P. Davidson	Saline
84,344	In the Interest of: S.H., dob: 01/15/84 B.H., dob: 06/20/85 T.H., dob: 08/14/91 S.H., dob: 09/11/96	Philip J. Bernhart Terry P. Todd, Special Asst. C.A. Ann L. Smith	Montgomery
82, 841	First National Bank of Dighton, KS, a Banking Corporation, Appellant, v. Dann Nelms and Leonard Herl, Appellees.	Craig D. Kershner Larry D. Tittel	Lane
83,560	State of Kansas, Appellee, v. Martin Allen Andes, Appellant.	Attorney General Ty Kaufman, C.A. Jessica R. Kunen, Chief A.D. Mary Curtis, Asst. A.D.	McPherson

Kansas Court of Appeals
Old Sedgwick County Courthouse
510 N. Main, 3rd Floor
Wichita, Kansas

Before Beier, P.J.; Rulon, J.; and Stephen D. Hill, D.J., assigned.

Tuesday, June 13, 2000

10:00 a.m.

Case No.	Case Name	Attorneys	County
82,964	State of Kansas, Appellee, v. Mark Johnson, Appellant.	Attorney General Timothy J. Chambers, D.A. Jessica R. Kunen, Chief A.D. Rick Kittel, Asst. A.D.	Reno
82,847	State of Kansas, Appellee, v. Joseph W. Rogers, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Jessica R. Kunen, Chief A.D. Kathryn B. Wall, Asst. A.D.	Sedgwick
83,067	State of Kansas, Appellee, v. Scott L. Staggs, Appellant.	Attorney General Vernon E. Buck, Asst. C.A. Jessica R. Kunen, Chief A.D.	Lyon
1:30 p.m.			
83,417	State of Kansas, Appellee, v. Joseph W. Palmer, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Sedgwick
84,163	Monica L. McClure, Appellant, v. Michael B. Amos, Appellee.	John G. Mazurek J. Michael Lehman	Sedgwick
83,565	Arthur A. Pouncil, Jr., Appellant, v. State of Kansas, Appellee.	Roger L. Falk Gary W. Owens Debra S. Peterson, Asst. D.A.	Sedgwick
83,806	Harry Dawson, Appellee, v. Givens Construction Co., Inc.; and Western Surety Company, Appellant.	Jeffery L. Carmichael Keith C. Sevedge	Barber
83,655	State of Kansas, Appellee, v. Charles W. Sanders, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Richard Ney	Sedgwick

Wednesday, June 14, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
83,436	American Auto Finance Services Corporation, Appellant, v. Brandi A. Cooper, Shawn P. Simoens, Appellees.	Richard K. Thompson Everett L. Fettis	Sedgwick
83,998	In the Matter of the Marriage of Marcia E. Bruce, Appellant, and Jan A. Bruce, Appellee.	David K. Markham Larry A. Prauser	Cherokee

(continued)

83,818	Chanute Production Credit Association, Appellant, v. Michael C. Schicke, Appellee.	Calvin L. Wiebe Philip J. Bernhart	Montgomery
83,431	State of Kansas, Appellee, v. David L. Trudell, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Stephen J. House	Sedgwick

Summary Calendar—No Oral Argument

82,985	Mark E. Martin, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Mary Curtis, Asst. A.D. Attorney General County Attorney	Leavenworth
83,099	State of Kansas, Appellee, v. Cedric K. Baker, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D. Niki Christopher, Asst. A.D.	Douglas
83,366, 83,367	State of Kansas, Appellee, v. Hai M. Mickle, a/k/a Jamie M. Mickle, a/k/a Hai M. Mickle, Appellant.	Attorney General Jennifer Brunetti, Asst. C.A. Jessica R. Kunen, Chief A.D. Mary Curtis, Asst. A.D.	Crawford
84,470	In the Interest of Z.M.	Lisa A. Beran Joe Shepack, C.A. Ron Svaty	Ellsworth
82,649	State of Kansas, Appellee, v. James E. McLemore, Jr., Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Sedgwick
83,494	State of Kansas, Appellee, v. Gary Glenn Purvis, Appellant.	Attorney General John W. Withee, Asst. D.A. Jessica R. Kunen, Chief A.D. Rick Kittel, A.D.	Shawnee
83,730	Donald R. Riley, Appellant, v. NAGE Local R14-8, and National Assn. of Gov't. Employees, Appellees.	Phillip L. Turner Thomas H. Marshall	Shawnee
83,803	Mary M. Hall, George M. Hall, Appellants, v. Bernard Lickteig, <i>et al.</i> , Appellees.	George M. Hall, pro se Mary M. Hall, pro se Steven B. Doering	Anderson
84,377	In the Interest of D.M.L., dob: 12/17/95, Minor Child Under 18 Years of Age.	Roger Batt Christopher J. Vinduska Gwendolen B. Mason Karlin Gould	Sedgwick
82,850	State of Kansas, Appellee, v. Julie M. Davis, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Patrick H. Dunn, Asst. A.D.	Johnson
83,149	Edward E. Watkins, Jr., Appellant, v. State of Kansas, Appellee.	Roger L. Falk Gary W. Owens Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A.	Sedgwick

Carol G. Green
Clerk of the Appellate Courts

State of Kansas

State Employees Health Care Commission

Notice of Meeting

The State Employees Health Care Commission will meet at 2:30 p.m. Wednesday, June 7, in the boardroom of the offices of the Kansas Public Employees Retirement System, 611 S. Kansas Ave., Topeka. An agenda may be viewed by accessing the commission's web site at www.da.state.ks.us/hcc. Further information may be obtained by contacting the Benefits Office, (785) 296-6280.

Dan Stanley
Chair

Doc. No. 025270

State of Kansas

Department of Health
and EnvironmentPermanent Administrative
Regulations

Article 29.—SOLID WASTE MANAGEMENT

28-29-1100. Household hazardous waste. General. (a) Applicability. K.A.R. 28-29-1100 through K.A.R. 28-29-1107 shall apply to each household hazardous waste facility as defined in K.S.A. 65-3402, and amendments thereto. Subsection (f) of this regulation shall apply to collection events that take place at a site that is not a permanent household hazardous waste collection site. The standards in these regulations shall not exempt any materials from applicable state or federal regulations that are more stringent than these regulations. In each case in which the requirements of the household hazardous waste regulations K.A.R. 28-29-1100 through K.A.R. 28-29-1107 conflict with the requirements of the administrative procedure and solid waste management regulations in K.A.R. 28-29-6 through K.A.R. 28-29-23, the requirements of K.A.R. 28-29-1100 through K.A.R. 28-29-1107 shall control.

(b) Definitions. For the purposes of these regulations, the following definitions shall apply:

(1) "Household hazardous waste" or "HHW" means household waste that would be determined to be hazardous waste according to K.A.R. 28-31-4 (b) if the waste were not household waste.

(2) "Nonhazardous household waste" or "NHHW" means household waste that is not HHW.

(3) "Small quantity generator" shall have the meaning specified in K.A.R. 28-31-2.

(4) "USDOT hazard class or division" means the hazard class or division defined by the United States department of transportation and adopted by reference in K.A.R. 28-31-4 (e).

(c) Used oil. Each HHW facility that accepts used oil from household do-it-yourselfers or exempt farmers shall manage the used oil in accordance with K.A.R. 28-31-16 upon receipt of the used oil at the HHW facility's central collection center. Each HHW facility that transports used oil from businesses shall manage the used oil in accord-

ance with K.A.R. 28-31-16 upon receipt of the used oil at the business site.

(d) Small quantity generator (SQG) waste. Each HHW facility that is permitted to accept SQG waste shall manage all SQG waste that is not hazardous waste in the same manner as that for nonhazardous household waste and shall manage all SQG hazardous waste in the same manner as that for HHW.

(e) Other hazardous waste. Any HHW facility may accept hazardous waste from a source other than a household or an SQG in an emergency, if the facility's operating plan contains procedures to follow in such an emergency.

(f) Temporary collection events. Each temporary collection event at a fixed site shall be conducted only under the direct supervision of a permitted HHW facility or in accordance with a plan approved by KDHE. (Authorized by and implementing K.S.A. 1999 Supp. 65-3406 and 65-3460; effective June 16, 2000.)

28-29-1101. Household hazardous waste facility design. The owner or operator of each HHW facility shall perform the following:

(a) Design and construct each access road to accommodate expected traffic flow in a safe and efficient manner;

(b) construct the floor or base of each household waste receiving area and each processing area of concrete or asphalt;

(c) design and construct each storage area for household waste, except used oil stored in tanks, with a weather-resistant, permanent roof; and

(d) provide secondary containment for all HHW stored for disposal or recycling. The secondary containment shall be capable of containing either 110 percent of the volume of the largest container or 10 percent of the total volume of all the containers, whichever is greater. (Authorized by and implementing K.S.A. 1999 Supp. 65-3406 and 65-3460; effective June 16, 2000.)

28-29-1102. Household hazardous waste facility operations. (a) Nonhazardous household waste.

(1) Each HHW facility operator shall store and manage all NHHW according to the facility's operating plan and the following requirements:

(A) Place the NHHW in the designated area, as described in the facility operating plan, within one week after it is received;

(B) ensure that each NHHW storage container or each NHHW storage area has a label or sign designating its contents;

(C) when NHHW is present, inspect all NHHW storage areas weekly to assess waste volume and container integrity, and document these inspections in a log that is dated and either signed or initialed by the person who conducted the inspection; and

(D) store NHHW to be distributed for use in a manufacturer's original container or, for latex paint, in a compatible container provided by the HHW facility. Each container that will be distributed for use shall be labeled, closed, and nonleaking.

(2) Each HHW facility operator shall distribute for use, recycling, or disposal all NHHW accepted by the facility according to all of the following requirements:

(continued)

(A) NHHW may be distributed for use in a manner equivalent to its originally intended purpose.

(B) NHHW may be disposed of in a permitted municipal solid waste landfill. However, latex paint and all other liquids shall be disposed of in a permitted municipal solid waste landfill only if one of the following conditions is met:

(i) The paint or other liquid is solidified.

(ii) The paint or other liquid is in the original container, and the volume of the container is no greater than five gallons.

(C) NHHW may be disposed of in a sanitary sewer connected to a publicly owned treatment works with written authorization from the operators of the publicly owned treatment works.

(D) The HHW facility may choose to manage certain types of NHHW, as described in the facility's operating plan, according to the requirements in subsection (b) of this regulation.

(b) Household hazardous waste.

(1) Each HHW facility operator shall store and manage all HHW according to the facility's operating plan and all of the following requirements:

(A) Place the HHW in the designated area, as described in the facility operating plan, within one week after it is received. Sort and segregate all HHW, except HHW that will be distributed for use, by U.S. department of transportation hazard class or division;

(B) except for HHW that will be distributed for use, mark each HHW storage container or each segregated HHW storage area according to U.S. department of transportation hazard class or division;

(C) keep all storage containers that are in direct contact with HHW closed, except when adding or removing waste;

(D) when HHW is present, inspect all HHW storage areas weekly to assess waste volume and container integrity, and document these inspections in a log that is dated and either signed or initialed by the person who conducted the inspection; and

(E) store HHW that will be distributed for use in a manufacturer's original container. Each container that will be distributed for use shall be labeled, closed, and nonleaking.

(2) Each HHW facility operator shall distribute for use, recycling, or disposal all HHW accepted by the facility according to all of the following requirements:

(A) HHW may be distributed for use in a manner equivalent to its originally intended purpose.

(B) All HHW that is transferred for treatment, storage, or disposal shall be transferred to a permitted hazardous waste treatment, storage, or disposal facility by a registered hazardous waste transporter.

(C) All HHW that is transferred for treatment, storage, or disposal shall be manifested as hazardous waste as described in K.A.R. 28-31-4 (d), with the following changes:

(i) For the purposes of paragraph (b)(2)(C) of this regulation, "Kansas or EPA generator" shall be replaced with "HHW facility operator," and "hazardous waste" shall be replaced with "HHW" in K.A.R. 28-31-4 (d).

(ii) All applicable hazardous waste codes for each waste shall be listed on the manifest, using all available information. HHW facilities shall not be required to submit samples for laboratory testing in order to determine hazardous waste codes.

(D) All HHW that is transferred for treatment, storage, or disposal shall be subject to the hazardous waste land disposal requirements specified in K.A.R. 28-31-14.

(E) All HHW that is transferred for treatment, storage, or disposal shall be prepared for transportation off-site as specified in K.A.R. 28-31-4 (e). For the purposes of this paragraph, "Kansas or EPA generator" shall be replaced with "HHW facility operator," and "hazardous waste" shall be replaced with "HHW" in K.A.R. 28-31-4 (e).

(F) The requirements of paragraphs (b)(2)(B) through (b)(2)(E) of this regulation shall not apply to the following wastes:

(i) HHW that is transferred to a universal waste facility and packaged and labeled in accordance with K.A.R. 28-31-15;

(ii) antifreeze that is transferred to a commercial collector under the conditions of an agreement to recycle the antifreeze;

(iii) HHW that is disposed of in the sanitary sewer connected to a publicly owned treatment works with written authorization from the operators of the publicly owned treatment works. HHW shall not be discharged to storm sewers or septic systems;

(iv) containers that have been emptied to the fullest practical extent and are disposed of in a permitted municipal solid waste landfill;

(v) HHW that is transferred between HHW facilities; and

(vi) other waste, as approved by the department.

(c) Storage. Each HHW facility operator shall maintain the quantity of stored material at or below the facility's permitted storage capacity.

(d) Signs. Each HHW facility operator shall post a sign outside of the facility that includes the following information:

(1) The name of the facility;

(2) the hours and days of operation;

(3) the name of the permit holder;

(4) the telephone number of an emergency contact available during nonoperating hours; and

(5) the permit number.

(e) Training. All HHW facility managers, employees, and volunteers that are responsible for sorting, segregating, or processing HHW shall receive a minimum of 24 hours of classroom training related to the proper handling of hazardous materials and shall receive a minimum of eight hours of annual refresher training. Education or experience may be substituted for the required training, subject to departmental approval. No person shall sort, segregate, or process HHW without on-site supervision before receiving this training. (Authorized by and implementing K.S.A. 1999 Supp. 65-3406 and 65-3460; effective June 16, 2000.)

28-29-1103. Mobile HHW collection units. Each permitted facility that transports HHW from a temporary collection site or from a satellite HHW facility to a permitted HHW facility shall perform the following:

(a) Clearly mark "Household hazardous waste" on both sides of the mobile collection unit;

(b) separate all HHW by USDOT hazard class or division before transport;

(c) lab pack or overpack the household waste in containers meeting the USDOT manufacturing and testing specifications for transportation of hazardous materials, as adopted by reference in K.A.R. 28-31-4 (e);

(d) label the containers with a USDOT hazard class or division label or sign;

(e) seal and secure all containers for transport; and

(f) during transportation, carry a bill of lading describing the USDOT hazard class or division and the approximate quantities of the contents of the mobile collection unit. (Authorized by and implementing K.S.A. 1999 Supp. 65-3406 and 65-3460; effective June 16, 2000.)

28-29-1104. Satellite HHW facilities. (a) "Satellite HHW facility" shall mean any permanent HHW collection site, located away from the central collection center, that is part of a permitted HHW program.

(b) Each person who owns or operates a satellite HHW facility shall meet all of the following requirements:

(1) The HHW satellite facility shall be described in the approved operating plan of the permitted HHW facility or facilities with which the satellite HHW facility is associated.

(2) The owner or operator of the satellite HHW facility shall submit an operating plan, a facility drawing, and a description of any HHW storage cabinets to the department.

(3) A copy of each bill of lading used for transporting HHW to the central collection center shall be maintained at the satellite HHW facility for a period of three years.

(c) Each person who owns or operates a satellite HHW facility using storage cabinets shall meet all of the following requirements:

(1) A minimum of two and a maximum of four HHW storage cabinets, including at least one for flammables and one for corrosives, shall be used at each satellite HHW facility.

(2) Each HHW storage cabinet shall be designed for the HHW stored in it.

(3) Each HHW storage cabinet shall have a storage capacity of not more than 120 gallons.

(4) All HHW shall be properly segregated and stored within the appropriate storage cabinets by the end of the working day.

(5) If HHW is present, the facility owner or operator shall inspect all HHW storage areas weekly to assess waste volume and container integrity, and shall document these inspections in a log that is dated and either signed or initialed by the person who conducted the inspection.

(6) Not more than one week after the storage capacity has been reached, the owner or operator shall make arrangements to remove the HHW stored in HHW storage cabinets. HHW stored in HHW storage cabinets shall be removed at least once a year. (Authorized by and implementing K.S.A. 1999 Supp. 65-3406 and 65-3460; effective June 16, 2000.)

28-29-1105. HHW reporting and recordkeeping. (a) The owner or operator of each HHW facility shall sub-

mit an annual report to the department on a form furnished by the department.

(b) The owner or operator of each HHW facility shall maintain a copy of the approved design plan, closure plan, and all modifications to the plans, at the facility or at another location designated in the facility operating plan, until the facility closes.

(c) The owner or operator of each HHW facility shall maintain at the facility a copy of the approved operating plan and all modifications to the plan, until the facility closes.

(d) The owner or operator of each HHW facility shall maintain the following records at the facility or at another location designated in the facility operating plan, for at least three years:

(1) Copies of the annual report;

(2) training records;

(3) bills of lading;

(4) hazardous waste manifests;

(5) land disposal restriction notifications;

(6) weekly inspection records; and

(7) notification of changes to approved design, operations, and closure plans. (Authorized by and implementing K.S.A. 1999 Supp. 65-3406 and 65-3460; effective June 16, 2000.)

28-29-1106. HHW facility closure. The owner or operator of each HHW facility shall meet the following requirements:

(a) Notify the department at least 60 days before beginning closure;

(b) remove all household waste within 90 days after last receiving waste; and

(c) submit to the department certification that the facility has closed in accordance with the specifications in the approved closure plan. (Authorized by and implementing K.S.A. 1999 Supp. 65-3406 and 65-3460; effective June 16, 2000.)

28-29-1107. HHW permits. (a) Each person that plans to establish an HHW facility shall submit a permit application to the department on a form supplied by the department. The applicant shall include with the permit application the following items:

(1) Facility design plan. The facility design plan shall include all of the following information:

(A) The type, size, and location of the facility;

(B) a regional plan or a map showing the service area;

(C) a vicinity plan or map that depicts the following features and information:

(i) Residences, wells, surface waters, and access roads within 0.5 mile of the site boundaries, and any other existing or proposed man-made or natural features relating to the project;

(ii) adjacent zoning and land use; and

(iii) evidence that the facility will not be located within the 100-year floodplain;

(D) a topographic map showing elevation contours;

(E) a site plan depicting the following features:

(i) On-site and off-site utilities, including electricity, gas, and water;

(ii) storm and sanitary sewer systems;

(continued)

(iii) right-of-ways; and
 (iv) the location of buildings and appurtenances, fences, gates, roads, paved lots, parking areas, drainage, culverts, and signs; and

(F) detailed plans depicting the following features:

(i) Building elevation and plan view;
 (ii) building floor plans, shelving plans, appurtenances, and necessary detail sections to include electrical and mechanical systems;
 (iii) designated areas for activities to be conducted at the facility, including receipt, segregation, bulking, distribution, packaging, and storage of household waste; and

(iv) entrance area gates, fencing, and signs.

(2) Operating plan. The operating plan shall contain the following information:

(A) The activities to be conducted at the facility, including receipt, segregation, bulking, packaging, storage, and distribution of household waste;

(B) the activities to be conducted off-site, including operation of mobile collection units, curbside collection, and satellite storage facilities;

(C) the procedures for handling ignitable or reactive waste;

(D) the procedures for identifying and managing small quantity generator waste;

(E) the duties and responsibilities of facility personnel;

(F) the training program and requirements for the different types of facility personnel; and

(G) the emergency response plan for events including spills, fires, equipment failure, power outages, natural disasters, receipt of prohibited materials, and other similar interruptions of normal activities.

(3) Closure plan. The closure plan shall contain the following information:

(A) The procedure for removing and disposing of waste at closure;

(B) the procedure for cleaning the facility;

(C) the schedule for closure; and

(D) the closure cost estimate on a form supplied by the department.

(b) Modifications to plans. The owner or operator shall notify the department, in writing, of all modifications to the approved plans before the implementation of modifications. Modifications submitted to the department shall be effective 28 calendar days after the date the modification notice is received by the department, unless the department notifies the owner or operator that the modification will require further review before it can be approved. Changes to approved plans shall not conflict with any provision of K.A.R. 28-29-1100 through K.A.R. 28-29-1107. (Authorized by and implementing K.S.A. 1999 Supp. 65-3406 and 65-3460; effective June 16, 2000.)

Clyde D. Graeber
 Secretary of Health
 and Environment

Doc. No. 025278

State of Kansas

Department of Administration

Permanent Administrative Regulations

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

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

(2) Shared leave may be granted to an employee if the employee or a family member as defined in K.A.R. 1-9-5(e)(2) meets these criteria and those of paragraph (b)(1):

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

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

(b)(1) An employee shall be eligible to receive shared leave if both of these conditions are met:

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

(B) The employee has at least six months of continuous service.

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

(A) The donation of vacation leave does not cause the accumulated vacation leave balance of the donating employee to be less than 80 hours, unless the employee donates vacation leave at the time of separation from state service.

(B) The donation of sick leave does not cause the accumulated sick leave balance of the donating employee to be less than 480 hours, unless the employee donates sick leave at the time of separation from state service.

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

(2)(A) The appointing authority shall determine whether or not the employee meets the initial eligibility requirements in paragraph (b)(1) and, if applicable, whether or not the employee would be caring for an individual who meets the definition of a family member. The appointing authority shall then determine if the illness or injury meets the conditions set forth in paragraph (a)(2) of this regulation.

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

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

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

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

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

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

(3) The employee shall no longer be eligible to receive shared leave for a particular occurrence if any of these conditions is met:

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

(B) The recipient terminates or retires.

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

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

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

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

(2) Shared leave shall be donated in full-hour increments. (Authorized by K.S.A. 75-3706, 75-3747, and 75-

5549; implementing K.S.A. 75-2925, 75-3707, 75-3746, and 75-5549; effective, T-1-7-23-92, July 23, 1992; effective Sept. 14, 1992; amended July 26, 1993; amended, T-1-9-19-94, Sept. 19, 1994; amended Nov. 21, 1994; amended Dec. 17, 1995; amended May 31, 1996; amended Sept. 18, 1998; amended, T-1-2-17-00, Feb. 17, 2000; amended June 16, 2000.)

Dan Stanley
Secretary of Administration

Doc. No. 025291

(Published in the Kansas Register June 1, 2000.)

Summary Notice of Bond Sale
City of Andale, Kansas
\$240,000

General Obligation Internal Improvement Bonds

(General obligation bonds payable from unlimited ad valorem taxes)

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated May 22, 2000, of the City of Andale, Kansas, in connection with the city's General Obligation Internal Improvement Bonds, Series A, 2000, hereinafter described, sealed, written bids shall be received at the office of the city clerk at City Hall, 304 N. Main, Andale, Kansas, until 5:30 p.m. Thursday, June 8, 2000, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time and shall thereafter be immediately considered and acted upon by the governing body of the city.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire series of bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city clerk or the city's financial advisor. Bids may be submitted by mail or delivered in person, and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$240,000, and shall bear a dated date of June 15, 2000. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds are not subject to redemption prior to their maturities.

Interest on the bonds shall be payable semiannually on March 1 and September 1 in each year, commencing March 1, 2001, and the bonds shall mature serially on

(continued)

September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$10,000	9/01/01
10,000	9/01/02
10,000	9/01/03
10,000	9/01/04
15,000	9/01/05
15,000	9/01/06
15,000	9/01/07
15,000	9/01/08
15,000	9/01/09
20,000	9/01/10
20,000	9/01/11
20,000	9/01/12
20,000	9/01/13
20,000	9/01/14
25,000	9/01/15

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be payable upon surrender at the paying agent's principal offices in the City of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon. (Reference is made to the official notice of bond sale and the preliminary official statement for a complete discussion of security for the bonds.)

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or about June 29, 2000, at such bank or trust company or other qualified depository in the State of Kansas or Kansas City, Missouri, or New York, New York, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle Elkouri Law Firm L.L.C., Wichita, Kansas, bond counsel, whose fees will be paid by the city. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The city's equalized assessed tangible valuation for computation of bonded debt limitations during calendar

year 1999 is \$3,834,499. The city's outstanding general obligation bonded indebtedness at June 29, 2000, totals the principal amount of \$1,442,700, including the bonds described herein, but excluding \$294,190 of temporary notes that will be redeemed and paid from the proceeds of the bonds and other available funds.

Official Statement

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or the city's bond counsel. The preliminary official statement is in a form "deemed final" by the city for the purpose of the Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. The city will provide the purchaser of the bonds or its designated agent, within seven business days after the date of the sale, copies of the city's final official statement, in sufficient quantity to comply with the rules of the Securities and Exchange Commission and the Municipal Securities Rulemaking Board. The city will deliver to the purchaser of the bonds, at the time of delivery of the bonds, a certificate of its authorized officials to the effect that, to the best of their knowledge, in said official notice of bond sale and preliminary official statement and in the official statement, the city has not made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading. Authorization is hereby given to redistribute this official notice of bond sale and the preliminary official statement, but this entire official notice of bond sale and the entire preliminary official statement, and not portions thereof, must be redistributed.

Continuing Disclosure

Securities and Exchange Commission Rule 15c2-12, as amended effective July 3, 1995, provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

Additional Information

For additional information regarding the city, the bonds and the public sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk at the address and telephone number shown below or from the city's financial advisor, Brian E. Corrigan, Cooper Malone McClain, Inc., 7701 E. Kellogg, Suite 700, Wichita, KS 67207, (316) 685-5777.

Shirley J. Stuever, City Clerk
City Hall, 304 N. Main
Andale, KS 67001
(316) 444-2351

Doc. No. 025274

State of Kansas

Kansas Military Board

Notice of Meeting

The Kansas Military Board of the Adjutant General's Department will meet at 10 a.m. Thursday, June 15, at the State Defense Building, Conference Room 102, 2800 S.W. Topeka Blvd., Topeka. An agenda may be obtained by contacting Charles G. Bredahl, State Defense Building, Room 100, 2800 S.W. Topeka Blvd., Topeka, 66611-1287, (785) 274-1004.

Any individual with a disability may request accommodation in order to participate in the meeting. Requests for accommodation should be made at least two working days in advance of the meeting date by contacting Charles Bredahl.

Charles G. Bredahl
Special Assistant to
the Adjutant General

Doc. No. 025282

(Published in the Kansas Register June 1, 2000.)

**Summary Notice of Bond Sale
Unified School District No. 243
Coffey County, Kansas (Lebo-Waverly)
\$4,970,000
General Obligation School Building Bonds
Series 2000**

(General obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated May 23, 2000, sealed bids will be received by the clerk of Unified School District No. 243, Coffey County, Kansas (Lebo-Waverly) (the issuer), on behalf of the governing body at the office of the Board of Education, 411 Pearson, P.O. Box 457, Waverly, KS 66871, until 7 p.m. June 12, 2000, for the purchase of \$4,970,000 principal amount of General Obligation School Building Bonds, Series 2000. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 2000, and will become due on September 1 in the years as follows:

Year	Principal Amount
2001	\$ 35,000
2002	90,000
2003	125,000
2004	140,000
2005	150,000
2006	165,000
2007	180,000
2008	195,000
2009	210,000

2010	225,000
2011	245,000
2012	260,000
2013	285,000
2014	305,000
2015	325,000
2016	350,000
2017	380,000
2018	405,000
2019	435,000
2020	465,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2001.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$99,400 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about July 11, 2000, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1999 is \$22,041,382. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$4,970,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (785) 733-2651, or from the financial advisor, Ranson & Associates, Inc., 250 N. Rock Road, Suite 150, Wichita, KS 67206, Attention: Stephen E. Shogren, (316) 681-3123.

Dated May 23, 2000.

Unified School District No. 243
Coffey County, Kansas (Lebo-Waverly)

Doc. No. 025283

(Published in the Kansas Register June 1, 2000.)

**Summary Notice of Bond Sale
City of Rose Hill, Kansas
\$393,000**

**General Obligation Internal Improvement Bonds
Series 2000**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated May 15, 2000, sealed bids will be received by the clerk of the City of Rose Hill, Kansas (the issuer), on behalf of the governing body at City Hall, 306 N. Rose Hill, Rose Hill, KS 67133, until 7 p.m. June 19, 2000, for the purchase of \$393,000 principal amount of General Obligation Internal Improvement Bonds, Series 2000. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$3,000. The bonds will be dated June 1, 2000, and will become due on October 1 in the years as follows:

Year	Principal Amount
2001	\$23,000
2002	35,000
2003	35,000
2004	35,000
2005	40,000
2006	40,000
2007	45,000
2008	45,000
2009	45,000
2010	50,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2001.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$7,860 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about July 19, 2000, to DTC for the account of the successful

bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1999 is \$15,486,769. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$3,769,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 776-2712, or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351.

Dated May 15, 2000.

City of Rose Hill, Kansas

Doc. No. 025277

(Published in the Kansas Register June 1, 2000.)

**Summary Notice of Bond Sale
Reno County, Kansas
\$185,000
General Obligation Bonds
Series 2000-1**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated May 24, 2000, sealed bids will be received by the clerk of Reno County, Kansas (the issuer), on behalf of the governing body at 206 W. First, Hutchinson, KS 67501, until noon June 14, 2000, for the purchase of \$185,000 principal amount of General Obligation Bonds, Series 2000-1 (Prairie Hills III and IV Roads). No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 15, 2000, and will become due on December 1 in the years as follows:

Year	Principal Amount
2001	\$5,000
2002	10,000
2003	10,000
2004	10,000
2005	10,000

2006	10,000
2007	10,000
2008	10,000
2009	15,000
2010	15,000
2011	15,000
2012	15,000
2013	15,000
2014	15,000
2015	20,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning June 1, 2001.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$3,700 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 28, 2000, to the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1999 is \$435,737,043. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired from the proceeds of the bonds, is \$6,136,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 694-2514, fax (316) 694-2534, Attention: Shari Gagnebin.

Dated May 24, 2000.

Reno County, Kansas

Doc. No. 025289

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 1999 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 5-29-00 through 6-04-00

Term	Rate
1-89 days	6.46%
3 months	5.87%
6 months	6.43%
9 months	6.58%
12 months	6.65%
18 months	6.76%
24 months	6.70%

Derl S. Tréff
Director of Investments

Doc. No. 025268

State of Kansas

Secretary of State

Certification of New State Laws

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Ron Thornburgh
Secretary of State

(Published in the Kansas Register June 1, 2000.)

HOUSE BILL No. 2017

AN ACT concerning certain authorities and departments; prescribing certain powers, duties and functions for the secretary of administration; authorizing certain procedures with respect to property of state agencies relating to certain surplus real estate and change orders or changes in plans for capital improvements of state agencies; concerning membership of the capitol area plaza authority; amending K.S.A. 75-1264, 75-2237, 75-3351, 75-3352 and 76-833 and repealing the existing sections.

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

New Section 1. (a) When used in this section, "surplus real estate" means real estate which is no longer needed by the state agency which owns such real estate.

(b) The secretary of administration shall develop criteria for the identification of surplus real estate. In accordance with such criteria, the secretary shall assist state agencies in the identification of surplus real estate.

The secretary of administration shall develop guidelines for the sale of surplus real estate. In accordance with such guidelines and upon the written consent of the head of the state agency which owns such surplus real estate, the secretary may offer such property for sale by one of the following means: (1) Public auction; (2) by listing the surplus property with a licensed real estate broker or salesperson; or (3) by sealed bid. Subject to the approval of the state finance council as required by subsection (c), the secretary of administration may sell surplus real estate and any improvements thereon on behalf of the state agency which owns such property.

(c) Prior to the sale of any surplus real estate under subsection (b), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at

(continued)

any time, including periods of time during which the legislature is in session.

(d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto. The costs of such appraisal may be paid from the proceeds of the sale.

(e) Conveyance of title in surplus real estate offered for sale by the secretary of administration shall be executed on behalf of the state agency by the secretary of administration. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the secretary of administration in consultation with the head of the state agency which owns the surplus real estate.

(f) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and the cost of the appraisal of the surplus real estate, shall be deposited in the state treasury and credited to the state general fund unless otherwise authorized by law.

The amount of expenses and the cost of appraisal for each sale of surplus real estate pursuant to this section shall be transferred and credited to the property contingency fund created under K.S.A. 75-3652, and amendments thereto, and may be expended for any operations of the department administration.

(g) Any sale of property by the secretary of transportation pursuant to K.S.A. 68-413, and amendments thereto, shall not be subject to the provisions of this section.

Sec. 2. K.S.A. 75-1264 is hereby amended to read as follows: 75-1264. (a) The secretary of administration shall issue monthly reports of progress and advise, consult with and cooperate with the joint committee on state building construction.

(b) Change orders or changes in plans involving cost increases of less than ~~\$25,000~~ \$75,000 and any change order or change in plans involving a cost reduction, other than a change in the proposed use of any new or remodeled building, may be authorized or approved by the secretary of administration without prior consultation with the joint committee on state building construction. The secretary of administration shall report to the joint committee on state building construction all action relating to such change orders or changes in plans.

(c) No change order or change in plans involving any cost increases of ~~\$25,000 or more~~ of \$75,000 or more and no change in the proposed use of any new or remodeled building shall be authorized or approved by the secretary of administration without having first advised and consulted with the joint committee on state building construction.

(d) (1) *If the secretary of administration determines that it is in the best interest of the state to authorize or approve a change order, a change in plans or a change in the proposed use of any new or remodeled building that the secretary is required by this section to first advise and consult with the joint committee on state building construction prior to issuing such approval and if no meeting of the joint committee is scheduled to take place within the next 10 business days, then the secretary may use the procedure authorized by this subsection in lieu of advising and consulting with the joint committee at a meeting. In any such case, the secretary of administration shall mail a summary description of the proposed change order, change in plans or change in the proposed use of any new or remodeled building to each member of the joint committee on state building construction and to the director of the legislative research department. Each such summary description shall include a notice specifying the date it was mailed.*

(2) *After receiving any such summary description, each member shall review the information about the proposed change order, change in plans or change in proposed use and may request a presentation and review of the proposed change order, change in plans or change in proposed use at a meeting of the joint committee. If two or more members of the joint committee contact the director of the legislative research department within seven business days of the date specified in the summary description and request such presentation and review, then the director of the legislative research department shall notify the secretary of administration and the chairperson of the joint committee that a meeting has been requested for such presentation and review. Upon receiving such notification, the chairperson shall call a meeting of the joint committee as soon as practicable for the purpose of such presentation and review and shall furnish the secretary of administration with notice of the time, date and place of the meeting. In any such case, the secretary of administration shall not authorize or approve such proposed change order, change in*

plans or change in proposed use without having first advised and consulted with the joint committee at a meeting.

(3) *If less than two members of the joint committee contact the director of the legislative research department within seven business days of the date the summary description was mailed and request a presentation and review of any such proposed change order, change in plans or change in use at a meeting of the joint committee, then the secretary of administration shall be deemed to have advised and consulted with the joint committee about such proposed change order, change in plans or change in proposed use and may authorize or approve such proposed change order, change in plans or change in proposed use.*

Sec. 3. K.S.A. 75-3351 is hereby amended to read as follows: 75-3351. The secretary of ~~social and rehabilitation services administration~~ is hereby authorized to sell and convey on behalf of the state of Kansas in the manner hereinafter provided the following described land situated in the county of Mitchell, State of Kansas:

A tract of land commencing at the Northeast corner of the Northeast Quarter of Section Four (4), Township Seven (7) South, Range Seven (7) West of the 6th P.M.; thence Westerly on the section line approximately 927 feet; thence Southerly 548.3 feet; thence Westerly to the U.S. Highway 24 Right-of-Way line; thence along said Right-of-Way line southeasterly to the South line of the Northeast one-fourth (NE ¼) of the Northeast one-fourth (NE ¼) of the above cited section; thence Easterly along such line to the Southeast corner of the Northeast one-fourth (NE ¼) of the Northeast one-fourth (NE ¼) of above cited section; thence Northerly along the section line to the point of beginning.

Sec. 4. *K.S.A. 75-3352 is hereby amended to read as follows: 75-3352. (a) Before any property shall be sold under the provisions of this act, the real estate described in K.S.A. 75-3351 and amendments thereto shall be appraised by three (3) disinterested appraisers acquainted with land values in the county in which such land is located and appointed as provided in K.S.A. 75-3043a—~~Such appraisal and amendments thereto. The appraisal shall be in writing and filed with the secretary, and the cost of the appraisal shall be paid from the proceeds of the sale.~~

(b) Upon the filing of such appraisal the secretary of ~~social and rehabilitation services administration~~ shall advertise for sealed bids on proceed to sell the real estate described in K.S.A. 75-3351 for not less than three consecutive weeks by publications in a newspaper of general circulation in Mitchell county, Kansas, and authorized by law to publish legal notices and amendments thereto in accordance with this section. Such sale shall be made to the highest responsible bidder whose bid is submitted within thirty (30) days after the last publication of such notice, except that said secretary may reject any and all bids, and in case all bids are rejected, bids may be called for again as in first instance. Each bid shall be accompanied by a certified check in the amount of five percent (5%) of such bid which sum shall be forfeited in case of default by any bidder whose bid is accepted. In no event shall such real estate be sold for less than the appraisal thereof. Upon acceptance of any such bid, a deed conveying such real estate shall be executed by the secretary, and duly acknowledged by him or her before an officer authorized by law to take acknowledgments. Said deed shall contain a recital of all proceedings in compliance with this act, and said recital shall be prima facie evidence that said proceedings were had in the manner and form recited. Such deed shall be approved as to form by the attorney general. When such real estate shall be so sold, the secretary of administration shall develop and adopt procedures for the sale of the real estate described in K.S.A. 75-3351 and amendments thereto. The procedures adopted for such sale may prescribe competitive bidding procedures, public auction, public requests for proposals and negotiation with interested parties or such other process as may be deemed by the secretary of administration to be in the best interests of the state in consultation with the commissioner of juvenile justice. The procedures may include provisions for bid bonds or such other sureties as may be required thereunder.

(c) Conveyance of title in such real estate offered for sale by the secretary of administration in accordance with this section shall be executed on behalf of the state of Kansas by the secretary of administration. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the secretary of administration in consultation with the commissioner of juvenile justice.

(d) The proceeds thereof of the sale of such real estate under this section, after deduction of the expenses of such sale and the cost of the

appraisal of the real estate, shall be paid into deposited in the state treasury and credited to the state general fund. The amount deducted for the expenses of such sale and the cost of the appraisal shall be credited to the property contingency fund of the department of administration.

Sec. 5. K.S.A. 75-2237 is hereby amended to read as follows: 75-2237. There is hereby created the capitol area plaza authority, a body politic and corporate, hereinafter referred to as the authority. The authority is hereby constituted a public instrumentality, and the exercise by the authority of the powers conferred on it by this act shall be deemed and held to be the performance of an essential state governmental function. The authority shall be the successor in every way to all of the rights, powers, duties and obligations of the capitol area planning commission.

The authority shall have 13 members who shall be as follows:

(a) One member shall be a member of the house of representatives appointed by the speaker.

(b) One member shall be a senator appointed by the president of the senate.

(c) One member shall be a member of the house of representatives appointed by the minority leader of the house of representatives.

(d) One member shall be a senator appointed by the minority leader of the senate.

(e) One member shall be the secretary of administration.

(f) One member shall be a person representative of the city government of Topeka appointed by the mayor thereof.

(g) One member shall be a person experienced in land use planning appointed by the governor.

(h) One member shall be the judicial administrator of the courts.

(i) The remaining members shall be appointed by the governor and shall have such qualifications as the governor may deem appropriate.

Members serving on the authority ex officio shall serve for terms concurrent with the office each holds. The appointive members shall serve for terms of four years, except that the members of the capitol area planning commission immediately prior to the effective date of this act who were appointed by the governor shall serve as members of the capitol area plaza authority, and any unexpired portions of their respective terms of office as members of the commission shall be included in their terms of office as original members of the authority. Subsequent appointments shall be made as provided for original appointments, and any vacancy in the office of an appointed member shall be filled in the same manner as for original appointments for the unexpired terms. Subject to the provisions of K.S.A. 75-4315c and amendments thereto, the members of the authority appointed by the governor shall be so selected that all congressional districts of the state are represented on the authority.

New Sec. 6. (a) Any research foundation is authorized to initiate and complete capital improvement projects on state-owned property of the state educational institution that the research foundation is organized and operated to benefit if the capital improvement projects have received prior approval by the state board of regents and the plans and specifications for such capital improvement projects have received prior approval by the secretary of administration. Each such capital improvement project shall be totally financed from nonstate moneys of the research foundation. The buildings and facilities constructed and the repairs, remodeling and renovations of state buildings and facilities conducted under such capital improvement projects shall become the property of the state of Kansas upon completion and acceptance by the secretary of administration. No such capital improvement project shall be approved by the state board of regents without having first advised and consulted with the joint committee on state building construction.

(b) As used in this section:

(1) "Capital improvement project" means a project to construct one or more buildings or facilities for a state educational institution or to repair, remodel or renovate one or more state buildings or facilities of a state educational institution and, in any such case, which has a total cost of \$1,000,000 or less;

(2) "research foundation" means any not-for-profit research foundation organized and operated for the primary purpose of encouraging, fostering and conducting scholarly investigation and other types of research for the benefit of a state educational institution;

(3) "nonstate moneys" means moneys received from any source except the state of Kansas or any agency thereof; and

(4) "state educational institution" has the meaning ascribed thereto by K.S.A. 76-711 and amendments thereto.

Sec. 7. K.S.A. 76-833 is hereby amended to read as follows: 76-833.

(a) As used in this act, section,

(1) "Capital improvement project" means a project which has a total cost of \$500,000 \$1,000,000 or less;

(2) "private moneys" means moneys from nongovernmental sources; and

(3) "state educational institution" has the meaning ascribed thereto by K.S.A. 76-711 and amendments thereto.

(b) ~~The university of Kansas medical center~~ Each state educational institution is authorized to construct buildings and facilities on state-owned property of the ~~university of Kansas medical center~~ state educational institution from private moneys granted or given to such institution if the capital improvement projects for such buildings and facilities have received prior approval by the state board of regents and the plans and specifications for such projects have received prior approval by the secretary of administration. Such capital improvement projects shall be inspected by the division of architectural services. Such capital improvement projects financed totally from private moneys shall be exempt from the provisions of K.S.A. 75-3739, 75-3740, 75-3740a, 75-3741, 75-3741a, 75-3741b, 75-3742, 75-3743 and 75-3744, and amendments thereto. Such capital improvement projects shall be totally financed from private moneys and the buildings and facilities constructed shall become the property of the state of Kansas upon completion and acceptance by the secretary of administration. No such capital improvement project for a building or facility shall be approved by the state board of regents without having first advised and consulted with the joint committee on state building construction.

(c) ~~The university of Kansas medical center~~ Each state educational institution is authorized to repair, remodel or renovate state buildings and facilities of the ~~university of Kansas medical center~~ state educational institution from private moneys granted or given to such institution if the capital improvement projects for such repairs, remodeling or renovations have received prior approval by the state board of regents and the plans and specifications of such projects have received prior approval by the secretary of administration. Such capital improvement projects shall be inspected by the division of architectural services. Such capital improvement projects financed totally from private moneys shall be exempt from the provisions of K.S.A. 75-3739, 75-3740, 75-3740a, 75-3741, 75-3741a, 75-3741b, 75-3742, 75-3743 and 75-3744, and amendments thereto. Such capital improvement projects shall be totally financed from private moneys and the improvements shall become the property of the state of Kansas upon completion and acceptance by the secretary of administration. No such capital improvement project to repair, remodel or renovate any such state building or facility shall be approved by the state board of regents without having first advised and consulted with the joint committee on state building construction.

(d) ~~The provisions of this section shall expire on June 30, 2001.~~

Sec. 8. K.S.A. 75-1264, 75-2237, 75-3351, 75-3352 and 76-833 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register June 1, 2000.)

SENATE Substitute for HOUSE BILL No. 2224

AN ACT concerning children; relating to children in need of care; juvenile offenders; amending K.S.A. 38-1503, 38-1531, 38-1566, 38-1567, 38-1568 and 75-3329 and K.S.A. 1999 Supp. 22-4904, 38-1502, 38-1507, 38-1513, 38-1532, 38-1542, 38-1543, 38-1544, 38-1562, 38-1563, 38-1565, 38-1581, 38-1583, 38-1584, 38-1587, 38-1591, 38-1632, 38-1663, 38-1664, 38-1673, 38-1674, 38-1675, 38-1676, 38-1691, 38-16129 and 72-1113 and repealing the existing sections.

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

New Section 1. There is hereby established in the state treasury the family services and community intervention fund which shall be administered by the secretary of social and rehabilitation services. The secretary of social and rehabilitation services may accept money from any source

(continued)

for the purposes for which money in the family services and community intervention fund may be expended. Upon receipt of such money, the secretary shall remit the entire amount at least monthly to the state treasurer, who shall deposit it in the state treasury and credit it to the family services and community intervention fund. All moneys in the special fund for family services and community intervention shall be used for the purpose of assisting state, county, or local governments or political subdivisions thereof; or community agencies; to provide services, intervention and support services to children alleged or adjudged to be a child in need of care as defined by K.S.A. 38-1502, and amendments thereto, especially those youth at risk because of their own actions or behaviors and not due to abuse or neglect by a parent, guardian or other person responsible for their care. The purpose of the family services and community intervention fund shall be to enhance the ability of families and children to resolve problems within the family and community that might otherwise result in a child becoming a ward of the court, by the collaboration of governmental and local service providers. All expenditures from the family services and community intervention fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

Sec. 2. K.S.A. 1999 Supp. 22-4904 is hereby amended to read as follows: 22-4904. (a) (1) Except as provided in subsection (a)(2), within 10 days of the offender coming into any county in which the offender resides or is temporarily domiciled for more than 10 days, the offender shall register with the sheriff of the county.

(2) Within 10 days of the offender coming into any county in which the offender resides or temporarily resides for more than 10 days, any offender who has provided the information and completed and signed the registration form as required in K.S.A. 22-4905 and amendments thereto, shall verify with the sheriff of the county that the sheriff has received such offender's information and registration form.

(3) For persons required to register as provided in subsection (a)(1), the sheriff shall: (A) Explain the duty to register and the procedure for registration;

(B) obtain the information required for registration as provided in K.S.A. 22-4907 and amendments thereto;

(C) inform the offender that the offender must give written notice of any change of address within 10 days of a change in residence to the law enforcement agency where last registered and the Kansas bureau of investigation;

(D) inform the offender that if the offender changes residence to another state, the offender must inform the law enforcement agency where last registered and the Kansas bureau of investigation of such change in residence and must register in the new state within 10 days of such change in residence; and

(E) require the offender to read and sign the registration form which shall include a statement that the requirements provided in this subsection have been explained to the offender.

(4) Such sheriff, within three days of receipt of the initial registration shall forward this information to the Kansas bureau of investigation.

(5) Notwithstanding any other provision of law, if a diversionary agreement or probation order, either adult or juvenile, or a juvenile offender sentencing order, requires registration under the Kansas offender registration act then all provisions of that act shall apply, except that the term of registration shall be controlled by such diversionary agreement or probation order or juvenile offender sentencing order.

(b) (1) If any person required to register as provided in this act changes the address of the person's residence, the offender, within 10 days, shall inform in writing the Kansas bureau of investigation of the new address.

(2) After receipt of the change of address, the Kansas bureau of investigation shall forward this information to the law enforcement agency having jurisdiction of the new place of residence within 10 days of such receipt of the change of address.

(c) For any person required to register as provided in this act, every 90 days after the person's initial registration date during the period the person is required to register, the following applies:

(1) The Kansas bureau of investigation shall mail a nonforwardable verification form to the last reported address of the person.

(2) The person shall mail the verification form to the Kansas bureau of investigation within 10 days after receipt of the form.

(3) The verification form shall be signed by the person, and shall state that the person still resides at the address last reported to the Kansas bureau of investigation.

(4) If the person fails to mail the verification form to the Kansas bureau of investigation within 10 days after receipt of the form, the person shall be in violation of the Kansas offender registration act.

(5) Nothing contained in this section shall be construed to alleviate any person required to register as provided in this act from meeting the requirements prescribed in subsection (a)(1), (a)(2) and (b)(1).

Sec. 3. K.S.A. 1999 Supp. 38-1502 is hereby amended to read as follows: 38-1502. As used in this code, unless the context otherwise indicates:

(a) "Child in need of care" means a person less than 18 years of age who:

(1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian;

(2) is without the care or control necessary for the child's physical, mental or emotional health;

(3) has been physically, mentally or emotionally abused or neglected or sexually abused;

(4) has been placed for care or adoption in violation of law;

(5) has been abandoned or does not have a known living parent;

(6) is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments thereto;

(7) except in the case of a violation of K.S.A. 41-727, subsection (j) of K.S.A. 74-8810 or subsection (m) or (n) of K.S.A. 79-3321, and amendments thereto, or, except as provided in subsection (a)(12) of K.S.A. 21-4204a and amendments thereto, does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult;

(8) while less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-3105 and amendments thereto;

(9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian;

(10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee;

(11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused; or

(12) while less than 10 years of age commits the offense defined in K.S.A. 21-4204a and amendments thereto.

(b) "Physical, mental or emotional abuse or neglect" means the infliction of physical, mental or emotional injury or the causing of a deterioration of a child and may include, but shall not be limited to, failing to maintain reasonable care and treatment, negligent treatment or maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to subsection (a)(2) of K.S.A. 38-1513 and amendments thereto.

(c) "Sexual abuse" means any act committed with a child which is described in article 35, chapter 21 of the Kansas Statutes Annotated and those acts described in K.S.A. 21-3602 or 21-3603, and amendments thereto, regardless of the age of the child.

(d) "Parent," when used in relation to a child or children, includes a guardian, conservator and every person who is by law liable to maintain, care for or support the child.

(e) "Interested party" means the state, the petitioner, the child, any parent and any person found to be an interested party pursuant to K.S.A. 38-1541 and amendments thereto.

(f) "Law enforcement officer" means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(g) "Youth residential facility" means any home, foster home or structure which provides 24-hour-a-day care for children and which is licensed

pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated.

(h) "Shelter facility" means any public or private facility or home other than a juvenile detention facility that may be used in accordance with this code for the purpose of providing either temporary placement for the care of children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

(i) "Juvenile detention facility" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders which must not be a jail.

(j) "Adult correction facility" means any public or private facility, secure or nonsecure, which is used for the lawful custody of accused or convicted adult criminal offenders.

(k) "Secure facility" means a facility which is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility shall be in a city or county jail.

(l) "Ward of the court" means a child over whom the court has acquired jurisdiction by the filing of a petition pursuant to this code and who continues subject to that jurisdiction until the petition is dismissed or the child is discharged as provided in K.S.A. 38-1503 and amendments thereto.

(m) "Custody," whether temporary, protective or legal, means the status created by court order or statute which vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.

(n) "Placement" means the designation by the individual or agency having custody of where and with whom the child will live.

(o) "Secretary" means the secretary of social and rehabilitation services.

(p) "Relative" means a person related by blood, marriage or adoption but, when referring to a relative of a child's parent, does not include the child's other parent.

(q) "Court-appointed special advocate" means a responsible adult other than an attorney guardian *ad litem* who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 38-1505a and amendments thereto, in a proceeding pursuant to this code.

(r) "Multidisciplinary team" means a group of persons, appointed by the court or by the state department of social and rehabilitation services under K.S.A. 38-1523a and amendments thereto, which has knowledge of the circumstances of a child in need of care. *A multidisciplinary team may serve as a community services team.*

(s) "Jail" means:

(1) An adult jail or lockup; or

(2) a facility in the same building or on the same grounds as an adult

jail or lockup, unless the facility meets all applicable standards and licensure requirements under law and there is (A) total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping, and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(t) "Kinship care" means the placement of a child in the home of the child's relative or in the home of another adult with whom the child or the child's parent already has a close emotional attachment.

(u) "Juvenile intake and assessment worker" means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(v) "Abandon" means to forsake, desert or cease providing care for the child without making appropriate provisions for substitute care.

(w) "Permanent guardianship" means a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining without ongoing state oversight or intervention by the secretary. The permanent guardian stands in loco parentis and exercises all the rights and responsibilities of a parent. *Upon appointment of a permanent guardian, the child in need of care proceedings shall be dismissed. A permanent guardian may be appointed after termination of parental*

rights or without termination of parental rights, if the parent consents and agrees to the appointment of a permanent guardian. Upon appointment of a permanent guardian, the child shall be discharged from the custody of the secretary.

(x) "Aggravated circumstances" means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

(y) "Permanency hearing" means a notice and opportunity to be heard is provided to interested parties, foster parents, preadoptive parents or relatives providing care for the child. The court, after consideration of the evidence, shall determine whether progress toward the case plan goal is adequate or reintegration is a viable alternative, or if the case should be referred to the county or district attorney for filing of a petition to terminate parental rights or to appoint a permanent guardian.

(z) "Extended out of home placement" means a child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date at which a child in the custody of the secretary was removed from the home.

(aa) "Educational institution" means all schools at the elementary and secondary levels.

(bb) "Educator" means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has exposure to a pupil specified in subsection (a) of K.S.A. 1999 Supp. 72-89b03 and amendments thereto.

(cc) "Neglect" means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child or presenting a likelihood of harm and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. *Neglect may include but shall not be limited to:*

(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;

(2) failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or

(3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to subsection (a)(2) of K.S.A. 38-1513, and amendments thereto.

(dd) "Community services team" means a group of persons, appointed by the court or by the state department of social and rehabilitation services for the purpose of assessing the needs of a child who is alleged to be a child in need of care.

Sec. 4. K.S.A. 38-1503 is hereby amended to read as follows: 38-1503. (a) Proceedings concerning any child who appears to be a child in need of care shall be governed by this code, except in those instances when the Indian child welfare act of 1978 (25 U.S.C. §§ 1901 *et seq.*) applies.

(b) Subject to the uniform child custody jurisdiction act, K.S.A. 38-1301 *et seq.* and amendments thereto, the district court shall have original jurisdiction to receive and determine proceedings under this code.

(c) When jurisdiction has been acquired by the court over the person of a child in need of care it may continue until the child: (1) Has attained the age of 21 years; (2) has been adopted; or (3) has been discharged by the court. Any child 18 years of age or over may request, by motion to the court, that the jurisdiction of the court cease. Subsequently, the court shall enter an order discharging the person from any further jurisdiction of the court.

(d) When it is no longer appropriate for the court to exercise jurisdiction over a child the court, upon its own motion or the motion of an interested party, shall enter an order discharging the child. Except upon request of the child, the court shall not enter an order discharging a child which reaches 18 years of age before completing the child's high school education until June 1 of the school year during which the child became 18 years of age as long as the child is still attending high school.

(e) Unless the court finds that substantial injustice would result, the provisions of this code shall govern with respect to acts or omissions occurring prior to the effective date of this code, and amendments thereto.

(continued)

and with respect to children alleged or adjudicated to have done or to have been affected by the acts or omissions, to the same extent as if the acts or omissions had occurred on or after the effective date of *this code, and amendments thereto*, and the children had been alleged or adjudicated to be children in need of care.

Sec. 5. K.S.A. 1999 Supp. 38-1507 is hereby amended to read as follows: 38-1507. (a) Except as otherwise provided, in order to protect the privacy of children who are the subject of a child in need of care record or report, all records and reports concerning children in need of care, including the juvenile intake and assessment report, received by the department of social and rehabilitation services, a law enforcement agency or any juvenile intake and assessment worker shall be kept confidential except: (1) To those persons or entities with a need for information that is directly related to achieving the purposes of this code, or (2) upon an order of a court of competent jurisdiction pursuant to a determination by the court that disclosure of the reports and records is in the best interests of the child or are necessary for the proceedings before the court, or both, and are otherwise admissible in evidence. Such access shall be limited to in camera inspection unless the court otherwise issues an order specifying the terms of disclosure.

(b) The provisions of subsection (a) shall not prevent disclosure of information to an educational institution or to individual educators about a pupil specified in subsection (a) of K.S.A. 1999 Supp. 72-89b03 and amendments thereto.

(c) When a report is received by the department of social and rehabilitation services, a law enforcement agency or any juvenile intake and assessment worker which indicates a child may be in need of care, the following persons and entities shall have a free exchange of information between and among them:

- (1) The department of social and rehabilitation services;
- (2) the commissioner of juvenile justice;
- (3) the law enforcement agency receiving such report;
- (4) members of a court appointed multidisciplinary team;
- (5) an entity mandated by federal law or an agency of any state authorized to receive and investigate reports of a child known or suspected to be in need of care;
- (6) a military enclave or Indian tribal organization authorized to receive and investigate reports of a child known or suspected to be in need of care;
- (7) a county or district attorney;
- (8) a court services officer who has taken a child into custody pursuant to K.S.A. 38-1527, and amendments thereto;
- (9) a guardian ad litem appointed for a child alleged to be in need of care;
- (10) an intake and assessment worker; and
- (11) any community corrections program which has the child under court ordered supervision;

(12) *the department of health and environment or persons authorized by the department of health and environment pursuant to K.S.A. 59-512, and amendments thereto, for the purpose of carrying out responsibilities relating to licensure or registration of child care providers as required by chapter 65 of article 5 of the Kansas Statutes Annotated, and amendments thereto; and*

(13) *members of a duly appointed community services team.*

(d) The following persons or entities shall have access to information, records or reports received by the department of social and rehabilitation services, a law enforcement agency or any juvenile intake and assessment worker. Access shall be limited to information reasonably necessary to carry out their lawful responsibilities to maintain their personal safety and the personal safety of individuals in their care or to diagnose, treat, care for or protect a child alleged to be in need of care.

- (1) A child named in the report or records.
- (2) A parent or other person responsible for the welfare of a child, or such person's legal representative.
- (3) A court-appointed special advocate for a child, a citizen review board or other advocate which reports to the court.
- (4) A person licensed to practice the healing arts or mental health profession in order to diagnose, care for, treat or supervise: (A) A child whom such service provider reasonably suspects may be in need of care; (B) a member of the child's family; or (C) a person who allegedly abused or neglected the child.
- (5) A person or entity licensed or registered by the secretary of health

and environment or approved by the secretary of social and rehabilitation services to care for, treat or supervise a child in need of care. In order to assist a child placed for care by the secretary of social and rehabilitation services in a foster home or child care facility, the secretary shall provide relevant information to the foster parents or child care facility prior to placement and as such information becomes available to the secretary.

(6) A coroner or medical examiner when such person is determining the cause of death of a child.

(7) The state child death review board established under K.S.A. 22a-243, and amendments thereto.

(8) A prospective adoptive parent prior to placing a child in their care.

(9) The department of health and environment or person authorized by the department of health and environment pursuant to K.S.A. 59-512, and amendments thereto, for the purpose of carrying out responsibilities relating to licensure or registration of child care providers as required by chapter 65 of article 5 of the Kansas Statutes Annotated, and amendments thereto.

(10) The state protection and advocacy agency as provided by subsection (a)(10) of K.S.A. 65-5603 or subsection (a)(2)(A) and (B) of K.S.A. 74-5515, and amendments thereto.

(11) Any educational institution to the extent necessary to enable the educational institution to provide the safest possible environment for its pupils and employees.

(12) Any educator to the extent necessary to enable the educator to protect the personal safety of the educator and the educator's pupils.

(13) *The secretary of social and rehabilitation services.*

(14) *A law enforcement agency.*

(15) *A juvenile intake and assessment worker.*

(16) *The commissioner of juvenile justice.*

(e) Information from a record or report of a child in need of care shall be available to members of the standing house or senate committee on judiciary, house committee on appropriations, senate committee on ways and means, legislative post audit committee and joint committee on children and families, carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319 and amendments thereto, in a closed or executive meeting. Except in limited conditions established by $\frac{2}{3}$ of the members of such committee, records and reports received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate.

(f) Nothing in this section shall be interpreted to prohibit the secretary of social and rehabilitation services from summarizing the outcome of department actions regarding a child alleged to be a child in need of care to a person having made such report.

(g) Disclosure of information from reports or records of a child in need of care to the public shall be limited to confirmation of factual details with respect to how the case was handled that do not violate the privacy of the child, if living, or the child's siblings, parents or guardians. Further, confidential information may be released to the public only with the express written permission of the individuals involved or their representatives or upon order of the court having jurisdiction upon a finding by the court that public disclosure of information in the records or reports is necessary for the resolution of an issue before the court.

(h) Nothing in this section shall be interpreted to prohibit a court of competent jurisdiction from making an order disclosing the findings or information pursuant to a report of alleged or suspected child abuse or neglect which has resulted in a child fatality or near fatality if the court determines such disclosure is necessary to a legitimate state purpose. In making such order, the court shall give due consideration to the privacy of the child, if living, or the child's siblings, parents or guardians.

(i) Information authorized to be disclosed in subsections (d) through (g) shall not contain information which identifies a reporter of a child in need of care.

(j) Records or reports authorized to be disclosed in this section shall not be further disclosed, except that the provisions of this subsection shall not prevent disclosure of information to an educational institution or to individual educators about a pupil specified in subsection (a) of K.S.A. 1999 Supp. 72-89b03 and amendments thereto.

(k) Anyone who participates in providing or receiving information without malice under the provisions of this section shall have immunity from any civil liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participa-

tion in any judicial proceedings resulting from providing or receiving information.

(1) No individual, association, partnership, corporation or other entity shall willfully or knowingly disclose, permit or encourage disclosure of the contents of records or reports concerning a child in need of care received by the department of social and rehabilitation services, a law enforcement agency or a juvenile intake and assessment worker except as provided by this code. Violation of this subsection is a class B misdemeanor.

Sec. 6. K.S.A. 1999 Supp. 38-1513 is hereby amended to read as follows: 38-1513. (a) *Physical or mental care and treatment.* (1) When a child less than 18 years of age is alleged to have been *physically, mentally or emotionally abused or neglected or sexually abused*, no consent shall be required to medically examine the child to determine whether ~~there has been sexual abuse~~ *the child has been maltreated.*

(2) When the health or condition of a child who is a ward of the court requires it, the court may consent to the performing and furnishing of hospital, medical, surgical or dental treatment or procedures, including the release and inspection of medical or dental records. A child, or parent of any child, who is opposed to certain medical procedures authorized by this subsection may request an opportunity for a hearing thereon before the court. Subsequent to the hearing, the court may limit the performance of matters provided for in this subsection or may authorize the performance of those matters subject to terms and conditions the court considers proper.

(3) Prior to ~~adjudication~~ *disposition* the person having custody of the child may give consent to the following:

- (A) Dental treatment for the child by a licensed dentist;
- (B) diagnostic examinations of the child, including but not limited to the withdrawal of blood or other body fluids, x-rays and other laboratory examinations;
- (C) releases and inspections of the child's medical history records;
- (D) immunizations for the child;
- (E) administration of lawfully prescribed drugs to the child; and
- (F) examinations of the child including, but not limited to, the withdrawal of blood or other body fluids or tissues, for the purpose of determining the child's parentage.

(4) When the court has granted legal custody of a child in a dispositional hearing to any agency, association or individual, the custodian or an agent designated by the custodian shall have authority to consent to the performance and furnishing of hospital, medical, surgical or dental treatment or procedures or mental care or treatment other than inpatient treatment at a state psychiatric hospital, including the release and inspection of medical or hospital records, subject to terms and conditions the court considers proper.

(5) If a child is ~~already~~ in the custody of the secretary, the secretary may consent to the mental care and treatment of the child, without court approval, so long as such care and treatment do not include inpatient treatment at a state psychiatric hospital.

(6) Any health care provider who in good faith renders hospital, medical, surgical, mental or dental care or treatment to any child after a consent has been obtained as authorized by this section shall not be liable in any civil or criminal action for failure to obtain consent of a parent.

(7) Nothing in this section shall be construed to mean that any person shall be relieved of legal responsibility to provide care and support for a child.

(b) *Mental care and treatment requiring court action.* If it is brought to the court's attention, while the court is exercising jurisdiction over the person of a child under this code, that the child may be a mentally ill person as defined in K.S.A. 1999 Supp. 59-2946 and amendments thereto, the court may:

(1) Direct or authorize the county or district attorney or the person supplying the information to file the petition provided for in K.S.A. 1999 Supp. 59-2957 and amendments thereto and proceed to hear and determine the issues raised by the application as provided in the care and treatment act for mentally ill persons; or

(2) authorize that the child seek voluntary admission to a treatment facility as provided in K.S.A. 1999 Supp. 59-2949 and amendments thereto.

The application to determine whether the child is a mentally ill person may be filed in the same proceedings as the petition alleging the child to be a child in need of care, or may be brought in separate proceedings. In

either event the court may enter an order staying any further proceedings under this code until all proceedings have been concluded under the care and treatment act for mentally ill persons.

Sec. 7. K.S.A. 38-1531 is hereby amended to read as follows: 38-1531. (a) *Filing of petition.* An action pursuant to this code is commenced by the filing of a petition with the clerk of the district court.

(b) *Contents of petition.* (1) The petition shall state, if known:

(A) The name, date of birth and residence address of the child;

(B) the name and residence address of the child's parents;

(C) the name and residence address of any persons having custody or control of the child, or the nearest known relative if no parent can be found; and

(D) plainly and concisely in the language of the statutory definition, the basis for requesting that the court assume jurisdiction over the child.

(2) The petition shall also state the specific facts which are relied upon to support the allegation referred to in the preceding paragraph including any known dates, times and locations.

(3) The proceedings shall be entitled: "In the Interest of _____"

(4) The petition shall contain a request that the court find the child to be a child in need of care.

(5) The petition shall contain a request that the parent or parents be ordered to pay child support. The request for child support may be omitted with respect to a parent already ordered to pay child support for the child and shall be omitted with respect to one or both parents upon written request of the secretary.

(6) *If the petition requests removal of the child from the child's home, the petition shall specify the efforts known to the petitioner to maintain the family unit and prevent the unnecessary removal of the child from the child's home, or shall specify the facts supporting that an emergency exists which threatens the safety of the child.*

(7) *If the petition requests custody of the child to the secretary, the petition shall specify the facts supporting that allowing the child to remain in the home would be contrary to the welfare of the child or that placement is in the best interests of the child.*

(c) *Motions.* Motions may be made orally or in writing. The motion shall state with particularity the grounds for the motion and shall state the relief or order sought.

Sec. 8. K.S.A. 1999 Supp. 38-1532 is hereby amended to read as follows: 38-1532. Upon the filing of a petition under this code the court shall proceed by one of the following methods:

(a) Issue summons stating the place and time at which the parties are required to appear and answer the allegations of the petition, which shall be within 30 days of the date the petition is filed, and deliver the summons with copies of the petition attached to the sheriff or a person specially appointed to serve it.

(b) If the child has been taken into protective custody under the provisions of K.S.A. 38-1542 and a temporary custody hearing is held as required by K.S.A. 38-1543, a copy of the petition shall be served at the hearing on each interested party who is in attendance at the hearing and a record of service made a part of the proceedings. The court shall announce the time the parties will be required to next appear before the court. Process shall be served on any interested party not at the temporary custody hearing.

Upon the written request of the petitioner or the county or district attorney separate or additional summons shall be issued to any interested party.

The court shall attempt to notify both parents, if known.

(c) *If the petition requests custody to the secretary, the court shall cause a copy of the petition to be provided to the secretary for the purpose of documentation upon filing. However, the failure of the secretary to receive a copy of the petition shall not affect the jurisdiction of the court or its authority in the proceeding.*

Sec. 9. K.S.A. 1999 Supp. 38-1542 is hereby amended to read as follows: 38-1542. (a) The court upon verified application may issue *ex parte* an order directing that a child be held in protective custody and, if the child has not been taken into custody, an order directing that the child be taken into custody. The application shall state *for each child*:

(1) The applicant's belief that the child is a child in need of care and that *allowing the child to remain in the home is contrary to the welfare of the child or placement is in the best interest of the child and that the child is likely to sustain harm if not immediately afforded protective custody*; and

(continued)

(2) the specific facts which are relied upon to support the belief application, including efforts known to the applicant, to maintain the family unit and prevent the unnecessary removal of the child from the child's home, or the specific facts supporting that an emergency exists which threatens the safety of the child.

(b) (1) The order of protective custody may be issued only after the court has determined there is probable cause to believe the allegations in the application are true. The order shall remain in effect until the temporary custody hearing provided for in K.S.A. 38-1543, and amendments thereto, unless earlier rescinded by the court.

(2) No child shall be held in protective custody for more than 72 hours, excluding Saturdays, Sundays and legal holidays, unless within the 72-hour period a determination is made as to the necessity for temporary custody in a temporary custody hearing. Nothing in this subsection (b)(2) shall be construed to mean that the child must remain in protective custody for 72 hours.

(c) Whenever the court determines the necessity for an order of protective custody, the court may place the child in the protective custody of: (1) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (d) (e); (2) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated; (3) a youth residential facility; or (4) the secretary if the child is alleged to be a child in need of care the court may award custody to the secretary. However, if the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the protective custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the protective custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When circumstances require, a child in protective custody may be placed in a juvenile detention facility or other secure facility pursuant to an order of protective custody for not to exceed 24 hours, excluding Saturdays, Sundays and legal holidays.

(d) The order of protective custody shall be served on the child's parents and any other person having legal custody of the child. The order shall prohibit all parties from removing the child from the court's jurisdiction without the court's permission.

(e) If the court issues an order of protective custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child, other family member or witness; or attempting to visit, contact, harass or intimidate the child, other family member or witness. Such restraining order shall be served on any alleged perpetrator to whom the order is directed.

(f) The court shall not enter an order removing a child from the custody of a parent pursuant to this section unless the court first finds from evidence presented by the petitioner that reasonable efforts have been made to maintain the family unit and prevent or eliminate the need for the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety of the child and requires that remaining in the home is contrary to the welfare of the child or that immediate removal placement is in the best interest of the child. Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, the court shall provide the secretary with a written copy of any orders entered for the purpose of documenting these orders upon making the order.

Sec. 10. K.S.A. 1999 Supp. 38-1543 is hereby amended to read as follows: 38-1543. (a) Upon notice and hearing, the court may issue an order directing who shall have temporary custody and may modify the order during the pendency of the proceedings as will best serve the child's welfare.

(b) A hearing pursuant to this section shall be held within 72 hours, excluding Saturdays, Sundays and legal holidays, following a child having been taken into protective custody.

(c) Whenever it is determined that a temporary custody hearing is required, the court shall immediately set the time and place for the hearing. Notice of a temporary custody hearing shall be in substantially the following form:

NOTICE OF TEMPORARY CUSTODY HEARING
(Name of Court)
(Caption of Case)
TO: (Names) (Relationship) (Addresses)
On (day) (date) 19 (year), at () o'clock () m.
the court will conduct a hearing at () to determine if the above named child or children should be in the temporary custody of some person or agency other than the parent or other person having legal custody prior to the hearing on the petition filed in the above captioned case. The court may order one or both parents to pay child support.
() an attorney, has been appointed as guardian ad litem for the child or children. Each parent or other legal custodian has the right to appear and be heard personally, either with or without an attorney. An attorney will be appointed for a parent who can show that the parent is not financially able to hire one.
Date () 19 (year) Clerk of the District Court by () (Seal)

REPORT OF SERVICE
I certify that I have delivered a true copy of the above notice to the persons above named in the manner and at the times indicated below:
Name Location of Service Manner of Service Date Time
() () () () ()
Date Returned () 19 (year)
() (Signature)
() (Title)

(d) Notice of the temporary custody hearing shall be given at least 24 hours prior to the hearing. The court may continue the hearing to afford the 24 hours prior notice or, with the consent of the party, proceed with the hearing at the designated time. If an order of temporary custody is entered and the parent or other person having custody of the child has not been notified of the hearing, did not appear or waive appearance and requests a rehearing, the court shall rehear the matter without unnecessary delay.

(e) Oral notice may be used for giving notice of a temporary custody hearing where there is insufficient time to give written notice. Oral notice is completed upon filing a certificate of oral notice in substantially the following form:

CERTIFICATE OF ORAL NOTICE OF TEMPORARY CUSTODY HEARING
(Name of Court)
(Caption of Case)
I gave oral notice that the court will conduct a hearing at () o'clock () m. on () 19 (year), to the persons listed, in the manner and at the times indicated below:
Name Relationship Date Time Method of Communication (in person or telephone)
() () () () ()
I advised each of the above persons that:
(1) The hearing is to determine if the above child or children should be in the temporary custody of a person or agency other than a parent;
(2) the court will appoint an attorney to serve as guardian ad litem for the child or children named above;
(3) each parent or legal custodian has the right to appear and be heard personally either with or without an attorney;
(4) an attorney will be appointed for a parent who can show that the parent is not financially able to hire an attorney; and
(5) the court may order one or both parents to pay child support.
() (Signature)
() (Name Printed)
() (Title)

(f) The court may enter an order of temporary custody after determining that: (1) The child is dangerous to self or to others; (2) the child is not likely to be available within the jurisdiction of the court for future proceedings; or (3) the health or welfare of the child may be endangered without further care.

(g) Whenever the court determines the necessity for an order of tem-

porary custody the court may place the child in the temporary custody of: (1) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (h); (2) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated; (3) a youth residential facility; or (4) the secretary if the child is alleged to be a child in need of care, the court may award custody to the secretary. However, if the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the temporary custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the temporary custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When circumstances require, a child may be placed in a juvenile detention facility or other secure facility, but the total amount of time that the child may be held in such facility under this section and K.S.A. 38-1542 and amendments thereto shall not exceed 24 hours, excluding Saturdays, Sundays and legal holidays. The order of temporary custody shall remain in effect until modified or rescinded by the court or a disposition order is entered but not exceeding 60 days, unless good cause is shown and stated on the record.

(h) If the court issues an order of temporary custody, the court may enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child; or attempting to visit, contact, harass or intimidate the child.

(i) The court shall not enter an order removing a child from the custody of a parent pursuant to this section unless the court first finds from evidence presented by the petitioner that reasonable efforts have been made to maintain the family unit and prevent or eliminate the need for the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety of the child and requires the immediate removal that remaining in the home is contrary to the welfare of the child or that placement is in the best interest of the child. Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, the court shall provide the secretary with a written copy of any orders entered for the purpose of documenting these orders upon making the order.

Sec. 11. K.S.A. 1999 Supp. 38-1544 is hereby amended to read as follows: 38-1544. (a) At any time after filing a petition, but prior to an adjudication, the court may enter an order for continuance and informal supervision without an adjudication if no interested party objects. Upon granting the continuance, the court shall include in the order any conditions with which the interested parties are expected to comply and provide the parties with a copy of the order. The conditions may include appropriate dispositional alternatives authorized by K.S.A. 38-1563 and amendments thereto.

(b) An order for informal supervision may remain in force for a period of up to six months and may be extended, upon hearing, for an additional six-month period for a total of one year.

(c) The court after notice and hearing may revoke or modify the order with respect to a party upon a showing that the party, being subject to the order for informal supervision, has substantially failed to comply with the terms of the order, or that modification would be in the best interests of the child. Upon revocation, proceedings shall resume pursuant to this code.

(d) Parties to the order for informal supervision who successfully complete the terms and period of supervision shall not again be proceeded against in any court based solely upon the allegations in the original petition and the proceedings shall be dismissed.

(e) If the court issues an order for informal supervision pursuant to this section, the court may enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home, visiting, contacting, harassing or intimidating the child, other family member or witness; or attempting to visit, contact,

harass or intimidate the child, other family member or witness.

Sec. 12. K.S.A. 1999 Supp. 38-1562 is hereby amended to read as follows: 38-1562. (a) At any time after a child has been adjudicated to be a child in need of care and prior to disposition, the judge shall permit any interested parties, and any persons required to be notified pursuant to subsection (b), to be heard as to proposals for appropriate disposition of the case.

(b) Before entering an order placing the child in the custody of a person other than the child's parent, the court shall require notice of the time and place of the hearing to be given to all the child's grandparents at their last known addresses or, if no grandparent is living or if no living grandparent's address is known, to the closest relative of each of the child's parents whose address is known, and to the foster parent, pre-adoptive parent or relative providing care. Such notice shall be given by restricted mail not less than 10 business days before the hearing and shall state that the person receiving the notice shall have an opportunity to be heard at the hearing. The provisions of this subsection shall not require additional notice to any person otherwise receiving notice of the hearing pursuant to K.S.A. 38-1536 and amendments thereto. Individuals receiving notice pursuant to this subsection shall not be made a party to the action solely on the basis of this notice and opportunity to be heard.

(c) Prior to entering an order of disposition, the court shall give consideration to the child's physical, mental and emotional condition; the child's need for assistance; the manner in which the parent participated in the abuse, neglect or abandonment of the child; any relevant information from the intake and assessment process; and the evidence received at the dispositional hearing. In determining when reunification is a viable alternative, the court shall specifically consider whether the parent has been found by a court to have: (1) Committed murder in the first degree, K.S.A. 21-3401 and amendments thereto, murder in the second degree, K.S.A. 21-3402 and amendments thereto, capital murder, K.S.A. 21-3439 and amendments thereto, voluntary manslaughter, K.S.A. 21-3403 and amendments thereto or violated a law of another state which prohibits such murder or manslaughter of a child; (2) aided or abetted, attempted, conspired or solicited to commit such murder or voluntary manslaughter of a child as provided in subsection (c)(1); (3) committed a felony battery that resulted in bodily injury to the child or another child; (4) subjected the child or another child to aggravated circumstances as defined in subsection (x) of K.S.A. 38-1502 and amendments thereto; (5) parental rights of the parent to another child have been terminated involuntarily; or (6) the child has been in extended out of home placement as defined in subsection (z) of K.S.A. 38-1502 and amendments thereto. If reintegration is not a viable alternative, the court shall consider whether a compelling reason has been documented in the case plan to find neither adoption nor permanent guardianship are in the best interests of the child, the child is in a stable placement with a relative, or services set out in the case plan necessary for the safe return of the child have been made available to the parent with whom reintegration is planned. If reintegration is not a viable alternative and either adoption or permanent guardianship might be in the best interests of the child, the county or district attorney or the county or district attorney's designee shall file a motion to terminate parental rights or a motion to establish permanent guardianship within 30 days and the court shall set a hearing on such motion within 90 days of the filing of such motion. No such hearing is required when the parents voluntarily relinquish parental rights or agree to appointment of a permanent guardian.

Sec. 13. K.S.A. 1999 Supp. 38-1563 is hereby amended to read as follows: 38-1563. (a) After consideration of any evidence offered relating to disposition, the court may retain jurisdiction and place the child in the custody of the child's parent subject to terms and conditions which the court prescribes to assure the proper care and protection of the child, including supervision of the child and the parent by a court services officer, or may order the child and the parent to participate in programs operated by the secretary or another appropriate individual or agency.

(continued)

The terms and conditions may require any special treatment or care which the child needs for the child's physical, mental or emotional health.

(b) The duration of any period of supervision or other terms or conditions shall be for an initial period of no more than 18 12 months. The court, at the expiration of that period, upon a hearing and for good cause shown, may make successive extensions of the supervision or other terms or conditions for up to 12 months at a time.

(c) The court may order the child and the parents of any child who has been adjudged a child in need of care to attend counseling sessions as the court directs. The expense of the counseling may be assessed as an expense in the case. No mental health center shall charge a greater fee for court-ordered counseling than the center would have charged to the person receiving counseling if the person had requested counseling on the person's own initiative.

(d) If the court finds that placing the child in the custody of a parent will not assure protection from physical, mental or emotional abuse or neglect or sexual abuse or ~~will not~~ *is contrary to the welfare of the child or that placement would be in the best interests of the child*, the court shall enter an order awarding custody of the child, until the further order of the court, to one of the following:

- (1) A relative of the child or a person with whom the child has close emotional ties;
- (2) any other suitable person;
- (3) a shelter facility; or
- (4) the secretary.

If the child is adjudged to be a child in need of care, the court shall not place the child in the custody of the secretary if the court has received from the secretary, written documentation of the services and/or community services plan offered or delivered to prevent the need for such custody unless the court finds that the services documented by the secretary are insufficient to protect the safety of the child and that being in the custody of the parent with such services in place is contrary to the welfare or that placement is in the best interests of the child. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. The secretary shall present to the court in writing the specific actions taken to maintain the family unit and prevent the unnecessary removal of the child from the child's home.

In making such a custody order, the court shall give preference, to the extent that the court finds it is in the best interests of the child, first to granting custody to a relative of the child and second to granting custody of the child to a person with whom the child has close emotional ties. If the court has awarded legal custody based on the finding specified by this subsection, the legal custodian shall not return the child to the home of that parent without the written consent of the court.

(e) When the custody of the child is awarded to the secretary:

(1) The court may recommend to the secretary where the child should be placed.

(2) The secretary shall notify the court in writing of any placement of the child or, within 10 days of the order awarding the custody of the child to the secretary, any proposed placement of the child, whichever occurs first.

(3) The court may determine if such placement is *contrary to the welfare or in the best interests of the child*, and if the court determines that such placement is not in the best interests of the child, the court shall notify the secretary who shall then make an alternative placement subject to the procedures established in this paragraph. In determining if such placement is in the best interests of the child, the court, after providing the parties with an opportunity to be heard, shall consider the health and safety needs of the child and the resources available to meet the needs of children in the custody of the secretary.

(4) *When the secretary provides the court with a plan to provide services to a child or family which the court finds is in place and which will assure the safety of the child, the court shall approve the return of the child to the child's home. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan.*

(f) If custody of a child is awarded under this section to a person other than the child's parent, the court may grant any individual reasonable rights to visit the child upon motion of the individual and a finding that the visitation rights would be in the best interests of the child.

(g) If the court issues an order of custody pursuant to this section, the court may enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child, *other family member or witness*; or attempting to visit, contact, harass or intimidate the child, *other family member or witness*.

(h) The court shall not enter an order removing a child from the custody of a parent pursuant to this section unless the court first finds from evidence presented by the petitioner that reasonable efforts have been made to *maintain the family unit and prevent or eliminate the need for the unnecessary removal of the child; from the child's home or that reasonable efforts are not necessary because* reintegration is not a viable alternative; or that an emergency exists which threatens the safety of the child and ~~requires the immediate removal that allowing the child to remain in the home is contrary to the welfare of the child or that placement would be in the best interest of the child.~~ *If the child is placed in the custody of the secretary, the court shall provide the secretary with a copy of any orders entered for the purpose of documenting these orders within 10 days of making the order.* Reintegration may not be a viable alternative when the: (1) Parent has been found by a court to have committed murder in the first degree, K.S.A. 21-3401, and amendments thereto, murder in the second degree, K.S.A. 21-3402, and amendments thereto, capital murder, K.S.A. 21-3439, and amendments thereto, voluntary manslaughter, K.S.A. 21-3403, and amendments thereto, or violated a law of another state which prohibits such murder or manslaughter of a child; (2) parent aided or abetted, attempted, conspired or solicited to commit such murder or voluntary manslaughter of a child as provided in subsection (h)(1); (3) parent committed a felony battery that resulted in bodily injury to the child or another child; (4) parent has subjected the child or another child to aggravated circumstances as defined in subsection (x) of K.S.A. 38-1502, and amendments thereto; (5) parental rights of the parent to another child have been terminated involuntarily or (6) the child has been in extended out of home placement as defined in subsection (z) of K.S.A. 38-1502, and amendments thereto. Such findings shall be included in any order entered by the court.

(i) In addition to or in lieu of any other order authorized by this section, if a child is adjudged to be a child in need of care by reason of a violation of the uniform controlled substances act (K.S.A. 65-4101 *et seq.*, and amendments thereto), or K.S.A. 41-719, 41-804, 41-2719, 65-4152, 65-4153, 65-4154 or 65-4155, and amendments thereto, the court shall order the child to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the court finds that the child and those legally liable for the child's support are indigent, the fee may be waived. In no event shall the fee be assessed against the secretary or the department of social and rehabilitation services.

(j) In addition to any other order authorized by this section, if child support has been requested and the parent or parents have a duty to support the child, the court may order one or both parents to pay child support and, when custody is awarded to the secretary, the court shall order one or both parents to pay child support. The court shall determine, for each parent separately, whether the parent is already subject to an order to pay support for the child. If the parent is not presently ordered to pay support for any child who is a ward of the court and the court has personal jurisdiction over the parent, the court shall order the parent to pay child support in an amount determined under K.S.A. 38-1595, and amendments thereto. Except for good cause shown, the court shall issue an immediate income withholding order pursuant to K.S.A. 23-4,105 *et seq.*, and amendments thereto, for each parent ordered to pay support under this subsection, regardless of whether a payor has been identified for the parent. A parent ordered to pay child support under this subsec-

tion shall be notified, at the hearing or otherwise, that the child support order may be registered pursuant to K.S.A. 38-1597, and amendments thereto. The parent shall also be informed that, after registration, the income withholding order may be served on the parent's employer without further notice to the parent and the child support order may be enforced by any method allowed by law. Failure to provide this notice shall not affect the validity of the child support order.

Sec. 14. K.S.A. 1999 Supp. 38-1565 is hereby amended to read as follows: 38-1565. (a) If a child is placed outside the child's home and no permanency plan is made a part of the record of the dispositional hearing, a written permanency plan shall be prepared which provides for reintegration of the child into the child's family or, if reintegration is not a viable alternative, for other permanent placement of the child. Reintegration may not be a viable alternative when the: (1) Parent has been found by a court to have committed murder in the first degree, K.S.A. 21-3401 and amendments thereto, murder in the second degree, K.S.A. 21-3402, and amendments thereto, capital murder, K.S.A. 21-3439 and amendments thereto, voluntary manslaughter, K.S.A. 21-3403 and amendments thereto or violated a law of another state which prohibits such murder or manslaughter of a child; (2) parent aided or abetted, attempted, conspired or solicited to commit such murder or voluntary manslaughter of a child as provided in subsection (a)(1); (3) parent committed a felony battery that resulted in bodily injury to the child or another child; (4) parent has subjected the child or another child to aggravated circumstances as defined in ~~subsection (x) of~~ K.S.A. 38-1502, and amendments thereto; (5) parental rights of the parent to another child have been terminated involuntarily; or (6) the child has been in extended out of home placement as defined in ~~subsection (z) of~~ K.S.A. 38-1502 and amendments thereto. If the permanency goal is reintegration into the family, the permanency plan shall include measurable objectives and time schedules for reintegration. The plan shall be submitted to the court not later than 30 days after the dispositional order is entered. If the child is placed in the custody of the secretary, the plan shall be prepared and submitted by the secretary. If the child is placed in the custody of a facility or person other than the secretary, the plan shall be prepared and submitted by a court services officer.

(b) A court services officer or, if the child is in the secretary's custody, the secretary shall submit to the court, at least every six months, a written report of the progress being made toward the goals of the permanency plan submitted pursuant to subsection (a) and the specific actions taken to achieve the goals of the permanency plan. If the child is placed in foster care, the foster parent or parents shall submit to the court, at least every six months, a report in regard to the child's adjustment, progress and condition. The department of social and rehabilitation services shall notify the foster parent or parents of the foster parent's or parent's duty to submit such report, on a form provided by the department of social and rehabilitation services, at least two weeks prior to the date when the report is due, and the name of the judge and the address of the court to which the report is to be submitted. Such report shall be confidential and shall only be reviewed by the court and the child's guardian ad litem. The court shall review the ~~progress being made toward plan submitted by the secretary, the reports submitted by foster parents and determine whether reasonable efforts and progress have been made to achieve the goals of the permanency plan and the foster parent report and,~~ If the court determines that progress is inadequate or that the permanency plan is no longer viable, the court shall hold a hearing pursuant to subsection (c). If the secretary has custody of the child, such hearing shall be held no more than 12 months after the child is placed outside the child's home and at least every 12 months thereafter. ~~For children in the custody of the secretary prior to July 1, 1998, within 30 days of receiving a request from the secretary, a permanency hearing shall be held. At each hearing, the court shall make a written finding whether reasonable efforts have been made to accomplish the permanency goal and whether continued out of home placement is necessary for the child's safety.~~ If the goal of the permanency plan submitted pursuant to subsection (a) is reintegration into the family and the court determines after 12 months from the time such plan is first submitted that progress is inadequate, the court shall hold a

hearing pursuant to subsection (c). Nothing in this subsection shall be interpreted to prohibit termination of parental rights prior to the expiration of 12 months.

(c) Whenever a hearing is required under subsection (b), the court shall notify all interested parties and the foster parents, preadoptive parents or relatives providing care for the child and hold a hearing. Individuals receiving notice pursuant to this subsection shall not be made a party to the action solely on the basis of this notice and opportunity to be heard. After providing the interested parties, foster parents, preadoptive parents or relatives providing care for the child an opportunity to be heard, the court shall determine whether the child's needs are being adequately met and whether reintegration continues to be a viable alternative. If the court finds reintegration is no longer a viable alternative, the court shall consider whether the child is in a stable placement with a relative, services set out in the case plan necessary for the safe return of the child have been made available to the parent with whom reintegration is planned or compelling reasons are documented in the case plan to support a finding that neither adoption nor permanent guardianship are in the child's best interest. If reintegration is not a viable alternative and either adoption or permanent guardianship might be in the best interests of the child, the county or district attorney or the county or district attorney's designee shall file a motion to terminate parental rights or ~~for a motion to establish a permanent guardianship within 30 days and the court shall set a hearing on such motion within 90 days of the filing of such motion.~~ When the court finds reintegration continues to be a viable alternative, the court shall determine whether and, if applicable, when the child will be returned to the parent; may rescind any of its prior dispositional orders and enter any dispositional order authorized by this code or may order that a new plan for the reintegration be prepared and submitted to the court. ~~If reintegration cannot be accomplished as approved by the court, the court shall be informed and shall schedule a hearing pursuant to subsection (c).~~ No such hearing is required when the parents voluntarily relinquish parental rights or agree to appointment of a permanent guardian.

Sec. 15. K.S.A. 38-1566 is hereby amended to read as follows: 38-1566. (a) Except as provided in K.S.A. 38-1567, and amendments thereto, if a child has been in the same foster home or shelter facility for six months or longer, or has been placed by the secretary in the home of a parent or relative, the secretary shall give written notice of any plan to move the child to a different placement. The notice shall be given to ~~(a)~~ (1) the court having jurisdiction over the child; ~~(b)~~ (2) each parent whose address is available; ~~(c)~~ (3) the foster parent or ~~custodian~~ from whose home or shelter facility it is proposed to remove the child; ~~(d)~~ (4) the child, if 12 or more years of age; and ~~(e)~~ (5) the child's guardian ad litem. The notice shall state the home or shelter facility to which the secretary plans to transfer the child and the reason for the proposed action. The notice shall be delivered or mailed 30 days in advance of the planned transfer, except that the secretary shall not be required to wait 30 days to transfer the child if all persons enumerated in clauses ~~(b)~~ (2) through ~~(e)~~ (5) consent in writing to the transfer. Within 10 days after receipt of the notice any person receiving notice as provided above may request, either orally or in writing, that the court conduct a hearing to determine whether or not the change in placement is in the best interests of the child concerned. When the request has been received, the court shall schedule a hearing and immediately notify the secretary of the request and the time and date the matter will be heard. The court shall give notice of the hearing to persons enumerated in clauses ~~(b)~~ (2) through ~~(e)~~ (5). The secretary shall not change the placement of the child unless the change is approved by the court.

(b) When, after the notice set out above, a child in the custody of the secretary is removed from the home of a parent after having been placed in the home of a parent for a period of six months or longer, the secretary shall request a finding by the court whether reasonable efforts were made to prevent the necessity for removal and whether allowing the child to remain in the home is contrary to the welfare of the child or not in the best interests of the child. The secretary shall present to the court in writing the efforts to maintain the family unit and prevent the unnecessary

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removal of the child from the child's home. In making the finding, the court may rely on documentation submitted by the secretary or may set the date for a hearing on the matter. If the secretary requests such finding, the court shall provide the secretary with a written copy of the finding by the court for the purpose of documenting these orders not more than 45 days from the date of the request.

Sec. 16. K.S.A. 38-1567 is hereby amended to read as follows: 38-1567. When an emergency exists requiring immediate action to assure the safety and protection of the child or the secretary is notified that the foster parents or shelter facility refuse to allow the child to remain, the secretary may transfer the child to another foster home or shelter facility without prior court approval, but the secretary shall notify the court of the action at the earliest practical time. When the child is removed from the home of a parent after having been placed in the home or facility for a period of six months or longer, the secretary shall present to the court in writing the specific nature of the emergency and request a finding by the court whether remaining in the home was contrary to the welfare or not in the best interests of the child. In making the finding, the court may rely on documentation submitted by the secretary or may set the date for a hearing on the matter. If the secretary requests such a finding, the court shall provide the secretary with a written copy of the finding by the court not more than 45 days from the date of the request.

Sec. 17. K.S.A. 38-1568 is hereby amended to read as follows: 38-1568. (a) *Valid court order.* During proceedings under this code, the court may enter an order directing a child who is the subject of the proceedings to remain in a present or future placement if:

(1) The court makes a finding that the child has been adjudicated to be a child in need of care pursuant to ~~(A) Subsection (a)(10) of K.S.A. 38-1502, and amendments thereto, or (B) any of the subsections (a)(1) through (a)(9) or (a)(11) (a)(1) through (a)(12) of K.S.A. 38-1502, and amendments thereto,~~ and the court determines that the child is not likely to be available within the jurisdiction of the court for future proceedings;

(2) the child and the child's guardian *ad litem* are present before the court at the time the order is entered; and

(3) the child and the child's guardian *ad litem* are given adequate and fair warning, both orally and in writing, of the consequences of violation of the order and a copy of such warning is recorded in the official file of the case.

(b) *Application.* Any person may file with the court a verified application for a determination that a child has violated an order entered pursuant to subsection (a) and for an order authorizing the holding of such child in a secure facility as provided by this section. Such application shall state the applicant's belief that the child has violated a valid court order entered pursuant to subsection (a) and the specific facts which are relied upon to support the belief.

(c) *Ex parte order.* Upon the filing of an application in accordance with subsection (b), the court may enter *ex parte* an order directing that the child be taken into custody and held in a secure facility designated by the court if the court determines that there is probable cause to believe the allegations in the application. The order shall remain in effect for not more than 24 hours following the child's child being taken into custody. The order shall be served on the child's parents, any legal custodian of the child and the child's guardian *ad litem*.

(d) *Preliminary hearing.* Within 24 hours following a child's child being taken into custody pursuant to an order issued under subsection (c), the court shall hold a hearing to determine whether the child admits or denies the allegations of the application and, if the child denies such allegations, whether there is probable cause to hold the child in a secure facility pending a hearing on the application pursuant to subsection (e). Notice of the time and place of the preliminary hearing shall be given orally or in writing to the child's parents, any legal custodian of the child and the child's guardian *ad litem*. At the hearing, the child shall have the right to: (1) Have in writing the alleged violation and the facts relied upon in the application; (2) a guardian *ad litem* pursuant to K.S.A. 38-1505, and amendments thereto; and (3) the right to confront and present witnesses. If, upon the hearing, the court finds that the child admits the allegations of the application, the court shall proceed without delay to

hold a hearing on the application pursuant to subsection (e). If, upon the hearing, the court finds that the child denies the allegations of the application, the court may enter an order directing that the child be held in a secure facility pending a hearing pursuant to subsection (e) if the court finds that there is probable cause to believe that the child has violated a valid court order entered pursuant to subsection (a) and that secure detention of the child is necessary for the protection of the child or to assure the appearance of the child at the hearing on the application pursuant to subsection (e).

(e) *Hearing on violation of order; authorization.* The court shall hold a hearing on an application filed pursuant to subsection (b) within 24 hours following the child's child being taken into custody, if the child admits the allegations of the application, or within 72 hours following the child's child being taken into custody, if secure detention of the child is ordered pursuant to subsection (d). Notice of the time and place of such hearing shall be given orally or in writing to the child's parents, any legal custodian of the child and the child's guardian *ad litem*. Upon such hearing, the court may enter an order awarding custody of the child to: (1) A parent; (2) a person other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto; (3) a youth residential facility; or (4) the secretary, if the secretary does not already have legal custody of the child, and authorizing the secretary custodian to place the child in a secure facility or secure care facility if the court determines that:

(1) Determines that the child has been adjudicated to be a child in need of care pursuant to subsection ~~(a)(10)~~ (a)(1), (a)(2), (a)(6) through (a)(10) and (a)(12) of K.S.A. 38-1502, and amendments thereto;

(2) determines that the child has violated a valid court order entered pursuant to subsection (a);

(3) determines that the child has been provided at the hearing with the right to: (A) Have the alleged violation in writing and served upon the child in a reasonable time before the hearing; (B) a hearing before the court on the issue of placement in a secure facility; (C) an explanation of the nature and consequences of the proceeding; (D) a guardian *ad litem* pursuant to K.S.A. 38-1505, and amendments thereto; (E) confront and present witnesses; (F) have a transcript or record of the proceedings; and (G) appeal; and

(4) ~~there is no less restrictive alternative appropriate to the needs of the juvenile and the community determines the reasons for the child's behavior and determines whether all dispositions other than secure confinement have been exhausted or are clearly inappropriate, based on a written report submitted by the secretary, if the child is in the custody of the secretary, or submitted by a public agency independent of the court and law enforcement, if the child is in the custody of someone other than the secretary that reviews the behavior of the child and the circumstances under which the child was brought before the court and made subject to such order.~~

The authorization to place a child in a secure care facility pursuant to this subsection shall expire 60 days, including Saturdays, Sundays and legal holidays, after it is issued. The court may grant extensions of such authorization for two additional periods not exceeding 60 days, including Saturdays, Sundays and legal holidays, upon rehearing pursuant to K.S.A. 38-1564, and amendments thereto. Payment by the secretary to a secure facility for child care services provided pursuant to this subsection shall be paid only upon receipt by the secretary of a copy of a valid court order.

(f) *Limitations on facilities used.* Nothing in this section shall authorize placement of a child in a juvenile detention facility, except that a child may be held in any such facility which, if in an adult jail, is in quarters separated by sight and sound from adult prisoners:

~~(1) When ordered by a court pursuant to subsection (c) or (d), for not longer than the times permitted by those subsections; or~~

~~(2) when ordered by a court pursuant to subsection (e), for not more than 24 hours following the hearing provided for by that subsection, except that nothing in this subsection shall allow a child to be held in an adult jail for more than 24 hours in an adult jail or lockup. Secure placement is limited to secure care facilities.~~

(g) *Time limits, computation.* Except as otherwise specifically provided by subsection (e), Saturdays, Sundays and legal holidays shall not be counted in computing any time limit imposed by this section.

(h) This section shall be part of and supplemental to the Kansas code for care of children.

Sec. 18. K.S.A. 1999 Supp. 38-1581 is hereby amended to read as follows: 38-1581. (a) Either in the petition filed under this code or in a motion made in proceedings under this code, any interested party may request that either or both parents be found unfit and the parental rights of either or both parents be terminated or a permanent guardianship be appointed.

(b) Whenever a pleading is filed requesting termination of parental rights, the pleading shall contain a statement of specific facts which are relied upon to support the request, including dates, times and locations to the extent known.

(c) The county or district attorney or the county or district attorney's designee shall file pleadings alleging a parent is unfit and requesting termination of parental rights or the establishment of a permanent guardianship within 30 days after the court has determined reintegration is not a viable alternative and unless the court has not found a compelling reason why adoption or permanent guardianship may not be in the best interest of the child. The court shall set a hearing on such pleadings and matters within 90 days of the filing of such pleadings.

Sec. 19. K.S.A. 1999 Supp. 38-1583 is hereby amended to read as follows: 38-1583. (a) When the child has been adjudicated to be a child in need of care, the court may terminate parental rights when the court finds by clear and convincing evidence that the parent is unfit by reason of conduct or condition which renders the parent unable to care properly for a child and the conduct or condition is unlikely to change in the foreseeable future.

(b) In making a determination hereunder the court shall consider, but is not limited to, the following, if applicable:

(1) Emotional illness, mental illness, mental deficiency or physical disability of the parent, of such duration or nature as to render the parent unlikely to care for the ongoing physical, mental and emotional needs of the child;

(2) conduct toward a child of a physically, emotionally or sexually cruel or abusive nature;

(3) excessive use of intoxicating liquors or narcotic or dangerous drugs;

(4) physical, mental or emotional neglect of the child;

(5) conviction of a felony and imprisonment;

(6) unexplained injury or death of another child or stepchild of the parent;

(7) reasonable efforts by appropriate public or private child caring agencies have been unable to rehabilitate the family; and

(8) lack of effort on the part of the parent to adjust the parent's circumstances, conduct or conditions to meet the needs of the child.

(c) In addition to the foregoing, when a child is not in the physical custody of a parent, the court, in proceedings concerning the termination of parental rights, shall also consider, but is not limited to the following:

(1) Failure to assure care of the child in the parental home when able to do so;

(2) failure to maintain regular visitation, contact or communication with the child or with the custodian of the child;

(3) failure to carry out a reasonable plan approved by the court directed toward the integration of the child into the parental home; and

(4) failure to pay a reasonable portion of the cost of substitute physical care and maintenance based on ability to pay.

In making the above determination, the court may disregard incidental visitations, contacts, communications or contributions.

(d) The rights of the parents may be terminated as provided in this section if the court finds that the parents have abandoned the child or the child was left under such circumstances that the identity of the parents is unknown and cannot be ascertained, despite diligent searching, and the parents have not come forward to claim the child within three

months after the child is found.

(e) The existence of any one of the above standing alone may, but does not necessarily, establish grounds for termination of parental rights. The determination shall be based on an evaluation of all factors which are applicable. In considering any of the above factors for terminating the rights of a parent, the court shall give primary consideration to the physical, mental or emotional condition and needs of the child. If presented to the court and subject to the provisions of K.S.A. 60-419, and amendments thereto, the court shall consider as evidence testimony from a person licensed to practice medicine and surgery, a licensed psychologist or a licensed social worker expressing an opinion relating to the physical, mental or emotional condition and needs of the child. The court shall consider any such testimony only if the licensed professional providing such testimony is subject to cross-examination.

(f) A termination of parental rights under the Kansas code for care of children shall not terminate the right of the child to inherit from or through the parent. Upon such termination, all the rights of birth parents to such child, including their right to inherit from or through such child, shall cease.

(g) If, after finding the parent unfit, the court determines a compelling reason why it is contrary to the welfare or not in the best interests of the child to terminate parental rights or upon agreement of the parents, the court may award permanent guardianship to an individual providing care for the child, a relative or other person with whom the child has a close emotional attachment. Prior to awarding permanent guardianship, the court shall receive and consider an assessment as provided in K.S.A. 59-2132 and amendments thereto of any potential permanent guardian. Upon appointment of a permanent guardian, the court shall enter an order discharging the child from the court's jurisdiction discharge the child from the custody of the secretary.

(h) If a parent is convicted of an offense as provided in subsection (7) of K.S.A. 38-1585 and amendments thereto or is adjudicated a juvenile offender because of an act which if committed by an adult would be an offense as provided in subsection (7) of K.S.A. 38-1585 and amendments thereto, and if the victim was the other parent of a child, the court may disregard such convicted or adjudicated parent's opinions or wishes in regard to the placement of such child.

(i) If the secretary has documented to the court a compelling reason why custody for adoption, custody for permanent guardianship, nor custody for placement with a fit and willing relative are currently a viable option, the court may order custody to remain with the secretary for continued permanency planning and another planned permanent living arrangement.

Sec. 20. K.S.A. 1999 Supp. 38-1584 is hereby amended to read as follows: 38-1584. (a) *Purpose of section.* The purpose of this section is to provide stability in the life of a child who must be removed from the home of a parent, to acknowledge that time perception of a child differs from that of an adult and to make the ongoing physical, mental and emotional needs of the child the decisive consideration in proceedings under this section. The primary goal for all children whose parents' parental rights have been terminated is placement in a permanent family setting.

(b) *Actions by the court.* (1) *Custody for adoption.* When parental rights have been terminated and it appears that adoption is a viable alternative, the court shall enter one of the following orders:

(A) An order granting custody of the child, for adoption proceedings, to a reputable person of good moral character, the secretary or a corporation organized under the laws of the state of Kansas authorized to care for and surrender children for adoption as provided in K.S.A. 38-112 *et seq.* and amendments thereto. The person, secretary or corporation shall have authority to place the child in a family home, be a party to proceedings and give consent for the legal adoption of the child which shall be the only consent required to authorize the entry of an order or decree of adoption.

(B) An order granting custody of the child to proposed adoptive parents and consenting to the adoption of the child by the proposed adoptive parents.

(continued)

(2) *Custody for long-term foster care permanent guardianship.* When parental rights have been terminated and it does not appear that adoption is a viable alternative, the court shall may enter an order granting custody of the child for foster care permanent guardianship to a reputable person of good moral character, a youth residential facility, the secretary or a corporation or association willing to receive the child, embracing in its objectives the purpose of caring for or obtaining homes for children. Upon appointment of a permanent guardian, the court shall discharge the child from the custody of the secretary.

(3) *Custody for placement with a fit and willing relative.* When parental rights have been terminated and it does not appear that adoption is a viable alternative, the court may enter an order granting custody of the child for placement with a willing relative who is a reputable person of good moral character. Upon an order of custody and placement with a fit and willing relative, the court shall discharge the child from the custody of the secretary.

(4) *Preferences in custody for adoption or long-term foster care permanent guardianship.* In making an order under subsection (b)(1) or (2), the court shall give preference, to the extent that the court finds it is in the best interests of the child, first to granting such custody to a relative of the child and second to granting such custody to a person with whom the child has close emotional ties.

(c) *Guardian and conservator of child.* The secretary shall be guardian and conservator of any child placed in the secretary's custody, subject to any prior conservatorship.

(d) *Reports and review of progress and reasonable efforts to implement a permanency plan of adoption, permanent guardianship, or placement with a fit and willing relative.* After parental rights have been terminated and up to the time an adoption has been accomplished, the person or agency awarded custody of the child shall within 60 days submit a written plan for permanent placement which shall include measurable objectives and time schedules and shall thereafter not less frequently than each six months make a written report to the court stating the progress having been made toward finding an adoptive placement or long-term foster care permanent guardianship or placement for the child with a fit and willing relative. Upon the receipt of each report the court shall review the contents thereof and determine whether or not a hearing should be held on the subject. In any case, the court shall notify all interested parties and hear evidence regarding progress toward finding an adoptive home or the acceptability of the long-term foster care permanent guardian or placement with a fit and willing relative plan within 12 months after parental rights have been terminated and every 12 months thereafter. If the court determines that inadequate progress is being reasonable efforts or progress have not been made toward finding an adoptive placement or establishing an acceptable long-term foster care plan permanent guardianship or placement with a fit and willing relative, the court may rescind its prior orders and make other orders regarding custody and adoption that are appropriate under the circumstances. Reports of a proposed adoptive placement need not contain the identity of the proposed adoptive parents.

(e) *Discharge upon adoption.* When the adoption of a child has been accomplished, the court shall enter an order discharging the child from the court's jurisdiction in the pending proceedings.

(f) *If the secretary has documented to the court a compelling reason why neither custody for adoption nor custody for permanent guardianship nor custody for placement with a fit and willing relative are currently a viable option, the court may order custody to remain with the secretary for continued permanency planning and another planned permanent living arrangement.*

Sec. 21. K.S.A. 1999 Supp. 38-1587 is hereby amended to read as follows: 38-1587. (a) A permanent guardian may be appointed after a finding of unfitness pursuant to K.S.A. 38-1583 and amendments thereto or with the consent and agreement of the parents.

(b) Upon appointment of the permanent guardian, the child in need of care proceeding shall be dismissed court shall discharge the child from the custody of the secretary.

Sec. 22. K.S.A. 1999 Supp. 38-1591 is hereby amended to read as follows: 38-1591. (a) An appeal may be taken by any interested party from any adjudication, disposition, termination of parental rights or order of temporary custody in any proceedings pursuant to this code.

(b) An appeal from an order entered by a district magistrate judge shall be to a district judge. The appeal shall be heard within 30 days from the date the notice of appeal is filed. If no record was made of the proceedings, the trial shall be de novo.

(c) Procedure on appeal shall be governed by article 21 of chapter 60 of the Kansas Statutes Annotated.

(d) Notwithstanding any other provision of law to the contrary, appeals under this section shall have priority over all other cases.

(e) Every notice of appeal, docketing statement and brief shall be verified by the interested party if the party has been personally served at any time during the proceedings. Failure to have the required verification shall result in the dismissal of the appeal.

Sec. 23. K.S.A. 1999 Supp. 38-1632 is hereby amended to read as follows: 38-1632. (a) *Length of detention.* (1) Whenever an alleged juvenile offender is taken into custody and is thereafter taken before the court or to a juvenile detention facility or youth residential facility designated by the court, the juvenile shall not remain detained for more than 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the initial detention was imposed, unless the court determines after hearing, within the 48-hour period, that further detention is necessary.

(2) If a juvenile is detained in jail pursuant to subsection (b) of K.S.A. 38-1691 and amendments thereto, the detention hearing required by this section shall be held within 24 hours after the juvenile is taken into custody.

(b) *Waiver of detention hearing.* The right of a juvenile to a detention hearing may be waived if the juvenile and the attorney for the juvenile consent in writing to waive the right to a detention hearing and the judge approves the waiver. Whenever the right to a detention hearing has been waived, the juvenile, the attorney for the juvenile or the juvenile's parents may reassert the right at any time not less than 48 hours prior to the time scheduled for trial by submitting a written request to the judge. Upon request, the judge shall immediately set the time and place for the hearing, which shall be held not more than 48 hours after the receipt of the request excluding Saturdays, Sundays and legal holidays.

(c) *Notice of hearing.* Whenever it is determined that a detention hearing is required the court shall immediately set the time and place for the hearing. Except as otherwise provided by subsection (b)(1) of K.S.A. 38-1691 and amendments thereto, notice of the detention hearing shall be given at least 24 hours prior to the hearing, unless waived, and shall be in substantially the following form:

(Name of Court)

(Caption of Case)

NOTICE OF DETENTION HEARING

TO: _____

(Juvenile)

(Father)

(Mother)

(Other having custody-relationship)

(Address)

On _____, 19____, at _____ o'clock _____ m.

(day) (date) (year)

there will be a hearing for the court to determine if there is a need for further detention of the above named juvenile. Each parent or other person having legal custody of the juvenile should be present at the hearing which will be held at _____

You have the right to hire an attorney to represent the above juvenile. Upon failure to hire an attorney the court will appoint an attorney for the juvenile and the juvenile, parent or other person having legal custody of the juvenile may be required to repay the court for the expense of the appointed attorney. The court may order one or both parents to pay child support.

Date: _____ 19____ Clerk of the District Court by _____

(Seal)

REPORT OF SERVICE

I certify that I have delivered a true copy of the above notice on the persons above named in the manner and at the times indicated below:

Name	Location of Service (other than above)	Manner of Service	Date	Time
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Date Returned: _____, 19____				
(Signature)				
(Title)				

(d) *Oral notice.* When there is insufficient time to give written notice, oral notice may be given and is completed upon filing a certificate of oral notice with the clerk in substantially the following form:

(Caption of Case)
CERTIFICATE OF ORAL NOTICE OF DETENTION HEARING
 I gave oral notice that the court will hold a hearing at _____ o'clock _____ m. on _____, 19____, to the persons listed, in the manner and at the times indicated below:

Name	Relationship	Date	Time	Method of Communication (in person or telephone)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

- I advised each of the above named persons that:
- (1) The hearing is to determine if the above named juvenile shall be detained;
 - (2) each parent or person having legal custody should be present at the hearing;
 - (3) they have the right to hire an attorney of their own choice for the juvenile;
 - (4) if an attorney is not hired, the court will appoint an attorney for the juvenile;
 - (5) the juvenile, parent or other person having custody of the juvenile may be required to repay the court for the expense of the appointed attorney; and
 - (6) the court may order one or both parents to pay child support.

(Signature)

 (Name Printed)

 (Title)

(e) *Hearing, finding, bond.* At the time set for the detention hearing if no retained attorney is present to represent the juvenile, the court shall appoint an attorney for the juvenile, and may recess the hearing for 24 hours to obtain attendance of the attorney appointed unless the juvenile is detained in jail pursuant to subsection (b)(1) of K.S.A. 38-1691 and amendments thereto. At the detention hearing, if the court finds the juvenile is dangerous to self or others, the juvenile may be detained in a juvenile detention facility or youth residential facility which the court shall designate. If the court finds the juvenile is not likely to appear for further proceedings, the juvenile may be detained in a juvenile detention facility or youth residential facility which the court shall designate or may be released upon the giving of an appearance bond in an amount specified by the court and on the conditions the court may impose, in accordance with the applicable provisions of article 28 of chapter 22 of the Kansas Statutes Annotated and amendments thereto. In the absence of either finding, the court shall order the juvenile released or placed in temporary custody as provided in subsection (f).

In determining whether to place a juvenile in a juvenile detention facility pursuant to this subsection, the court shall consider all relevant factors, including but not limited to the criteria listed in K.S.A. 38-1640 and amendments thereto. If the court orders the juvenile to be detained in a juvenile detention facility, the court shall record the specific findings of fact upon which the order is based.

If detention is ordered and the parent was not notified of the hearing and did not appear and later requests a rehearing, the court shall rehear the matter without unnecessary delay.

(f) *Temporary custody.* If the court determines that it is not necessary to detain the juvenile but finds that release to the custody of a parent is not in the best interests of the juvenile, the court may place the juvenile in the temporary custody of a youth residential facility, the commissioner or some other suitable person willing to accept temporary custody.

(g) *The court may enter an order removing a juvenile from the custody of a parent and placing the child in the temporary custody of the commissioner pursuant to K.S.A. 38-1664, and amendments thereto.*

(h) *Audio-video communications.* Detention hearings may be conducted by two-way electronic audio-video communication between the alleged juvenile offender and the judge in lieu of personal presence of the juvenile or the juvenile's counsel in the courtroom from any location within Kansas in the discretion of the court. The juvenile may be accompanied by the juvenile's counsel during such proceedings or counsel may

be personally present in court as long as a means of communication between the juvenile and the juvenile's counsel is available for consultation between the juvenile and the juvenile's counsel in confidence.

Sec. 24. K.S.A. 1999 Supp. 38-1663 is hereby amended to read as follows: 38-1663. (a) When a respondent has been adjudicated to be a juvenile offender, the judge may select from the following alternatives:

(1) Place the juvenile offender on probation for a fixed period, subject to the terms and conditions the court deems appropriate based on the juvenile justice programs in the community, including a requirement of making restitution as required by subsection (d).

(2) Place the juvenile offender in the custody of a parent or other suitable person, subject to the terms and conditions the court orders based on the juvenile justice programs in the community, including a requirement of making restitution as required by subsection (d).

(3) Place the juvenile offender in the custody of a youth residential facility or, in the case of a chronic runaway youth, place the youth in a secure facility, subject to the terms and conditions the court orders.

(4) Place the juvenile offender in the custody of the commissioner, as provided in K.S.A. 1999 Supp. 38-1664, and amendments thereto.

(5) Commit the juvenile offender to a sanctions house for a period no longer than seven days. Following such period, the court shall review the placement. The court may continue to recommit the juvenile offender to a sanctions house for a period no longer than seven days followed by a court review. Commitment to a sanctions house shall not exceed 28 total days for the same act or transaction. If in the adjudication order, the court orders a sanctions house placement for a verifiable probation violation and such probation violation occurs, the juvenile may immediately be taken to a sanctions house and detained for no more than 48 hours, excluding Saturdays, Sundays and holidays, prior to court review of the placement. The court and all other interested parties shall be notified of the sanctions house placement. An offender over 18 years of age or less than 23 years of age at sentencing may be committed to a county jail, in lieu of a sanctions house, under the same time restrictions imposed by this paragraph. No offender may be committed under this paragraph unless such offender has violated the terms of probation.

(6) Commit the juvenile offender to a community based program available in such judicial district subject to the terms and conditions the court orders.

(7) Impose any appropriate combination of paragraphs (1) through (6) of this subsection and make other orders directed to the juvenile offender as the court deems appropriate.

(8) Commit the juvenile offender to a juvenile correctional facility as provided by the placement matrix established in K.S.A. 1999 Supp. 38-16,129, and amendments thereto. *The provisions of K.S.A. 38-1664, and amendments thereto, shall not apply to juvenile offenders committed directly to a juvenile correctional facility.*

(9) Place the juvenile offender under a house arrest program administered by the court pursuant to K.S.A. 21-4603b, and amendments thereto.

(b) (1) In addition to any other order authorized by this section, the court may order the: (A) Juvenile offender and the parents of the juvenile offender to:

- (i) Attend counseling sessions as the court directs; or
- (ii) participate in mediation as the court directs. Participants in such mediation may include, but shall not be limited to, the victim, the juvenile offender and the juvenile offender's parents. Mediation shall not be mandatory for the victim;

(B) parents of the juvenile offender to participate in parenting classes; or

(C) juvenile offender to participate in a program of education offered by a local board of education including placement in an alternative educational program approved by a local board of education.

(2) Upon entering an order requiring a juvenile offender's parent to attend counseling sessions or mediation, the court shall give the parent notice of the order. The notice shall inform the parent of the parent's

(continued)

right to request a hearing within 10 days after entry of the order and the parent's right to employ an attorney to represent the parent at the hearing or, if the parent is financially unable to employ an attorney, the parent's right to request the court to appoint an attorney to represent the parent. If the parent does not request a hearing within 10 days after entry of the order, the order shall take effect at that time. If the parent requests a hearing, the court shall set the matter for hearing and, if requested, shall appoint an attorney to represent the parent. The expense and fees of the appointed attorney may be allowed and assessed as provided by K.S.A. 38-1606, and amendments thereto.

(3) The costs of any counseling or mediation may be assessed as expenses in the case. No mental health center shall charge a fee for court-ordered counseling greater than what the center would have charged the person receiving the counseling if the person had requested counseling on the person's own initiative. No mediator shall charge a fee for court-ordered mediation greater than what the mediator would have charged the person participating in the mediation if the person had requested mediation on the person's own initiative.

(c) (1) If a respondent has been adjudged to be a juvenile offender, the court, in addition to any other order authorized by this section, may suspend the juvenile offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state. The duration of the suspension ordered by the court shall be for a definite time period to be determined by the court. Upon suspension of a license pursuant to this subsection, the court shall require the juvenile offender to surrender the license to the court. The court shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the juvenile offender may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the juvenile offender's privilege to operate a motor vehicle is in effect. As used in this subsection, "highway" and "street" have the meanings provided by K.S.A. 8-1424 and 8-1473, and amendments thereto. Any respondent who is adjudicated to be a juvenile offender who does not have a driver's license may have such juvenile offender's driving privileges revoked. No Kansas driver's license shall be issued to a juvenile offender whose driving privileges have been revoked pursuant to this section for a definite time period to be determined by the court.

(2) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any respondent adjudicated to be a juvenile offender, as provided in subsection (c)(1), the court in which such juvenile offender was adjudicated to be a juvenile offender may enter an order which places conditions on such juvenile offender's privilege of operating a motor vehicle on the streets and highways of this state, a certified copy of which such juvenile offender shall be required to carry any time such juvenile offender is operating a motor vehicle on the streets and highways of this state. Any such order shall prescribe the duration of the conditions imposed and shall specify that such duration shall be for a definite time period to be determined by the court. Upon entering an order restricting a juvenile offender's license hereunder, the court shall require such juvenile offender to surrender such juvenile offender's driver's license to the court. The court shall transmit the license to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such juvenile offender's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the juvenile offender for whom the license was issued any time such juvenile offender is operating a motor vehicle on the streets and highways of this state. If the juvenile offender is a nonresident, the court shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of such juvenile offender's state of residence. Such court shall furnish to any juvenile offender whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a

valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this subsection. Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such juvenile offender may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such juvenile offender's privilege to operate a motor vehicle on the streets and highways of this state has been suspended or revoked prior thereto. If any juvenile offender shall violate any of the conditions imposed under this subsection, such juvenile offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state shall be revoked for a period as determined by the court in which such juvenile offender is convicted of violating such conditions.

(d) Whenever a juvenile offender is placed pursuant to subsection (a)(1) or (2), the court, unless it finds compelling circumstances which would render a plan of restitution unworkable, shall order the juvenile offender to make restitution to persons who sustained loss by reason of the offense. The restitution shall be made either by payment of an amount fixed by the court or by working for the persons in order to compensate for the loss. If the court finds compelling circumstances which would render a plan of restitution unworkable, the court may order the juvenile offender to perform charitable or social service for organizations performing services for the community.

Nothing in this subsection shall be construed to limit a court's authority to order a juvenile offender to make restitution or perform charitable or social service under circumstances other than those specified by this subsection or when placement is made pursuant to subsection (a)(3) or (4).

(e) In addition to or in lieu of any other order authorized by this section, the court may order a juvenile offender to pay a fine not exceeding \$250 for each offense. In determining whether to impose a fine and the amount to be imposed, the court shall consider the following:

(1) Imposition of a fine is most appropriate in cases where the juvenile offender has derived pecuniary gain from the offense.

(2) The amount of the fine should be related directly to the seriousness of the juvenile offender's offense and the juvenile offender's ability to pay.

(3) Payment of a fine may be required in a lump sum or installments.

(4) Imposition of a restitution order is preferable to imposition of a fine.

(5) The juvenile offender's duty of payment should be limited in duration and in no event should the time necessary for payment exceed the maximum term which would be authorized if the offense had been committed by an adult.

(f) In addition to or in lieu of any other order authorized by this section, if a juvenile is adjudicated to be a juvenile offender by reason of a violation of K.S.A. 41-719, 41-727, 65-4101 through 65-4164 or K.S.A. 1999 Supp. 8-1599, and amendments thereto, the court shall order the juvenile offender to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. The court may waive such evaluation if the court finds that the juvenile offender has completed successfully an alcohol and drug evaluation, approved by the community-based alcohol and drug safety action program, within 12 months before sentencing. If such evaluation occurred more than 12 months before sentencing, the court shall order the juvenile offender to resubmit to and complete such evaluation and program as provided herein. If the court finds that the juvenile offender and those legally liable for the offender's support are indigent, the fee may be waived. In no event shall the fee be assessed against the commissioner or the juvenile justice authority. The court may require the parent or guardian of the juvenile offender to attend such program with the juvenile offender.

(g) The board of county commissioners of a county may provide by resolution that the parents or guardians of any juvenile offender placed under a house arrest program pursuant to subsection (a)(9) shall be re-

quired to pay to the county the cost of such house arrest program. The board of county commissioners shall prepare a sliding financial scale based on the ability of the parents to pay for such a program.

(h) In addition to any other order authorized by this section, if child support has been requested and the parent or parents have a duty to support the respondent the court may order, and when custody is placed with the commissioner shall order, one or both parents to pay child support. The court shall determine, for each parent separately, whether the parent already is subject to an order to pay support for the respondent. If the parent currently is not ordered to pay support for the respondent and the court has personal jurisdiction over the parent, the court shall order the parent to pay child support in an amount determined under K.S.A. 38-16,117, and amendments thereto. Except for good cause shown, the court shall issue an immediate income withholding order pursuant to K.S.A. 23-4,105 *et seq.*, and amendments thereto, for each parent ordered to pay support under this subsection, regardless of whether a payor has been identified for the parent. A parent ordered to pay child support under this subsection shall be notified, at the hearing or otherwise, that the child support order may be registered pursuant to K.S.A. 38-16,119, and amendments thereto. The parent also shall be informed that, after registration, the income withholding order may be served on the parent's employer without further notice to the parent and the child support order may be enforced by any method allowed by law. Failure to provide this notice shall not affect the validity of the child support order.

(i) Any order issued by the judge pursuant to this section shall be in effect immediately upon entry into the court's journal.

(j) In addition to the requirements of K.S.A. 38-1671, and amendments thereto, if a person is under 18 years of age and convicted of a felony or adjudicated as a juvenile offender for an offense if committed by an adult would constitute the commission of a felony, the court shall forward a signed copy of the journal entry to the commissioner within 30 days of final disposition.

(k) The sentencing hearing shall be open to the public as provided in K.S.A. 38-1652, and amendments thereto.

Sec. 25. K.S.A. 1999 Supp. 38-1664 is hereby amended to read as follows: 38-1664. (a) Prior to placing a juvenile offender in the custody of the commissioner and recommending out-of-home placement, the court shall consider and determine that, where consistent with the need for protection of the community:

(1) ~~Reasonable efforts have been made to prevent or eliminate the need for out-of-home placement or reasonable efforts are not possible due to an emergency threatening the safety of the juvenile offender or the community, and~~

~~(2) out-of-home placement is in the best interests of the juvenile offender. Reasonable efforts have been made to maintain the family unit and prevent unnecessary removal of a juvenile offender from the juvenile offender's home, as long as the juvenile offender's safety is assured, or an emergency exists which threatens the safety of the juvenile offender. If the juvenile offender is in the custody of the secretary of social and rehabilitation services under the Kansas code for the care of children, the secretary shall prepare a report for the court documenting such reasonable efforts. If the juvenile offender is in the custody of the commissioner, the commissioner shall prepare a report for the court documenting such reasonable efforts. Otherwise, the predisposition investigation writer shall prepare a report to the court documenting such reasonable efforts. Reasonable efforts are not required prior to removal if the court finds:~~

~~(A) A court of competent jurisdiction has determined that the parent has subjected the juvenile offender to aggravated circumstances;~~

~~(B) a court of competent jurisdiction has determined that the parent has been convicted of a murder of another child of the parent; voluntary manslaughter of another child of the parent; aiding or abetting, attempting, conspiring or soliciting to commit such a murder of such a voluntary manslaughter; or a felony assault that results in serious bodily injury to the juvenile offender or another child of the parent; or~~

~~(C) the parental rights of the parent with respect to a sibling have been terminated involuntarily.~~

Such findings must be included in the court's order.

(2) *The juvenile offender's removal from the home must be the result of a judicial determination to the effect that continuation of residence in the home would be contrary to the welfare, or that placement would be in the best interests, of the juvenile offender. The contrary to the welfare determination must be made in the first court ruling that sanctions the removal of a juvenile offender from the home.*

(3) *A permanency plan must be presented at disposition or within 30 days thereafter. If a permanency plan is in place under a child in need of care proceeding, the court may adopt the plan under the present proceeding. If the juvenile offender is placed in the custody of the commissioner, the commissioner shall prepare the plan. The plan must comply with the requirements of subsection (a) of K.S.A. 38-1565, and amendments thereto. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan.*

(4) *The court must determine that reasonable efforts have been made and what progress has been made to finalize the permanency plan that is in effect within 12 months of the date the juvenile offender is considered to have entered foster care and at least once every 12 months thereafter while the juvenile offender is in foster care.*

(5) *The court must reflect reasonable efforts and contrary to the welfare findings in orders awarding custody to the commissioner temporarily, at sentencing and at modification hearings. If the juvenile offender is placed in the custody of the commissioner, the court shall provide the commissioner with a written copy of any orders entered upon making the order for the purpose of documenting the orders.*

(6) *If the juvenile offender is placed in the commissioner's custody, the commissioner shall document in writing the reasonable efforts that have been made and the progress made to finalize the permanency plan, before each hearing reviewing the plan.*

(b) When a juvenile offender has been placed in the custody of the commissioner, the commissioner shall notify the court in writing of the initial placement of the juvenile offender as soon as the placement has been accomplished. The court shall have no power to direct a specific placement by the commissioner, but may make recommendations to the commissioner. The commissioner may place the juvenile offender in an institution operated by the commissioner, a youth residential facility or a community mental health center. If the court has recommended an out-of-home placement, the commissioner may not return the juvenile offender to the home from which removed without first notifying the court of the plan.

(c) During the time a juvenile offender remains in the custody of the commissioner, the commissioner shall report to the court at least each six months as to the current living arrangement and social and mental development of the juvenile offender and document in writing the reasonable efforts that have been made and the progress made to finalize the permanency plan.

(d) If the juvenile offender is placed outside the juvenile offender's home, a permanency hearing shall be held not more than 12 months after the juvenile offender is placed outside the juvenile offender's home and, if reintegration is a viable alternative, every 12 months thereafter. The court may appoint a guardian ad litem to represent the juvenile offender at the permanency hearing. Juvenile offenders who have been in extended out of home placement shall be provided a permanency hearing within 30 days of a request from the commissioner. If reintegration is not a viable alternative and either adoption or permanent guardianship might be in the best interests of the juvenile offender the county or district attorney shall file a petition alleging the juvenile is a child in need of care and requesting termination of parental rights or the appointment of a permanent guardian pursuant to the Kansas code for care of children. If the juvenile offender is placed in foster care, the foster parent or parents shall submit to the court, at least every six months, a report in regard to the juvenile offender's adjustment, progress and condition. The juvenile justice authority shall notify the foster parent or parents of the foster parents' or parent's duty to submit such report, on a form provided by the juvenile

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justice authority, at least two weeks prior to the date when the report is due, and the name of the judge and the address of the court to which the report is to be submitted. Such report shall be confidential and shall only be reviewed by the court and the child's attorney.

(e) The report made by foster parents and provided by the commissioner of juvenile justice, pursuant to this section, shall be in substantially the following form:

**REPORT FROM FOSTER PARENTS
CONFIDENTIAL**

Child's Name	Current Address
Parent's Name	Foster Parents
Primary Social Worker	
Please circle the word which best describes the child's progress	
1. Child's adjustment in the home excellent good satisfactory	needs improvement
2. Child's interaction with foster parents and family members excellent good satisfactory	needs improvement
3. Child's interaction with others excellent good satisfactory	needs improvement
4. Child's respect for property excellent good satisfactory	needs improvement
5. Physical and emotional condition of the child excellent good satisfactory	needs improvement
6. Social worker's interaction with the child and foster family excellent good satisfactory	needs improvement
7. School status of child:	
School	Grade
Grades Good _____ Fair _____ Poor _____	
Attendance Good _____ Fair _____ Poor _____	
Behavior Good _____ Fair _____ Poor _____	
8. If visitation with parents has occurred, describe the frequency of visits, with whom, supervised or unsupervised, and any significant events which have occurred.	
9. Your opinion regarding the overall adjustment, progress and condition of the child:	
10. Do you have any special concerns or comments with regard to the child not addressed by this form? Please specify.	

Sec. 26. K.S.A. 1999 Supp. 38-1673 is hereby amended to read as follows: 38-1673. (a) When a juvenile offender has satisfactorily completed such offender's term of incarceration at the juvenile correctional facility to which the juvenile offender was committed or placed, the person in charge of the juvenile correctional facility shall have authority to release the juvenile offender under appropriate conditions and for a specified period of time. Prior to release from a juvenile correctional facility, the commissioner shall consider any recommendations made by the juvenile offender's juvenile community corrections community case management officer.

(b) At least 15 20 days prior to releasing a juvenile offender as provided in subsection (a), the person in charge of the juvenile correctional facility shall notify the committing court of the date and conditions upon which it is proposed the juvenile offender is to be released. The person in charge of the juvenile correctional facility shall notify the school district in which the juvenile offender will be residing if the juvenile is still required to attend a school. Such notification to the school shall include the name of the juvenile offender, address upon release, contact person with whom the juvenile offender will be residing upon release, anticipated date of release, anticipated date of enrollment in school, name and phone number of case worker, crime or crimes of adjudication if not confidential based upon other statutes, conditions of release, and any other information the commissioner deems appropriate. To ensure the educational success of the student, the community case manager or a representative from the residential facility where the juvenile offender will reside shall contact the principal of the receiving school in a timely manner to review the juvenile offender's case. If such juvenile offender's offense would have constituted an off-grid felony, nondrug felony crime ranked at severity level 1, 2, 3, 4 or 5, or a drug felony crime ranked at severity level 1, 2 or 3, on or after July 1, 1993, if committed by an adult, the person in charge of the juvenile correctional facility shall notify the county or district attorney of the county where the offender was adjudicated a juvenile offender of the date and conditions upon which it is proposed the juvenile offender is to be released. The county or district attorney shall give written

notice at least five days prior to the release of the juvenile offender to: (1) Any victim of the juvenile offender's crime who is alive and whose address is known to the court or, if the victim is deceased, to the victim's family if the family's address is known to the court; and (2) the local law enforcement agency. Failure to notify pursuant to this section shall not be a reason to postpone a release. Nothing in this section shall create a cause of action against the state or county or an employee of the state or county acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section.

(c) Upon receipt of the notice required by subsection (b), the court shall review the proposed conditions of release and may recommend modifications or additions to the conditions.

(d) If, during the conditional release, the juvenile offender is not returning to the county from which committed, the person in charge of the juvenile correctional facility shall also give notice to the court of the county in which the juvenile offender is to be residing.

(e) To assure compliance with conditions of release from a juvenile correctional facility, the commissioner shall have the authority to prescribe the manner in which compliance with the conditions shall be supervised. When requested by the commissioner, the appropriate court may assist in supervising compliance with the conditions of release during the term of the conditional release. The commissioner may require the parents or guardians of the juvenile offender to cooperate and participate with the conditions of release.

(f) For acts committed before July 1, 1999, the juvenile justice authority shall notify at least 45 days prior to the discharge of the juvenile offender the county or district attorney of the county where the offender was adjudicated a juvenile offender of the release of such juvenile offender, if such juvenile offender's offense would have constituted a class A, B or C felony before July 1, 1993, or an off-grid felony, a nondrug crime ranked at severity level 1, 2, 3, 4 or 5 or a drug crime ranked at severity level 1, 2 or 3, on or after July 1, 1993, if committed by an adult. The county or district attorney shall give written notice at least 30 days prior to the release of the juvenile offender to: (1) Any victim of the juvenile offender's crime who is alive and whose address is known to the court or, if the victim is deceased, to the victim's family if the family's address is known to the court; and (2) the local law enforcement agency; and (3) the school district in which the juvenile offender will be residing if the juvenile is still required to attend a secondary school. Failure to notify pursuant to this section shall not be a reason to postpone a release. Nothing in this section shall create a cause of action against the state or county or an employee of the state or county acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section.

(g) Conditional release programs shall include, but not be limited to, the treatment options of aftercare services.

Sec. 27. K.S.A. 1999 Supp. 38-1674 is hereby amended to read as follows: 38-1674. If it is alleged that a juvenile offender who has been conditionally released from a juvenile correctional facility has failed to obey the specified conditions of release, any officer assigned to supervise compliance with the conditions of release or the county or district attorney may file a motion with the committing court or the court of the county in which the juvenile offender is residing. The motion shall describe the alleged violation and request a hearing thereon. The court shall then proceed in the same manner and under the same procedure as provided for a hearing on a complaint filed under this code. If the court finds that a condition of release has been violated, the court may modify or impose additional conditions of release that the court considers appropriate; extend the term of the conditional release or order that the juvenile offender be returned to the juvenile correctional facility until discharged by the commissioner as determined by the placement matrix and the court's determination of the specified term of incarceration to serve the conditional release revocation incarceration and after care term set by the court pursuant to the placement matrix as provided in K.S.A. 1999 Supp. 38-16,129, and amendments thereto.

Sec. 28. K.S.A. 1999 Supp. 38-1675 is hereby amended to read as follows: 38-1675. (a) Unless a juvenile is sentenced pursuant to an ex-

tended jurisdiction juvenile prosecution upon court order, and the commissioner transfers the juvenile offender to the custody of the secretary of corrections, when a juvenile offender has reached the age 23 years or has completed the prescribed term of incarceration at a juvenile correctional facility together with any conditional release following the program, the commissioner shall discharge the juvenile offender from any further obligation under the commitment. The discharge shall operate as a full and complete release from any obligations imposed on the juvenile offender arising from the offense for which the juvenile offender was committed.

(b) For acts committed before July 1, 1999, at least 45 days prior to the discharge of the juvenile offender, the juvenile justice authority shall notify the court and the county or district attorney of the county where the offender was adjudicated a juvenile offender of the discharge of such juvenile offender, if such juvenile offender's offense would have constituted a class A, B or C felony before July 1, 1993, or an off-grid felony, a nondrug crime ranked at severity level 1, 2, 3, 4 or 5 or a drug crime ranked at severity level 1, 2 or 3, on or after July 1, 1993, if committed by an adult. The county or district attorney shall give written notice at least 30 days prior to the discharge of the juvenile offender to: (1) Any victim of the juvenile offender's crime who is alive and whose address is known to the court or, if the victim is deceased, to the victim's family if the family's address is known to the court; and (2) the local law enforcement agency; and (3) the school district in which the juvenile offender will be residing if the juvenile is still required to attend a secondary school. Failure to notify pursuant to this section shall not be a reason to postpone a discharge. Nothing in this section shall create a cause of action against the state or county or an employee of the state or county acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section.

Sec. 29. K.S.A. 1999 Supp. 38-1676 is hereby amended to read as follows: 38-1676. (a) For acts committed before July 1, 1999, if a juvenile offender has committed an act which, if committed by a person 18 years of age or over, would constitute a class A or B felony, if the offense was committed before July 1, 1993, or an off-grid felony, a nondrug crime ranked at severity level 1, 2 or 3 or a drug crime ranked at severity level 1 or 2, if the offense was committed on or after July 1, 1993, and such juvenile offender is to be released, 45 days before release, the commissioner shall notify the county attorney or district attorney, the court, the local law enforcement agency, and the school district in which the juvenile offender will be residing if the juvenile is still required to attend a secondary school, of such pending release. The county attorney, district attorney or the court on its own motion may file a motion with the court for a hearing to determine if the juvenile offender should be retained in the custody of the commissioner, pursuant to K.S.A. 38-1675, and amendments thereto. The court shall fix a time and place for hearing and shall notify each party of the time and place.

(b) Following the hearing if the court orders for the commissioner to retain custody, the juvenile offender shall not be held in a juvenile correctional facility for longer than the maximum term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which the juvenile offender has been adjudicated to have committed.

(c) As used in this section, "maximum term of imprisonment" means the greatest maximum sentence authorized by K.S.A. 21-4501 and amendments thereto, applying any enhanced penalty which would be applicable under K.S.A. 21-4504 and amendments thereto and computing terms as consecutive when required by K.S.A. 21-4608 and amendments thereto.

(d) This section shall be part of and supplemental to the Kansas juvenile justice code.

Sec. 30. K.S.A. 1999 Supp. 38-1691 is hereby amended to read as follows: 38-1691. (a) On and after January 1, 1993, no juvenile shall be detained or placed in any jail pursuant to the Kansas juvenile justice code except as provided by subsections (b), (c) and (d).

(b) Upon being taken into custody, an alleged juvenile offender may be detained temporarily in a jail, in quarters with sight and sound separa-

ration from adult prisoners, for the purpose of identifying and processing the juvenile and transferring the juvenile to a youth residential facility or juvenile detention facility. If a juvenile is detained in jail under this subsection, the juvenile shall be detained only for the minimum time necessary, not to exceed six hours, and in no case overnight.

(c) The provisions of this section shall not apply to detention of a juvenile:

(1) (A) Against whom a motion has been filed requesting prosecution as an adult pursuant to K.S.A. 38-1636, and amendments thereto; and (B) who has received the benefit of a detention hearing pursuant to K.S.A. 38-1640, and amendments thereto;

(2) whose prosecution as an adult or classification as an extended jurisdiction juvenile has been authorized pursuant to K.S.A. 38-1636, and amendments thereto; or

(3) who has been convicted previously as an adult under the code of criminal procedure or the criminal laws of another state or foreign jurisdiction.

(d) The provisions of this section shall not apply to the detention of any person 18 years of age or more who is taken into custody and is being prosecuted in accordance with the provisions of the Kansas juvenile justice code.

(e) The Kansas juvenile justice authority or the authority's contractor shall have authority to review jail records to determine compliance with the provisions of this section.

(f) This section shall be part of and supplemental to the Kansas juvenile justice code.

Sec. 31. K.S.A. 1999 Supp. 38-16,129 is hereby amended to read as follows: 38-16,129. On and after July 1, 1999: (a) For the purpose of committing juvenile offenders to a juvenile correctional facility, the following placements shall be applied by the judge in felony or misdemeanor cases for offenses committed on or after July 1, 1999. If used, the court shall establish a specific term of commitment as specified in this subsection, unless the judge conducts a departure hearing and finds substantial and compelling reasons to impose a departure sentence as provided in K.S.A. 1999 Supp. 38-16,132 and amendments thereto.

(1) *Violent Offenders.* (A) The violent offender I is defined as an offender adjudicated as a juvenile offender for an offense which, if committed by an adult, would constitute an off-grid felony. Offenders in this category may be committed to a juvenile correctional facility for a minimum term of 60 months and up to a maximum term of the offender reaching the age of 22 years, six months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of the offender reaching the age of 23 years.

(B) The violent offender II is defined as an offender adjudicated as a juvenile offender for an offense which, if committed by an adult, would constitute a nondrug level 1, 2 or 3 felony. Offenders in this category may be committed to a juvenile correctional facility for a minimum term of 24 months and up to a maximum term of the offender reaching the age 22 years, six months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of the offender reaching the of age 23 years.

(2) *Serious Offenders.* (A) The serious offender I is defined as an offender adjudicated as a juvenile offender for an offense which, if committed by an adult, would constitute a nondrug severity level 4, 5 or 6 person felony or a severity level 1 or 2 drug felony. Offenders in this category may be committed to a juvenile correctional facility for a minimum term of 18 months and up to a maximum term of 36 months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of 24 months.

(B) The serious offender II is defined as an offender adjudicated as a juvenile offender for an offense which, if committed by an adult, would constitute a nondrug severity level 7, 8, 9 or 10 person felony with one prior felony adjudication. Offenders in this category may be committed to a juvenile correctional facility for a minimum term of nine months and up to a maximum term of 18 months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of 24 months.

(continued)

(3) *Chronic Offenders.* (A) The chronic offender I, chronic felon is defined as an offender adjudicated as a juvenile offender for an offense which, if committed by an adult, would constitute:

- (i) One present nonperson felony adjudication and two prior felony adjudications; or
- (ii) one present severity level 3 drug felony adjudication and two prior felony adjudications.

Offenders in this category may be committed to a juvenile correctional facility for a minimum term of six months and up to a maximum term of 18 months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of 12 months.

(B) The chronic offender II, escalating felon is defined as an offender adjudicated as a juvenile offender for an offense which, if committed by an adult, would constitute:

- (i) One present felony adjudication and two prior misdemeanor adjudications;
- (ii) one present felony adjudication and two prior severity level 4 drug adjudications;
- (iii) one present severity level 3 drug felony adjudication and two prior misdemeanor adjudications; or
- (iv) one present severity level 3 drug felony adjudication and two prior severity level 4 drug adjudications.

Offenders in this category may be committed to a juvenile correctional facility for a minimum term of six months and up to a maximum term of 18 months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of 12 months.

(C) The chronic offender III, escalating misdemeanor is defined as an offender adjudicated as a juvenile offender for an offense which, if committed by an adult, would constitute:

- (i) One present misdemeanor adjudication and two prior misdemeanor adjudications and two out-of-home placement failures;
- (ii) one present misdemeanor adjudication and two prior severity level 4 drug felony adjudications and two out-of-home placement failures;
- (iii) one present severity level 4 drug felony adjudication and two prior misdemeanor adjudications and two out-of-home placement failures; or
- (iv) one present severity level 4 drug felony adjudication and two prior severity level 4 drug felony adjudications and two out-of-home placement failures.

Offenders in this category may be committed to a juvenile correctional facility for a minimum term of three months and up to a maximum term of six months. The aftercare term for this offender is set at a minimum term of three months and up to a maximum term of six months.

(4) *Conditional Release Violators.* Conditional release violators may be committed to a juvenile correctional facility, youth residential facility, juvenile detention facility, institution, a sanctions house or to other appropriate community placement for a minimum term of three months and up to a maximum term of six months. The aftercare term for this offender is set at a minimum term of two months and up to a maximum term of six months, or the maximum term of the original aftercare term, whichever is longer.

(b) As used in this section: (1) "Placement failure" means a juvenile offender has been placed out-of-home on probation in a community placement accredited by the commissioner in a juvenile offender case and the offender has violated significantly the terms of probation in that case.

(2) "Adjudication" includes out-of-state juvenile adjudications. An out-of-state offense which if committed by an adult would constitute the commission of a felony or misdemeanor shall be classified as either a felony or a misdemeanor according to the adjudicating jurisdiction. If an offense which if committed by an adult would constitute the commission of a felony is a felony in another state, it will be deemed a felony in Kansas. The state of Kansas shall classify the offense, which if committed by an adult would constitute the commission of a felony or misdemeanor, as person or nonperson. In designating such offense as person or nonperson, reference to comparable offenses shall be made. If the state of Kansas

does not have a comparable offense, the out-of-state adjudication shall be classified as a nonperson offense.

(c) All appropriate community placement options shall have been exhausted before a chronic offender III, escalating misdemeanor shall be placed in a juvenile correctional facility. A court finding shall be made acknowledging that appropriate community placement options have been pursued and no such option is appropriate.

(d) The commissioner shall work with the community to provide ongoing support and incentives for the development of additional community placements to ensure that the chronic offender III, escalating misdemeanor sentencing category is not frequently utilized.

Sec. 32. K.S.A. 1999 Supp. 72-1113 is hereby amended to read as follows: 72-1113. (a) Each board of education shall designate one or more employees who shall report to the secretary of social and rehabilitation services, or a designee thereof, or to the appropriate county or district attorney pursuant to an agreement as provided in this section, all cases of children who are less than 13 years of age and are not attending school as required by law, and to the appropriate county or district attorney, or a designee thereof, all cases of children who are 13 or more years of age but less than 18 years of age and are not attending school as required by law. The designation shall be made no later than September 1 of each school year and shall be certified no later than 10 days thereafter by the board of education to the secretary of social and rehabilitation services, or the designee thereof, to the county or district attorney, or the designee thereof, and to the commissioner of education. The commissioner of education shall compile and maintain a list of the designated employees of each board of education. The local area office of the department of social and rehabilitation services may enter into an agreement with the appropriate county or district attorney to provide that the designated employees of such board of education shall make the report as provided in this section for all cases of children who are less than 13 years of age and are not attending school as provided by law to the county or district attorney in lieu of the secretary, or the secretary's designee. If such agreement is made, the county or district attorney shall carry out all duties as otherwise provided by this subsection conferred on the secretary or the secretary's designee. A copy of such agreement shall be provided to the director of such area office of the department of social and rehabilitation services and to the school districts affected by the agreement.

(b) Whenever a child is required by law to attend school, and the child is not enrolled in a public or nonpublic school, the child shall be considered to be not attending school as required by law and a report thereof shall be made in accordance with the provisions of subsection (a) by a designated employee of the board of education of the school district in which the child resides. The provisions of this subsection are subject to the provisions of subsection (d).

(c) (1) Whenever a child is required by law to attend school and is enrolled in school, and the child is inexcusably absent therefrom on either three consecutive school days or five school days in any semester or seven school days in any school year, whichever of the foregoing occurs first, the child shall be considered to be not attending school as required by law. A child is inexcusably absent from school if the child is absent therefrom all or a significant part of a school day without a valid excuse acceptable to the school employee designated by the board of education to have responsibility for the school attendance of such child.

(2) Each board of education shall adopt rules for determination of valid excuse for absence from school and for determination of what shall constitute a "significant part of a school day" for the purpose of this section.

(3) Each board of education shall designate one or more employees, who shall each be responsible for determining the acceptability and validity of offered excuses for absence from school of specified children, so that a designee is responsible for making such determination for each child enrolled in school.

(4) Whenever a determination is made in accordance with the provisions of this subsection that a child is not attending school as required

by law, the designated employee who is responsible for such determination shall make a report thereof in accordance with the provisions of subsection (a).

(5) The provisions of this subsection are subject to the provisions of subsection (d).

(d) (1) Prior to making any report under this section that a child is not attending school as required by law, the designated employee of the board of education shall serve written notice thereof, by personal delivery or by first class mail, upon a parent or person acting as parent of the child. The notice shall inform the parent or person acting as parent that continued failure of the child to attend school without a valid excuse will result in a report being made to the secretary of social and rehabilitation services or to the county or district attorney. Upon failure, on the school day next succeeding personal delivery of the notice or within three school days after the notice was mailed, of attendance at school by the child or of an acceptable response, as determined by the designated employee, to the notice by a parent or person acting as parent of the child, the designated employee shall make a report thereof in accordance with the provisions of subsection (a). The designated employee shall submit with the report a certificate verifying the manner in which notice was provided to the parent or person acting as parent.

(2) Whenever a law enforcement officer assumes temporary custody of a child who is found away from home or school without a valid excuse during the hours school is actually in session, and the law enforcement officer delivers the child to the school in which the child is enrolled or to a location designated by the school in which the child is enrolled to address truancy issues, the designated employee of the board of education shall serve notice thereof upon a parent or person acting as parent of the child. The notice may be oral or written and shall inform the parent or person acting as parent of the child that the child was absent from school without a valid excuse and was delivered to school by a law enforcement officer.

(e) Whenever the secretary of social and rehabilitation services receives a report required under this section, the secretary shall investigate the matter. If, during the investigation, the secretary determines that the reported child is not attending school as required by law, the secretary shall institute proceedings under the code for care of children. If, during the investigation, the secretary determines that a criminal prosecution should be considered, the secretary shall make a report of the case to the appropriate law enforcement agency.

(f) Whenever a county or district attorney receives a report required under this section, the county or district attorney shall investigate the matter. If, during the investigation, the county or district attorney determines that the reported child is not attending school as required by law, the county or district attorney shall prepare and file a petition alleging that the child is a child in need of care. If, during the investigation, the county or district attorney determines that a criminal prosecution is necessary, the county or district attorney shall commence the same such action.

(g) As used in this section, "board of education" means the board of education of a school district or the governing authority of a nonpublic school. The provisions of this act shall apply to both public and nonpublic schools.

Sec. 33. K.S.A. 75-3329 is hereby amended to read as follows: 75-3329. As used in this act:

(a) "Board" means the secretary of social and rehabilitation services.

(b) "State institution" means institution as defined in K.S.A. 76-12a01, and amendments thereto.

(c) "Child" or "children" means a person or persons under the age of eighteen (18) 18.

(d) "Private children's home" means any licensed home, institution or charitable organization which is operated by a corporation organized not for profit under the laws of this state which the secretary finds has and maintains adequate facilities and is properly staffed to provide adequate care, custody, education, training and treatment for any child which the secretary may place therein under the authority of this act, or a licensed foster care home, boarding home, personal care home or nursing home.

New Sec. 34. In any action pursuant to the Kansas juvenile justice code in which the respondent is adjudicated upon a plea of guilty or trial by court or jury or upon completion of an appeal, the judge, if sentencing the respondent to confinement, shall direct that, for the purpose of computing respondent's sentence and release, eligibility and conditional release dates thereunder, that such sentence is to be computed from a date, to be specifically designated by the court in the sentencing order. Such date shall be established to reflect and shall be computed as an allowance for the time which the respondent has spent incarcerated pending the disposition of the respondent's case. In recording the date of commencement of such sentence, the date as specifically set forth by the court shall be used as the date of sentence and all good time calculations authorized by law are to be allowed on such sentence from such date as though the defendant were actually incarcerated in a juvenile correctional facility. Such credit shall not reduce the minimum term of incarceration authorized by law for the offense of which the respondent has been adjudicated.

New Sec. 35. All juvenile corrections officers and those employees within the juvenile corrections officer series first employed on and after July 1, 2000, shall be required to be at least 21 years of age, shall possess no felony convictions, and shall meet such physical agility requirements as set by the commissioner.

Sec. 36. K.S.A. 38-1503, 38-1531, 38-1566, 38-1567, 38-1568 and 75-3329 and K.S.A. 1999 Supp. 22-4904, 38-1502, 38-1507, 38-1513, 38-1532, 38-1542, 38-1543, 38-1544, 38-1562, 38-1563, 38-1565, 38-1581, 38-1583, 38-1584, 38-1587, 38-1591, 38-1632, 38-1663, 38-1664, 38-1673, 38-1674, 38-1675, 38-1676, 38-1691, 38-16129 and 72-1113 are hereby repealed.

Sec. 37. This act shall take effect and be in force from and after its publication in the Kansas register.

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the index to the 1997 Volumes of the Kansas Administrative Regulations and the 1999 Supplement to

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1-2-84	Amended	V. 18, p. 1337
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28-4-330 through 28-4-343 New (T) V. 18, p. 1058-1070

28-4-330 through 28-4-343 New V. 18, p. 1600-1612
28-4-501 Amended V. 19, p. 422
28-4-503 Amended V. 19, p. 423
28-4-504 Amended V. 19, p. 423
28-4-505 Amended V. 19, p. 423
28-4-513 Amended V. 19, p. 423
28-4-530 Revoked V. 19, p. 423
28-4-531 Revoked V. 19, p. 423

26-16-28b through 28-16-28f Amended V. 18, p. 1021-1033
28-17-15 Amended (T) V. 19, p. 680
28-19-50 Revoked V. 18, p. 50
28-19-52 Revoked V. 18, p. 50
28-19-201 Amended V. 18, p. 106
28-19-650 New V. 18, p. 50
28-19-720 Amended V. 18, p. 782
28-19-729 New V. 19, p. 565

28-19-729a through 28-19-729h New V. 19, p. 566-569
28-19-735 Amended V. 18, p. 782
28-19-750 Amended V. 18, p. 782
28-19-751 Revoked V. 18, p. 1099
28-19-752 Revoked V. 18, p. 1099
28-19-752a New V. 18, p. 1099

28-23-81 through 28-23-89 Revoked V. 18, p. 1099
28-19-751 Revoked V. 18, p. 1099
28-19-752 Revoked V. 18, p. 1099
28-19-752a New V. 18, p. 1099

28-23-81 through 28-23-89 Revoked V. 18, p. 1099
28-29-3 Amended V. 18, p. 1345
28-29-17a Revoked V. 18, p. 1948
28-29-17b Revoked V. 18, p. 1948
28-29-25a New V. 18, p. 1346
28-29-25b New V. 18, p. 1347
28-29-25c New V. 18, p. 1348
28-29-25e New V. 18, p. 1350
28-29-25f New V. 18, p. 1351
28-29-26 Revoked V. 18, p. 673
28-29-98 Revoked V. 18, p. 1949

28-29-2101 through 28-29-2113 New V. 18, p. 1949-1963
28-31-1 Amended V. 18, p. 673
28-31-2 Amended V. 18, p. 673
28-31-3 Amended V. 18, p. 674
28-31-4 Amended V. 18, p. 674
28-31-6 Amended V. 18, p. 678
28-31-8 Amended V. 18, p. 679
28-31-8b Amended V. 18, p. 680
28-31-9 Amended V. 18, p. 680
28-31-10 Amended V. 18, p. 681
28-31-12 Amended V. 18, p. 681
28-31-13 Amended V. 18, p. 682
28-31-14 Amended V. 18, p. 682
28-31-15 New V. 18, p. 682
28-31-16 New V. 18, p. 682

28-36-10 through 28-36-18 Revoked V. 18, p. 1099
28-36-20 through 28-36-29 Revoked V. 18, p. 1099, 1100

28-36-101 through 28-36-108 New V. 18, p. 1100-1102
28-36-108 through 28-36-18 Revoked V. 18, p. 1099
28-36-20 through 28-36-29 Revoked V. 18, p. 1099, 1100

28-36-101 through 28-36-108 New V. 18, p. 1100-1102
28-36-108 through 28-36-133 Revoked V. 18, p. 1393
28-39-134 through 28-39-137 Revoked V. 18, p. 1393
28-39-144 Amended V. 18, p. 1393
28-39-145 Revoked V. 18, p. 1395
28-39-145a New V. 18, p. 1395

28-39-152 Amended V. 18, p. 1397
28-39-160 Amended V. 18, p. 1399
28-39-161 Amended V. 18, p. 1400
28-39-162a Amended V. 18, p. 1401
28-39-162c Amended V. 18, p. 1405
28-39-163 Amended V. 18, p. 1410
28-39-240 Amended V. 18, p. 1412
28-39-245 Amended V. 18, p. 1413
28-39-247 Amended V. 18, p. 1414

28-39-275 through 28-39-291 New V. 18, p. 1416-1423
28-39-300 through 28-39-312 Revoked V. 18, p. 1423
28-39-425 through 28-39-437 New V. 18, p. 1423-1429

28-50-1 Amended V. 18, p. 1353
28-50-2 Amended V. 18, p. 1355
28-50-4 Amended V. 18, p. 1356
28-50-5 Amended V. 18, p. 1356
28-50-6 Amended V. 18, p. 1356
28-50-7 Revoked V. 18, p. 1358
28-50-8 Amended V. 18, p. 1358
28-50-9 Amended V. 18, p. 1359
28-50-10 Amended V. 18, p. 1363
28-50-14 Amended V. 18, p. 1363

28-65-1 Amended V. 18, p. 682
28-65-2 Amended V. 18, p. 683
28-65-3 Amended V. 18, p. 683
28-72-1 New (T) V. 18, p. 1459
28-72-1 New V. 18, p. 1888
28-72-1 New (T) V. 18, p. 1462
28-72-2 New V. 18, p. 1891
28-72-2 New (T) V. 18, p. 1462
28-72-3 New V. 18, p. 1891

28-72-3 New (T) V. 18, p. 1463
28-72-4 New V. 18, p. 1892
28-72-4a New (T) V. 18, p. 1466
28-72-4a New V. 18, p. 1895
28-72-4b New (T) V. 18, p. 1468
28-72-4b New V. 18, p. 1897
28-72-4c New (T) V. 18, p. 1470
28-72-4c New V. 18, p. 1898
28-72-5 New (T) V. 18, p. 1471
28-72-5 New V. 18, p. 1900

28-72-6 New (T) V. 18, p. 1473
28-72-6 New V. 18, p. 1902
28-72-7 New (T) V. 18, p. 1475
28-72-7 New V. 18, p. 1904
28-72-8 New (T) V. 18, p. 1476
28-72-8 New V. 18, p. 1905
28-72-9 New (T) V. 18, p. 1478
28-72-9 New V. 18, p. 1907

28-72-10 New (T) V. 18, p. 1480
28-72-10 New V. 18, p. 1909
28-72-11 New (T) V. 18, p. 1481
28-72-11 New V. 18, p. 1910
28-72-12 New (T) V. 18, p. 1482
28-72-12 New V. 18, p. 1911
28-72-13 New (T) V. 18, p. 1483
28-72-13 New V. 18, p. 1912
28-72-14 New (T) V. 18, p. 1483
28-72-14 New V. 18, p. 1912
28-72-15 New (T) V. 18, p. 1484
28-72-15 New V. 18, p. 1913

28-72-16 New (T) V. 18, p. 1484
28-72-16 New V. 18, p. 1913
28-72-17 New (T) V. 18, p. 1485
28-72-17 New V. 18, p. 1914
28-72-18 New (T) V. 18, p. 1486
28-72-18 New V. 18, p. 1915
28-72-18a New (T) V. 18, p. 1487
28-72-18a New V. 18, p. 1916

28-72-18b New (T) V. 18, p. 1487
28-72-18b New V. 18, p. 1916
28-72-18c New (T) V. 18, p. 1488
28-72-18c New V. 18, p. 1917
28-72-18d New (T) V. 18, p. 1489
28-72-18d New V. 18, p. 1918
28-72-18e New (T) V. 18, p. 1490
28-72-18e New V. 18, p. 1919
28-72-19 New (T) V. 18, p. 1491
28-72-19 New V. 18, p. 1920
28-72-20 New (T) V. 18, p. 1491
28-72-20 New V. 18, p. 1920
28-72-21 New (T) V. 18, p. 1491
28-72-21 New V. 18, p. 1920

28-72-22 New (T) V. 18, p. 1491
 28-72-22 New V. 18, p. 1920

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-12	Amended	V. 18, p. 271
30-2-16	Amended	V. 18, p. 895
30-4-64	Amended	V. 18, p. 1722
30-5-64	Amended	V. 19, p. 304
30-6-59	Revoked	V. 18, p. 895
30-6-86	Amended	V. 18, p. 895
30-6-103	Amended	V. 18, p. 896
30-14-30	Amended	V. 18, p. 896
30-44-2	Amended	V. 18, p. 1843

AGENCY 36: DEPARTMENT OF TRANSPORTATION (BY DEPARTMENT OF EDUCATION)

Reg. No.	Action	Register
36-13-20	Revoked	V. 18, p. 1823
36-13-30	Revoked	V. 18, p. 1823
36-13-35	Revoked	V. 18, p. 1823
36-13-37	Revoked	V. 18, p. 1823
36-13-38	Revoked	V. 18, p. 1823
36-13-39	Revoked	V. 18, p. 1823

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-2-26	Amended	V. 18, p. 1058
40-3-26	Amended	V. 19, p. 303
40-3-27	Revoked	V. 19, p. 680
40-3-32	Amended	V. 19, p. 303
40-3-33	Amended	V. 18, p. 1016
40-3-45	Amended	V. 19, p. 303
40-3-49	Amended	V. 19, p. 303
40-4-34	Amended	V. 18, p. 124
40-4-35	Amended (T)	V. 18, p. 358
40-4-35	Amended	V. 18, p. 1148
40-4-42	New	V. 18, p. 1883
40-4-42a	New	V. 18, p. 1883
40-4-42b	New	V. 18, p. 1884
40-4-42c	New	V. 18, p. 1884
40-4-42d	New	V. 18, p. 1885
40-4-42e	New	V. 18, p. 1886
40-4-42f	New	V. 18, p. 1887
40-4-42g	New	V. 18, p. 1887

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-1-103	Amended	V. 18, p. 390

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-9-1	Amended	V. 18, p. 1597
45-9-2	Amended	V. 18, p. 1597
45-9-3	Amended	V. 18, p. 1598
45-9-4	New (T)	V. 18, p. 1034
45-9-4	New	V. 18, p. 1599

AGENCY 49: DEPARTMENT OF HUMAN RESOURCES

Reg. No.	Action	Register
49-45-1 through 49-45-4	Amended	V. 19, p. 504
49-45-4a	New	V. 19, p. 504
49-45-5 through 49-45-9	Amended	V. 19, p. 504
49-45-20 through 49-45-28	Amended	V. 19, p. 504, 505
49-45-29 through 49-45-34	New	V. 19, p. 505
49-45a-1	Amended	V. 19, p. 505
49-45a-2 through 49-45a-27	Revoked	V. 19, p. 506
49-46-1	Amended	V. 19, p. 506
49-47-1	Amended	V. 19, p. 507
49-47-1a	New	V. 19, p. 507
49-47-1b	New	V. 19, p. 507
49-47-2	Amended	V. 19, p. 507
49-48-1	Amended	V. 19, p. 508

49-49-1a	New	V. 19, p. 508
49-50-1 through 49-50-4	Amended	V. 19, p. 509, 510
49-50-6 through 49-50-15	Amended	V. 19, p. 510-513
49-50-17 through 49-50-20	Amended	V. 19, p. 513, 514
49-50-21	New	V. 19, p. 514
49-50-22	New	V. 19, p. 515
49-51-1	Amended	V. 19, p. 515
49-51-2	Amended	V. 19, p. 515
49-51-3	Amended	V. 19, p. 515
49-51-3a	New	V. 19, p. 516
49-51-6 through 49-51-12	Amended	V. 19, p. 516-518
49-51-14	Revoked	V. 19, p. 518
49-52-5 through 49-52-9	Amended	V. 19, p. 518-520
49-52-11	Amended	V. 19, p. 520
49-52-13	Amended	V. 19, p. 520
49-52-14	Amended	V. 19, p. 521
49-52-15	Revoked	V. 19, p. 521
49-52-16	New	V. 19, p. 521
49-52-17	New	V. 19, p. 521
49-54-1 through 49-54-3	Revoked	V. 19, p. 521

49-52-5 through 49-52-9	Amended	V. 19, p. 518-520
49-52-11	Amended	V. 19, p. 520
49-52-13	Amended	V. 19, p. 520
49-52-14	Amended	V. 19, p. 521
49-52-15	Revoked	V. 19, p. 521
49-52-16	New	V. 19, p. 521
49-52-17	New	V. 19, p. 521
49-54-1 through 49-54-3	Revoked	V. 19, p. 521

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 18, p. 1170

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-101	Amended	V. 18, p. 51
60-3-106	Amended	V. 18, p. 51
60-6-101	Amended	V. 19, p. 344
60-7-101	Amended	V. 18, p. 52
60-11-101	Amended	V. 19, p. 344
60-11-103	Amended	V. 19, p. 345
60-11-104a	Amended	V. 19, p. 346
60-11-106	Amended	V. 19, p. 346
60-11-108	Revoked	V. 19, p. 346
60-16-101	Amended	V. 18, p. 1558
60-16-102	Amended	V. 18, p. 1558
60-16-104	Amended	V. 18, p. 1559
60-17-101 through 60-17-111	New	V. 19, p. 346-350

AGENCY 63: BOARD OF MORTUARY ARTS

63-4-1	Amended	V. 18, p. 1650
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AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-5-6	Amended	V. 19, p. 839
65-5-10	Amended	V. 18, p. 1727
65-9-1	Amended	V. 18, p. 357
65-10-2	Amended	V. 18, p. 357
65-11-3	Amended	V. 18, p. 357

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-4	Amended	V. 19, p. 69
66-6-6	Amended	V. 19, p. 70
66-7-2	Amended	V. 19, p. 70
66-8-7	New	V. 19, p. 70
66-9-4	Amended	V. 19, p. 71
66-9-6	New	V. 19, p. 71
66-10-12	Amended	V. 19, p. 71
66-10-13	New	V. 19, p. 71
66-11-4	New	V. 19, p. 72
66-12-1	Amended	V. 19, p. 72
66-14-1	Amended	V. 19, p. 72
66-14-6	Amended	V. 19, p. 72

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Reg. No.	Action	Register
67-2-4	Amended	V. 19, p. 626
67-3-2	Amended	V. 19, p. 626

67-4-7	Amended	V. 19, p. 626
67-4-10	Amended	V. 19, p. 626
67-4-13	New	V. 19, p. 626
67-5-3	Amended	V. 19, p. 626
67-5-4	Amended	V. 19, p. 626
67-6-4	Amended	V. 19, p. 626
67-7-4	Amended	V. 19, p. 627

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-12a	Amended	V. 18, p. 1813
68-2-20	Amended	V. 18, p. 1813
68-2-22	Amended	V. 18, p. 1814
68-3-5	New	V. 18, p. 1309
68-3-6	New	V. 18, p. 1309
68-5-1	Amended	V. 19, p. 501
68-5-15	New	V. 18, p. 993
68-7-11	Amended	V. 19, p. 501
68-7-12	Amended	V. 18, p. 1815
68-7-14	Amended	V. 19, p. 502
68-7-18	Amended	V. 19, p. 503
68-7-19	Amended	V. 18, p. 994
68-11-1	Amended	V. 18, p. 81
68-14-1	Amended	V. 18, p. 1019

68-14-2	Amended	V. 18, p. 996, 997
68-14-5	Amended	V. 18, p. 997
68-14-7	New	V. 18, p. 998
68-14-8	New	V. 18, p. 998
68-15-1	New	V. 18, p. 998
68-15-2	New	V. 18, p. 1309
68-15-4	New	V. 18, p. 1309
68-20-10	Amended	V. 18, p. 1816
68-20-10a	Amended	V. 18, p. 1819
68-20-15a	Amended	V. 18, p. 1819
68-20-16	Amended	V. 18, p. 1820
68-20-17	Amended	V. 18, p. 1820
68-20-18	Amended	V. 18, p. 1820
68-20-19	Amended	V. 18, p. 1821
68-20-21	Amended	V. 18, p. 1822

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-18	Amended	V. 18, p. 1844
71-1-20	New	V. 19, p. 573
71-1-21	New	V. 19, p. 573
71-3-7	New	V. 18, p. 104
71-6-1 through 71-6-6	New	V. 18, p. 104, 105

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-10	Amended	V. 18, p. 1238
74-5-103	Amended	V. 18, p. 1238
74-5-104	Amended	V. 18, p. 1238
74-5-202	Amended	V. 18, p. 1239
74-5-203	Amended	V. 18, p. 1239
74-5-406	Amended	V. 18, p. 1240
74-11-6	Amended	V. 18, p. 1240
74-12-1	Amended	V. 18, p. 1721

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

Reg. No.	Action	Register
80-1-1	Amended	V. 18, p. 1230
80-1-2	Amended	V. 18, p. 1230
80-1-3	Amended	V. 18, p. 1230
80-1-4	Revoked	V. 18, p. 1230
80-1-5	Amended	V. 18, p. 1230
80-1-6	Amended	V. 18, p. 1231
80-1-9	Amended	V. 18, p. 1231
80-1-10	Amended	V. 18, p. 1231
80-1-11	Amended	V. 18, p. 1231
80-1-12	Revoked	V. 18, p. 1231
80-2-1	Amended	V. 18, p. 1231
80-3-1	Revoked	V. 18, p. 1232
80-3-2	Revoked	V. 18, p. 1232
80-3-4	Amended	V. 18, p. 1232
80-3-5	Revoked	V. 18, p. 1232
80-3-6	Revoked	V. 18, p. 1232
80-3-8	Revoked	V. 18, p. 1232
80-3-9	Amended	V. 18, p. 1232
80-3-13	Revoked	V. 18, p. 1232
80-3-15	Amended	V. 18, p. 1232
80-3-16	Amended	V. 18, p. 1232
80-4-1	Amended	V. 18, p. 1233
80-4-2	Revoked	V. 18, p. 1233

(continued)

80-4-3	Revoked	V. 18, p. 1233
80-4-4	Amended	V. 18, p. 1233
80-4-5	Revoked	V. 18, p. 1233
80-4-6	Revoked	V. 18, p. 1233
80-5-1	Amended	V. 18, p. 1233
80-5-2	Revoked	V. 18, p. 1233
80-5-3	Revoked	V. 18, p. 1233
80-5-6	Amended	V. 18, p. 1233
80-5-7	Revoked	V. 18, p. 1234
80-5-9	Amended	V. 18, p. 1234
80-5-10	Amended	V. 18, p. 1234
80-5-11	Amended	V. 18, p. 1234
80-5-12	Revoked	V. 18, p. 1234
80-5-13	Amended	V. 18, p. 1234
80-5-14	Revoked	V. 18, p. 1234
80-5-15	Amended	V. 18, p. 1234
80-5-16	Amended	V. 18, p. 1235
80-5-18	Amended	V. 18, p. 1235
80-7-1	Amended	V. 18, p. 1235
80-8-2	Amended	V. 18, p. 1236
80-8-7	Amended	V. 18, p. 1236
80-50-1	Revoked	V. 18, p. 1236
80-50-2	Amended	V. 18, p. 1236
80-50-3	Amended	V. 18, p. 1236
80-50-4	Revoked	V. 18, p. 1236
80-50-5	Revoked	V. 18, p. 1236
80-50-6	Amended	V. 18, p. 1236
80-50-8	Revoked	V. 18, p. 1237
80-51-1	Revoked	V. 18, p. 1237
80-51-2	Revoked	V. 18, p. 1237
80-51-3	Revoked	V. 18, p. 1237
80-51-4	Amended	V. 18, p. 1237
80-51-5	Revoked	V. 18, p. 1237
80-51-7	Revoked	V. 18, p. 1237
80-52-1	Revoked	V. 18, p. 1237
80-52-2	Revoked	V. 18, p. 1237
80-52-3	Revoked	V. 18, p. 1237
80-53-2		
through		
80-53-6	Revoked	V. 18, p. 1237
80-54-1		
through		
80-54-4	Revoked	V. 18, p. 1237
80-55-1		
through		
80-55-4	Revoked	V. 18, p. 1237
80-55-8	Amended	V. 18, p. 1237

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-221a	New	V. 18, p. 231
82-1-221b	New	V. 18, p. 232
82-1-228	Amended	V. 18, p. 232
82-1-235	Amended	V. 18, p. 233
82-3-101	Amended	V. 18, p. 273
82-3-401b	New	V. 18, p. 276
82-3-408	Amended	V. 18, p. 276
82-3-900		
through		
82-3-908	New	V. 18, p. 276, 277
82-4-3	Amended (T)	V. 19, p. 575
82-4-3	Amended	V. 19, p. 208
82-11-3	Amended	V. 18, p. 234
82-11-4	Amended	V. 18, p. 234
82-11-9	Amended	V. 18, p. 238
82-11-10	Amended	V. 18, p. 239
82-11-11	New	V. 18, p. 239
82-12-2	Amended	V. 18, p. 239

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-11	Amended	V. 18, p. 1291

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-23-1		
through		
88-23-6	New	V. 19, p. 41-43

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-61	Revoked	V. 19, p. 680
91-12-22	Revoked	V. 19, p. 680
91-12-23	Revoked	V. 19, p. 680
91-12-24a	Revoked	V. 19, p. 680
91-12-25	Revoked	V. 19, p. 680
91-12-27	Revoked	V. 19, p. 680
91-12-28	Revoked	V. 19, p. 680

91-12-30		
through		
91-12-33	Revoked	V. 19, p. 680
91-12-35		
through		
91-12-42	Revoked	V. 19, p. 680, 681
91-12-44		
through		
91-12-69	Revoked	V. 19, p. 681
91-12-71		
through		
91-12-74	Revoked	V. 19, p. 682
91-22-1a	New	V. 19, p. 682
91-22-2	Amended	V. 19, p. 683
91-22-3	Revoked	V. 19, p. 683
91-22-4	Amended	V. 19, p. 683
91-22-5a	Amended	V. 19, p. 683
91-22-7	Amended	V. 19, p. 683
91-22-8	Revoked	V. 19, p. 683
91-22-9	Amended	V. 19, p. 683
91-22-10		
through		
91-22-18	Revoked	V. 19, p. 684
91-22-19	Amended	V. 19, p. 684
91-22-21	Revoked	V. 19, p. 684
91-22-22	Amended	V. 19, p. 684
91-22-23	Revoked	V. 19, p. 684
91-22-24	Revoked	V. 19, p. 684
91-22-25	Amended	V. 19, p. 684
91-22-26	Revoked	V. 19, p. 685
91-31-16	Amended	V. 18, p. 1171
91-31-18	Amended	V. 18, p. 1172
91-31-19	Amended	V. 18, p. 1309
91-31-24	Amended	V. 18, p. 1173
91-38-1		
through		
91-38-10	New	V. 18, p. 1823-1828
91-40-1		
through		
91-40-5	New	V. 19, p. 685-691
91-40-7		
through		
91-40-12	New	V. 19, p. 692-695
91-40-16		
through		
91-40-19	New	V. 19, p. 695-697
91-40-21	New	V. 19, p. 697
91-40-22	New	V. 19, p. 697
91-40-24		
through		
91-40-31	New	V. 19, p. 698-700
91-40-33		
through		
91-40-39	New	V. 19, p. 700-702
91-40-41		
through		
91-40-48	New	V. 19, p. 702-704
91-40-50		
through		
91-40-53	New	V. 19, p. 705, 706

AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-25-1	Amended	V. 18, p. 189
99-26-1	Amended	V. 19, p. 840
99-27-1	Amended	V. 19, p. 840

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-6-2	Amended (T)	V. 18, p. 1747
100-6-2	Amended	V. 19, p. 241
100-10a-1	Amended	V. 19, p. 241
100-10a-3	Amended	V. 19, p. 241
100-11-5	Revoked	V. 18, p. 1230
100-22-3	New	V. 19, p. 571
100-24-3	New	V. 18, p. 483
100-60-9	Amended	V. 19, p. 571
100-60-10	Amended	V. 19, p. 571
100-60-13	Amended	V. 19, p. 572

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-4-10a	Amended (T)	V. 18, p. 1035
102-4-10a	Amended	V. 18, p. 1556
102-5-7a	Amended	V. 18, p. 1520

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-1-1	Amended	V. 18, p. 1141
105-2-1	Amended	V. 18, p. 1142
105-3-1	Amended	V. 18, p. 1142
105-3-2	Amended	V. 18, p. 1142
105-3-4	Revoked	V. 18, p. 1143
105-3-5	Amended	V. 18, p. 1143
105-3-8	Revoked	V. 18, p. 1143
105-3-9	Amended	V. 18, p. 1143
105-3-11	Amended	V. 18, p. 1144
105-3-12	Amended	V. 18, p. 1144
105-5-2	Amended	V. 18, p. 1144
105-5-3	Amended	V. 18, p. 1144
105-5-6	Amended	V. 18, p. 1144
105-5-7	Amended	V. 18, p. 1145
105-5-8	Amended	V. 18, p. 1145
105-6-2	Amended	V. 18, p. 1145
105-7-2	Amended	V. 18, p. 1146
105-7-4		
through		
105-7-9	Amended	V. 18, p. 1146
105-8-1	Amended	V. 18, p. 1146
105-8-2	Amended	V. 18, p. 1146
105-8-3	Amended	V. 18, p. 1146
105-10-1a	Amended	V. 18, p. 1146
105-10-3	Amended	V. 18, p. 1147
105-10-5	Amended	V. 18, p. 1147
105-21-3	Amended	V. 18, p. 1147
105-21-6	Amended	V. 18, p. 1147
105-31-4	Revoked	V. 18, p. 1147

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-3	New (T)	V. 18, p. 1392
108-1-3	New	V. 19, p. 68

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 18, p. 1650
109-5-1	Amended	V. 18, p. 1653
109-5-2	Amended	V. 18, p. 1654
109-5-3	Amended	V. 18, p. 1654
109-5-4	Amended	V. 18, p. 1655
109-6-2	Amended	V. 18, p. 1655
109-9-1	Amended	V. 18, p. 1656
109-9-2	Revoked	V. 18, p. 1656
109-4-4	Amended	V. 18, p. 1656
109-9-5	Revoked	V. 18, p. 1657
109-10-1	Amended	V. 18, p. 1657
109-10-2	Amended	V. 18, p. 1658
109-10-6	New	V. 18, p. 1660
109-11-1	Amended	V. 18, p. 1662
109-11-2	Revoked	V. 18, p. 1662
109-11-3	Amended	V. 18, p. 1662
109-11-4	Amended	V. 18, p. 1663
109-11-5	Amended	V. 18, p. 1664
109-11-6	Amended	V. 18, p. 1664
109-12-1	Revoked	V. 18, p. 1665
109-12-2	Revoked	V. 18, p. 1665
109-13-1	Amended	V. 18, p. 1666
109-13-3	Revoked	V. 18, p. 1666

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-6-1	Amended (T)	V. 19, p. 677
110-6-1a	New (T)	V. 19, p. 677
110-6-2	Amended (T)	V. 19, p. 678
110-6-3	Amended (T)	V. 19, p. 678
110-6-4	Amended (T)	V. 19, p. 679
110-6-5	Amended (T)	V. 19, p. 679

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 1999 can be found in the Vol. 18, No. 52, December 30, 1999 Kansas Register. The regulations listed below were published after December 31, 1999.

Reg. No.	Action	Register
111-2-66	Revoked	V. 19, p. 14
111-2-84	Revoked	V. 19, p. 14
111-2-95	Amended	V. 19, p. 174
111-2-100	New	V. 19, p. 14

111-2-101	New	V. 19, p. 15
111-2-102	New	V. 19, p. 174
111-2-104	New	V. 19, p. 15
111-2-105	New	V. 19, p. 16
111-2-106	New	V. 19, p. 16
111-2-107	New	V. 19, p. 174
111-2-108	New	V. 19, p. 175
111-2-109	New	V. 19, p. 175
111-2-111	New	V. 19, p. 811
111-3-1	Amended	V. 19, p. 176
111-3-12	Amended	V. 19, p. 16
111-3-14	Amended	V. 19, p. 521
111-3-20	Amended	V. 19, p. 17
111-3-35	Amended	V. 19, p. 177
111-4-1594	Amended	V. 19, p. 17
111-4-1595	Amended	V. 19, p. 17
111-4-1597	Amended	V. 19, p. 18
111-4-1598	Amended	V. 19, p. 18
111-4-1621	through	
111-4-1636	New	V. 19, p. 177-181
111-4-1617	Amended	V. 19, p. 19
111-4-1637	through	
111-4-1649	New	V. 19, p. 19-22
111-4-1673	through	
111-4-1698	New	V. 19, p. 522-528
111-4-1686	through	
111-4-1689	Amended	V. 19, p. 811, 812

111-4-1699	through	
111-4-1711	New	V. 19, p. 812-815
111-5-30	Amended	V. 19, p. 529
111-5-77	New	V. 19, p. 529
111-5-78	New	V. 19, p. 815
111-6-1	Amended	V. 19, p. 529
111-6-5	Amended	V. 19, p. 530
111-6-24	New	V. 19, p. 531
111-7-73	Amended	V. 19, p. 531
111-7-77	Amended	V. 19, p. 531
111-7-78	Amended	V. 19, p. 532
111-7-80	Amended	V. 19, p. 532
111-7-81	Amended	V. 19, p. 533
111-7-126	Amended	V. 19, p. 534

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-6-4a	New	V. 18, p. 1458
112-7-21	Amended	V. 19, p. 118
112-10-6	Amended	V. 18, p. 954
112-10-38	Amended	V. 19, p. 119
112-18-22	Amended	V. 19, p. 119

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 18, p. 1019
115-4-13	Amended	V. 18, p. 1020
115-5-2	Amended	V. 18, p. 1723
115-7-1	Amended	V. 18, p. 1334
115-7-5	Amended	V. 18, p. 1334

115-8-6	Amended	V. 18, p. 1724
115-11-2	Amended	V. 18, p. 484
115-15-1	Amended	V. 18, p. 1724
115-15-2	Amended	V. 18, p. 1725
115-16-4	Amended	V. 18, p. 780
115-17-21	New	V. 18, p. 781
115-18-4	Amended	V. 18, p. 1334
115-18-7	Amended	V. 18, p. 1335
115-18-13	Amended	V. 18, p. 1336
115-18-14	Amended	V. 18, p. 1336
115-18-16	New (T)	V. 19, p. 242
115-30-10	Amended	V. 18, p. 781

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-1	Amended	V. 18, p. 294
117-2-2	Amended	V. 18, p. 295
117-3-1	Amended	V. 18, p. 296
117-3-2	Amended	V. 18, p. 296
117-4-1	Amended	V. 18, p. 297
117-4-2	Amended	V. 18, p. 298
117-6-1	Amended	V. 18, p. 955
117-6-3	Amended	V. 19, p. 472
117-7-1	Amended	V. 19, p. 41
117-8-1	Amended	V. 19, p. 473
117-9-1	Amended	V. 19, p. 41

AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-4-1	through	
118-4-4	New	V. 18, p. 672, 673

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