



# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 20, No. 21    May 24, 2001    Pages 795-850

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## State of Kansas

## Kansas, Inc.

## Notice of Meeting

The Kansas, Inc. Technical Advisory Committee for Strategic Planning will meet from 10 a.m. to 3 p.m. Wednesday, May 30, at the Capitol Plaza Hotel, Emerald Room 4, 1717 S.W. Topeka Blvd., Topeka. The meeting is open to the public. For further information, call (785) 296-1460.

Charles R. Ranson  
President

Doc. No. 026631

## State of Kansas

## Council on Developmental Disabilities

## Notice of Available Grant Funding

The Kansas Council on Developmental Disabilities announces the availability of federal funds to be invested in State Plan activities outlined below. The projects listed may be approved for grants for up to one year. Recipients are required to provide a 25 percent nonfederal match for the project. In-kind contributions may be included as part of the 25 percent match.

**Call for Investment #1—Community Transportation**

The council is interested in funding several projects that demonstrate new and innovative strategies in providing integrated, accessible transportation. Funding: A total of \$100,000 for one year among all projects.

**Call for Investment #2—Self-Determination - Information and Training**

The council is interested in funding a project to create a statewide repository of information and training materials. Training should be focused on transition-aged students and adults. Funding: A total of \$50,000 for one year.

**Call for Investment #3—Outreach to Elderly Caregivers**

The council will fund multiple projects up to \$3,000 per applicant to provide outreach and education to consumers and families. Funding: A total of \$40,000 for one year for all projects.

**Call for Investment #4—Innovation in Housing**

The council will fund up to two projects to assist communities in building the capacity to develop affordable, accessible housing. Funding: A total of \$40,000 for one year for all projects.

An informational bidder's session will be conducted May 30 at the Social and Rehabilitation Services Learning Center, 300 S.W. Oakley, Topeka. Those wishing to attend should notify the council by May 28.

Complete copies of the Call for Investments are available by contacting the council at (785) 296-2608 or e-mail at [kcdd@midusa.net](mailto:kcdd@midusa.net).

All grant proposals are due by 5 p.m. July 9.

Jane Rhys  
Executive Director

Doc. No. 026617

## State of Kansas

## State Conservation Commission

## Notice to Contractors

Sealed bids for the construction of a 38,000 cubic yard detention dam, Site 6A in Wabaunsee County, will be received by the Rock Creek Watershed Joint District No. 84 at King Engineering, Inc., 307 Montana Ave., Holton, 66436-1127, (785) 364-4312, until 1 p.m. June 20, or may be carried to the Chalk School on Chalk Road in Wabaunsee County (no telephone available) and submitted prior to the bid opening scheduled for 8 p.m. June 20. A copy of the invitation for bids and the plans and specifications can be reviewed at and/or obtained from the office of King Engineering, Inc., Holton. A \$25 nonrefundable deposit will be required for each set of plans requested.

Tracy D. Streeter  
Executive Director

Doc. No. 026619

## State of Kansas

## Kansas Water Office

## Notice of Hearings

Formal public hearings will be conducted by the Kansas Water Office on the annual update of the Kansas Water Plan and on the Total Maximum Daily Loads (TMDL) for the Missouri and Marais des Cygnes river basins. The hearings are scheduled as follows:

**May 29 - 1 p.m.** (Kansas Water Plan and TMDL)  
431 Oregon, Hiawatha

**May 30 - 4 p.m.** (Kansas Water Plan and TMDL)  
Bourbon County Rural Water District No. 2  
715 255th St., Fort Scott

**May 31 - 1 p.m.** (Kansas Water Plan and TMDL)  
Lake Region RC&D Office, Ottawa

**June 4 - 1 p.m.** (Kansas Water Plan)  
Room 313-S, State Capitol  
300 S.W. 10th Ave., Topeka

**June 5 - 1 p.m.** (Kansas Water Plan)  
City Commission Chambers  
1507 Main St., Hays

Comments on the TMDL will be compiled by the Kansas Department of Health and Environment and submitted to the U.S. Environmental Protection Agency when the department submits the TMDLs in June. Comments on the annual update of the Kansas Water Plan will be considered by the Kansas Water Authority in the approval of the plan at its meeting July 11-12. The record of the hearing will be open June 15.

For further information, contact the Kansas Water Office, 109 S.W. 9th, Suite 300, Topeka, 66612, (785) 296-3185.

Al LeDoux  
Director

Doc. No. 026635

## State of Kansas

## Office of the Securities Commissioner

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Thursday, August 2, at the office of the Kansas Securities Commissioner, 618 S. Kansas Ave., first floor, Topeka, to consider the adoption of K.A.R. 81-3-5, 81-14-1, 81-14-2, 81-14-3, 81-14-4, 81-14-5, 81-14-6, 81-14-7 and 81-14-8; the repeal of K.A.R. 81-3-3 and 81-4-3; and the amendment of K.A.R. 81-3-1, 81-3-2 and 81-5-7. The regulations are proposed for adoption on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing by addressing them to the Securities Commissioner at the address above. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation. Following the hearing, all written and oral comments submitted by interested parties will be considered by the commissioner as a basis for making changes to the proposed regulations.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Raynetta Arndt at (785) 296-5215 or the Kansas Relay Center at 1-800-766-3777. Handicapped parking is located on Kansas Avenue, and the first floor hearing room is accessible to individuals with disabilities.

Proposed K.A.R. 81-3-5 is a new regulation governing the sale of securities on the premises of financial institutions. Its purpose is to ensure that bank customers understand that the securities transactions may not be covered by FDIC insurance. The regulation requires broker-dealers who engage in business on bank premises to do the following:

- Operate from a physical location that is distinct from the area in which retail bank deposits are taken;
- Enter into written agreements governing networking and brokerage affiliate arrangements;
- Provide certain disclosures regarding the absence of FDIC insurance; and
- Make clear that brokerage services are being provided by the broker-dealer, not a bank.

The current version of K.A.R. 81-3-1 contains the requirements and registration procedures for broker-dealers, agents, investment advisers and investment adviser representatives. The proposed amendment moves the regulations governing investment advisers and investment adviser representatives to new K.A.R. 81-14-1, but 81-3-1 retains the regulations governing broker-dealers and agents.

New 81-14-1 modifies some of the provisions from 81-3-1 related to investment advisers and investment adviser

representatives. Some amendments are intended to promote uniformity with other states' securities regulations, and several changes are designed to accommodate a new Investment Adviser Registration Depository. Substantive investment adviser changes from old 81-3-1 are as follows:

- The prohibition against association with more than one investment adviser is deleted.
- Former 81-3-1(a)(4) is deleted.
- The NASAA model exam rules are adopted in 81-14-1(e).
- Old 81-3-1(d)(2)(B) regarding filing of copies of annual reports filed with the SEC is deleted.
- Old 81-3-1(d)(3)(B), which incorporated rule 204-2 of the Investment Advisers Act of 1940, is deleted because the 204-2 guidelines are set forth in the new recordkeeping rules of 81-14-4.
- 81-3-1(e) regarding minimum net capital requirements for broker-dealers is not moved to 81-14-1.
- "Material changes" are now defined in Form ADV. The agency no longer lists all material changes that require filing of amended ADVs.
- 81-3-1(f) regarding confirmations is not moved to 81-14-1.

The current version of K.A.R. 81-3-2 contains registration fees for broker-dealers, agents, investment advisers, investment adviser representatives and federal covered advisers. The proposed amendment moves the registration fees for investment advisers, investment adviser representatives and federal covered advisers into new 81-14-2 and retains the registration fees for broker-dealers and agents in 81-3-2. The registration fee for investment adviser representatives remains the same as it was in 81-3-2, but the registration fee for investment adviser firms is reduced from \$200 to \$100. The notice filing fee for federal covered advisers also is reduced from \$200 to \$100. The fee reduction is designed to offset the firms' costs for participation in the new Investment Adviser Registration Depository (IARD).

The current version of K.A.R. 81-3-3 permits investment advisers to enter into investment advisory contracts in compliance with federal law. The proposed amendment would simply repeal 81-3-3 and move most of its provisions to new 81-14-3.

The current version of K.A.R. 81-3-3(d) contains recordkeeping rules for investment advisers that merely incorporate federal SEC rules by reference. In response to the National Securities Market Improvement Act of 1996 (NSMIA), the North American Securities Administrators' Association (NASAA) amended its model recordkeeping rule to refresh certain provisions and add other requirements not found in the SEC rules. Proposed K.A.R. 81-14-4 adopts the language from the NASAA model rule, and current 81-3-3(d) is being deleted. The substantive differences between the NASAA model rule and the SEC rules are found in 81-14-4(b)(17) through (b)(21).

The current version of K.A.R. 81-3-1(i)(1)(C) contains ethical standards for investment advisers. Those standards are updated and moved to new K.A.R. 81-14-5(a). In addition, proposed K.A.R. 81-14-5 adopts new rules for investment advisers, as follows:

- The "financial and disciplinary history disclosure rule" in 81-14-5(b) requires an investment adviser, under certain circumstances, to make full and accurate disclosures to its cli-

ents about the adviser's financial condition and any legal proceeding involving the adviser.

- The "brochure delivery rule" in 81-14-5(c) requires an investment adviser to provide each client with the information contained in part 2 of Form ADV at least annually.
- The "cash solicitation rule" in 81-14-5(d) prohibits the payment of a cash fee from an investment adviser to an unregistered solicitor unless the solicitation arrangement satisfies several conditions.
- The "agency cross transactions" rule in 81-14-5(e) prohibits an investment adviser from effecting an agency cross transaction for an advisory client unless the adviser discloses its conflicts of interest to the client and the client gives a written consent to the adviser. An "agency cross transaction" is a transaction in which the investment adviser acts as a broker-dealer for both the client and a person on the other side of the transaction.

K.A.R. 81-14-6 will require investment advisers and investment adviser representatives to participate in a new Investment Adviser Registration Depository (IARD) by October 1, 2001. The new IARD will provide for electronic filing of documents and electronic payment of licensing fees. It also will create a centralized database for licensing information and disciplinary actions involving investment advisers and investment adviser representatives.

Proposed K.A.R. 81-14-7 governs the notice filing process for federal covered advisers. It requires the electronic filing of Form ADV through the IARD. Until the IARD system accepts the electronic filing of Part 2 of Form ADV, Part 2 will be deemed filed as long as the federal covered adviser provides Part 2 within five days after the Securities Commissioner requests a copy.

Proposed K.A.R. 81-14-8 sets forth the conditions under which an employee or associate of a federal covered adviser will be considered an investment adviser representative under the Kansas Securities Act.

The current version of K.A.R. 81-4-3 contains rules governing the registration of securities for open-end investment companies. The proposed amendment would repeal 81-4-3 because federal law now preempts state registration of these "federal covered securities" and makes 81-4-3 obsolete.

K.A.R. 81-5-7 currently provides that securities listed on seven stock exchanges do not have to be registered under the Kansas Securities Act. The National Securities Market Improvement Act of 1996 (NSMIA) preempted state registration of certain securities, including securities listed on three stock exchanges: the New York Stock Exchange, American Stock Exchange and NASDAQ/NMS. Because NSMIA preempts state regulation of securities listed on these three exchanges, the 81-5-7 exemption is no longer necessary with respect to securities sold on the exchanges. The proposed amendment to 81-5-7 deletes the references to these three exchanges, but retains the exemption for the securities listed on the remaining four exchanges.

The proposed regulations have no impact upon other governmental units or agencies.

Copies of the full text of the proposed regulations and the economic impact statements may be obtained by writing to the Office of the Securities Commissioner at the address above.

David R. Brant  
Securities Commissioner

## State of Kansas

### Kansas State University

#### Notice to Bidders

Sealed bids for the items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 532-6214 or fax (785) 532-5577 for additional information:

**Tuesday, June 5, 2001**

**#1249**

Diode-pumped laser system

**Thursday, June 7, 2001**

**#1246**

Preservation microfilming

William H. Sesler  
Director of Purchasing

Doc. No. 026618

## State of Kansas

### State Corporation Commission

#### Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. June 12 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority, unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Paula Lentz, Assistant General Counsel, (785) 271-3279. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

#### Applications for Certificate of Convenience and Necessity:

**American Limousines, LLC**, 2800 S.W. Villa West Drive #83, Topeka, KS 66614; MC ID No. 159660; Passengers

**First Student, Inc.**, 705 Central Ave., Suite 500, Cincinnati, OH 45202; MC ID No. 159655; Passengers

**Lakewood Properties LLC**, dba Yellow Cab Company of Topeka, 304 S.E. 21st, Topeka, KS 66607-1217; MC ID No. 159657; Passengers and luggage

Mike J. Hoeme  
Acting Director  
Transportation Division

Doc. No. 026629

Doc. No. 026622

## 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. 2000 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(1) and 75-4209(a)(1)(B).

Effective 5-21-01 through 5-27-01	
Term	Rate
1-89 days	4.08%
3 months	3.45%
6 months	3.69%
1 year	3.93%
18 months	4.21%
2 years	4.40%

Derl S. Treff  
Director of Investments

Doc. No. 026614

## State of Kansas

**State Corporation Commission****Notice of Motor Carrier Applications**

The following motor carriers have filed various applications. All applications listed herein are for statewide authority, unless otherwise stated.

Requests to inspect and copy the notices provided to the parties and questions in regard to these applications should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. For To lodge an official complaint, submit your protest in writing, supported by relevant facts, to Mike Hoeme, Acting Director of Transportation, at the address above within 20 days of the date of publication of this notice.

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

**Alexander Brothers, L.L.C.**, Route 1, Box 87, Satanta, KS 67870; MC ID No. 159641; General commodities (except household goods and hazardous materials)

**Applications for Certificate of Public Service:**

**All-Star Intermodal, Inc.**, 3241 McCormick Road, Kansas City, KS 66115; MC ID No. 159658; General commodities (except household goods and hazardous materials)

**Booker Transportation Services, Inc.**, 102 Bluebonnett, Booker, TX 79005; MC ID No. 147487; William Barker, Attorney; General commodities (except household goods and hazardous materials)

**Country Trucking, LLC.**, 203 E. 5th, Frankfort, KS 66427; MC ID No. 160783; General commodities (except household goods and hazardous materials)

**Lance Crist, dba Gardner Auto Body**, 1098 E. Santa Fe, Gardner, KS 66030; MC ID No. 159654; Wrecked, disabled, repossessed and replacement vehicles

**Danny C. Good, dba Good's Trucking**, 1129 Vista Del Lago, Council Grove, KS 66846; MC ID No. 159647; General commodities (except household goods and hazardous materials)

**Hafenstein Trucking, Inc.**, 8521 W. 253rd St., Osage City, KS 66523; MC ID No. 159649; Joseph Weiler, Attorney; General commodities (except Classes A and B explosives and household goods)

**Isaacson Truck Line, Inc.**, 2238 Wesley, Salina, KS 67401; MC ID No. 159650; Joseph Weiler, Attorney; General commodities (except Classes A and B explosives and household goods)

**Richard J. Lowry, dba Rockin R Trucking**, 1045 11 Road, Stockton, KS 67669; MC ID No. 159637; General commodities (except household goods and hazardous materials)

**Manhattan Entertainment, Inc., dba Wildcat Wrecker Service**, 1701 Anderson, Manhattan, KS 66502; MC ID No. 159651; William Barker, Attorney; General commodities (except household goods and hazardous materials)

**Wayne D. Parks, dba Wayne D. Parks Trucking**, 2804 Fleming, Garden City, KS 67846; MC ID No. 159662; General commodities (except household goods and hazardous materials)

**Tim Pearson**, Route 2, Box 29, Fort Scott, KS 66701; MC ID No. 159652; General commodities (except household goods and hazardous materials)

**Pike Trail Trucking, LLC**, 2395 N. 60th Road, Delphos, KS 67436; MC ID No. 160721; Curtis Frasier, Attorney; General commodities (except household goods and hazardous materials)

**Jeff A. Pishny, dba Blue River Trucking**, 204 E. 6th, Blue Rapids, KS 66411; MC ID No. 260010; General commodities (except household goods and hazardous materials)

**Runge Trucking, Inc.**, 1401 7th Ave. South, St. James, MN 56081; MC ID No. 120751; General commodities (except household goods and hazardous materials)

**Chad Schlauderaff**, 17819 230th Ave., Detroit Lakes, MN 56501; MC ID No. 159653; Catherine Hengel, Attorney; General commodities (except household goods and hazardous materials)

**Randy Schrag, dba Schrag Brothers Farm**, 5611 W. Pretty Prairie Road, Pretty Prairie, KS 67570; MC ID No. 260016; General commodities (except household goods and hazardous materials)

**Gregory J. Thompson, dba Allen's Wrecker Service**, 1620 W. Kansas, McPherson, KS 67460; MC ID No. 159661; Joseph Weiler, Attorney; Vehicles, wrecked and disabled vehicles, recreational vehicles, parts and accessories

**Application for Extension of Contract Carrier Permit:**

**TNT Logistics North America, Inc.**, 10407 Centurion Parkway North, Suite 400, Jacksonville, FL 32256-0516; MC ID No. 118747; General commodities (except Classes A and B explosives and household goods)

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

**E.J. Edsall, dba E.J. Edsall Auto Service**, 128 S.W. Tyler St., Topeka, KS 66603-3048, MC ID No. 100866, to: Edsall Auto Service, Inc., 128 S.W. Tyler, Topeka, KS 66603-3048; Thomas Rost, Attorney; Wrecked and disabled motor vehicles, wrecked and disabled trailers

**Application for Name Change of Certificate of Public Service:**

**Slemp Farms, L.L.C.**, HC 01, Box 44A, Hugoton, KS 67951, MC ID No. 157431, to: Slemp Farms Trucking, L.L.C., HC 01, Box 44A, Hugoton, KS 67951; General commodities (except explosives, household goods and hazardous materials)

Mike J. Hoem  
Acting Director  
Transportation Division

Doc. No. 026628

## State of Kansas

**Department of Health  
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding the proposed renewal of an air quality general Class I operating permit. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

The general Class I operating permit proposed to be renewed in accordance with the provisions of K.A.R. 28-19-514 and K.A.R. 28-19-400 *et seq.* was issued by the Secretary of Health and Environment on June 27, 1996, for the category of "natural gas compressor stations." Subsequent to permit issuance, authorizations to operate under the terms of the general Class I operating permit were issued by KDHE. Each authorization stated the name and address of the entity authorized; included a list of all emission units, emission points and other sources of emissions located at the major source; and specified which provisions of the general permit applied to the various emission units, emission points and other sources of emissions. Each authorization under "Authorization Term" stated that the authorization expires five years after the specified effective date of the authorization.

KDHE proposes to renew the general Class I operating permit for natural gas compressor stations to provide a permit document under which each of the current authorizations may continue to operate until the end of each specific five-year term of each authorization. No new authorizations will be issued under the terms of the renewed general permit. An owner or operator of a facility operating under an existing authorization, who wants to continue to operate under a Class I operating permit, must apply to KDHE for a regular Class I operating permit not less than six months and not more than 18 months prior to the expiration date of the facility authorization.

A copy of the general Class I operating permit proposed to be renewed is available for a 30-day public review during normal business hours at the following locations. The standard departmental cost will be assessed for any copies requested.

**KDHE, Bureau of Air and Radiation**

Building 283, Forbes Field, Topeka, 66620  
Contact Person: Ralph E. Walden, (785) 296-1583

**KDHE North Central District Office**

2501 Market Plance, Suite D, Salina, 67401  
Contact Person: Joan Ratzlaff, (785) 827-9639

**KDHE Northeast District Office**

800 W. 24th St., Lawrence, 66046  
Contact Person: Pat Simpson, (785) 842-4600

**KDHE Northwest District Office**

2301 E. 13th St., Hays, 67601  
Contact Person: Rick Robinson, (785) 625-5663

**KDHE South Central District Office**

130 S. Market, Suite 6050, Wichita, 67202  
Contact Person: Dave Butler, (316) 337-6020

**KDHE Southeast District Office**

1500 W. 7th, Chanute, 66720  
Contact Person: Lynelle Stranghoner, (620) 431-2390

**KDHE Southwest District Office**

130 S. Market, Suite 6050, Wichita, 67202  
Contact Person: Dave Butler, (316) 337-6020

**Johnson County Environmental Department**

11180 Thompson Ave., Lenexa, 66219  
Contact Person: Mike Boothe, (913) 492-0402

**Shawnee County Health Agency**

1615 W. 8th St., Topeka, 66601  
Contact Person: Ed Kalas, (785) 368-2059

**Wichita-Sedgwick County Dept. of Community  
Health**

1900 E. 9th St., Wichita, 67214  
Contact Person: Randy Owen, (316) 268-8448

**Unified Gov't. of Wyandotte County-Kansas City,  
Kansas Health Dept.**

619 Ann Ave., Kansas City, 66101  
Contact Person: Bruce Andersen, (913) 573-6700

Direct written comments or questions regarding the proposed permit to Connie Carreno, 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 June 25.

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 at the address above not later than the close of business June 25 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026632

State of Kansas

### Department of Health and Environment

#### Notice of Hearing

A public hearing will be conducted at 3 p.m. Wednesday, June 27, in the main conference room of Building 283, Kansas Department of Health and Environment, Forbes Field, Topeka, to discuss the Kansas Public Water Supply Loan Fund (KPWSLF) Intended Use Plan (IUP) for federal fiscal year 2000 and 2001 funding. Copies of the IUP can be obtained by calling Linda White at (785) 296-5514 or fax (785) 296-5509.

Any individual with a disability may request accommodation to participate in the public hearing. Requests for accommodation should be made at least five working days before the hearing by contacting Linda White.

Comments can be presented at the hearing or in writing prior to the hearing. Written comments should be addressed to Linda White, Kansas Department of Health and Environment, Bureau of Water, Forbes Field, Building 283, Topeka, 66620.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026615

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 federal fiscal year October 1, 2001 through September 30, 2002. 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 each federal fiscal year grant award will be allocated to each of the following areas: 25 percent to law enforcement and prosecution, 5 percent to courts, 30 percent to not-for-profit victim service providers and 15 percent to 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](http://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, June 18. No applications will be accepted after that date.

Carla J. Stovall  
Attorney General

Doc. No. 026616

State of Kansas

### Department of Administration Division of Architectural Services

#### Notice of Commencement of Negotiations for Engineering Services

Notice is hereby given of the commencement of negotiations for engineering services for HVAC replacement at King Hall at Emporia State University. The estimated project cost is \$500,000.

For information regarding the scope of services, contact Mark Runge, Director of Facilities Planning, Emporia State University, (620) 341-5331.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. June 8.

Thaine Hoffman, AIA  
Director, Division of  
Architectural Services

Doc. No. 026633

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-01-137/140  
Pending Permits for Confined Feeding Facilities



Name and Address of Applicant	Legal Description	Receiving Water
Robert Clydesdale Farm HC 63, Box 184 Edmond, KS 67645	SW/4 of Section 10, T5S, R23W, Norton County	Solomon River Basin

Kansas Permit No. A-SONT-B001

This is a new permit for a new facility for 999 head (999 animal units) of cattle weighing greater than 700 pounds each.

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

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure(s). Should any structure not meet the permeability requirements, additional sealing will be required. The manure/waste management plan approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Ottawa County Cattle Associates P.O. Box 168 Minneapolis, KS 67467	NW/4 & SW/4 of Section 33, T10S, R3W, Ottawa County	Solomon River Basin

Kansas Permit No. A-SOOT-C001 Federal Permit No. KS0037346

This is a renewal permit for an existing facility for 8,000 head (8,000 animal units) of cattle over 700 pounds each.

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

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit. Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and which have received manure or wastewater within the previous five years.

Name and Address of Applicant	Legal Description	Receiving Water
Maurice Feldkamp Route 1, Box 24 Baileyville, KS 66404	NW/4 of Section 1, T2S, R11E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S035

This is a permit renewal for an existing facility for 892 head (356.8 animal units) of swine greater than 55 pounds and 730 head (73 animal units) of swine 55 pounds or less, for a total of 429.8 animal units.

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

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
LaCrosse Livestock Market P.O. Box 657 LaCrosse, KS 67548	N/2 of the SW/4 of Section 27, T17S, R18W, Rush County	Upper Arkansas River Basin

Kansas Permit No. A-UARH-B010

This is a new permit for an expanding sale barn for 900 head (900 animal units) of cattle weighing greater than 700 pounds, confined three days a week.

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

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

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 Shonda Domme 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 June 23 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-01-137/140) 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

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots/stindex.html>.

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. 026623

## State of Kansas

Department of Administration  
Division of Purchases

## Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, June 4, 2001

03377

Kansas State University—Norton AntiVirus Corporation Edition 7.5

03378

Department of Transportation—Snow Plow Blade Lifting Device, Various Locations

03381

Department of Transportation—Random Crack Router, Various Locations

03382

Department of Transportation—Brush Chipper, Various Locations

03383

Department of Revenue—Conversion Coated Aluminum

Tuesday, June 5, 2001

03386

Department of Transportation—Asphalt Distributor and Truck, Various Locations

03384

Topeka Correctional Facility—Prisoner Transportation Buses

03408

Emporia State University—Library Digital Self Check ID System

Wednesday, June 6, 2001

03343

State Corporation Commission—Abandoned Well Plugging, Casper Lease

03407

Kansas Highway Patrol—Hon Office Furniture

03387

Department of Wildlife and Parks—Construct Sidewalks and Parking Lots, Northeast Kansas, Various Locations

03389

Department of Transportation—Rotary Mowers, Tractor Powered, Various Locations

03404

Department of Transportation—Transmit Combiner

03402

Wichita State University—Disk Array Subsystem and Software

Thursday, June 7, 2001

A-9027

Department of Transportation—Reroof Area Shop, Wichita Hillside, Wichita

03399

Statewide—Dairy Products

Friday, June 8, 2001

03405

Department of Transportation—Equipment Trailer, Various Locations

03410

Department of Transportation—Self Propelled Non-Pickup Sweeper, Various Locations

03415

University of Kansas—Judgmental Use of Force Simulation Training System

Monday, June 11, 2001

03419

Department of Health and Environment—Hepatitis C Virus Detection and Confirmation Tests

Tuesday, June 12, 2001

A-9087

Topeka Juvenile Correctional Facility—Replace Overhead Electrical Service, Northeast Campus

A-9085

Topeka Juvenile Correctional Facility—Replace Hot Water Heating System, Vocational Maintenance Building

Thursday, June 14, 2001

A-9160

Lansing Correctional Facility—Fire Protection Sprinkler System Addition Housing Units "R," "S" and "W"

A-9237

Larned State Hospital—Reroof Staff House #300

A-9124

Topeka National Guard Armory—Heating, Ventilating and Air Conditioning Upgrade

03263

Department of Social and Rehabilitation Services—Lease Space for Newton SRS Office

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## Request for Proposals

Tuesday, June 5, 2001

03414

Motion Picture Video Cassette Licensing and Leasing Service for the Department of Corrections

Wednesday, June 6, 2001

03397

Construction Rollers for the Department of Transportation, Various Locations

Friday, June 8, 2001

03272

Window Washing for the Department of Administration, Division of Facilities Management

Tuesday, June 12, 2001

03380

Janitorial Services for the Department of Administration, Division of Facilities Management

Thursday, June 14, 2001

03391

Rest Area Cleaning Services, District 6, for the Department of Transportation

Monday, July 2, 2001

03372

Research Assistance (RA) Services for Statewide

John T. Houlihan  
Director of Purchases

Doc. No. 026634

(Published in the Kansas Register May 24, 2001.)

**Summary Notice of Bond Sale**

**City of Pittsburg, Kansas**

**\$2,675,000**

**General Obligation Bonds**

**Series 2001B**

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

**Sealed Bids**

Subject to the official notice of bond sale and preliminary official statement dated June 1, 2001, sealed bids and faxed bids will be received by the city clerk of the City of Pittsburg, Kansas (the issuer), on behalf of the governing body of the city at City Hall, 201 W. 4th, Pittsburg, KS 66762, until 1:30 p.m. Tuesday, June 12, 2001, for the purchase of \$2,675,000 principal amount of General Obligation Bonds, Series 2001B. No bid of less than 99.25 percent of the aggregate principal amount of the bonds and accrued interest thereon to the date of delivery will be considered, and no supplemental interest payments 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 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 bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated July 1, 2001, and will become due on September 1 in the years as follows:

Year	Principal Amount
2002	\$215,000
2003	235,000

2004	245,000
2005	250,000
2006	260,000
2007	270,000
2008	280,000
2009	295,000
2010	305,000
2011	320,000

The bonds will be subject to optional redemption prior to maturity as provided in the official notice of bond sale and preliminary official statement.

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, 2002.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by 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 \$53,500 (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 to the facilities of the Depository Trust Company, New York, New York, without cost to the successful bidder within 45 days after the date of sale.

**Assessed Valuation and Indebtedness**

The total assessed valuation of taxable tangible property in the city for the year 2000 is \$103,745,057. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold less the issuer's outstanding temporary notes in the aggregate principal amount of \$2,610,000, all of which will mature on July 14, 2001, is \$12,295,000.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer and delivered to the successful bidder when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk, (620) 231-4100, or from the financial advisor, Kirkpatrick Pettis, 4435 Main, Suite 950, Kansas City, MO 64111, (816) 360-2270.

Dated May 8, 2001.

City of Pittsburg, Kansas  
Lu Anne Pugh, City Clerk  
City Hall  
201 W. 4th  
Pittsburg, KS 66762

Doc. No. 026625

(Published in the Kansas Register May 24, 2001.)

**Summary Notice of Bond Sale  
Unified School District No. 259  
Sedgwick County, Kansas (Wichita)  
\$94,835,000  
General Obligation 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 as of May 14, 2001, of Unified School District No. 259, Sedgwick County, Kansas (Wichita), sealed, facsimile and electronic bids for the purchase of the bonds shall be received at the office of the school district's chief financial officer at 201 N. Water, Room 603, Wichita, Kansas, until 4 p.m. Monday, June 11, 2001, for the purchase of the school district's General Obligation Bonds, Series 2001, which are hereinafter described. All bids shall be publicly opened and read aloud by school district staff on said date and at said time and shall thereafter be immediately considered and acted upon by the school district at a meeting to begin at 6 p.m. No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Sealed and facsimile bids will be accepted only on the official bid form that has been prepared for these bonds, which may be obtained from the clerk of the school district or the school district's financial advisors. Bids may be submitted by mail or delivered in person, or may be submitted by telefacsimile at (316) 973-4600, or may be electronically bid through Thomson Financial Municipals Group BiDCOMP/PARITY electronic bid submission system. To the extent any instruction or directions set forth in PARITY conflict with the official notice of sale, the terms of the official notice of sale shall control. The city shall not be responsible for any failure, misdirection or error in the means of transmission selected by any bidder. For further information about the electronic bidding services of PARITY, potential bidders may contact Dalcomp at 395 Hudson St., New York, NY 10014, (212) 806-8304. All bids must be received at the place and not later than the date and time herein 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 school district, or in the form of a financial surety bond payable to the order of the school district and meeting requirements therefor as set forth in the official notice of bond sale, 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 \$94,835,000. The bonds shall be issued as fully registered certificated bonds, without coupons, 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 a dated date of June 15, 2001. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for

the bonds. The bonds shall be subject to redemption prior to their respective maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on March 1 and September 1 of each year, commencing March 1, 2002, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

**Maturity Schedule**

Year	Principal Amount
2002	\$5,805,000
2003	2,030,000
2004	3,250,000
2005	3,520,000
2006	3,790,000
2007	4,040,000
2008	4,280,000
2009	4,525,000
2010	4,810,000
2011	5,100,000
2012	5,410,000
2013	5,740,000
2014	6,090,000
2015	6,450,000
2016	6,850,000
2017	7,250,000
2018	7,720,000
2019	8,175,000

**Security for the Bonds**

The bonds and the interest thereon constitute general obligations of the school district, and the full faith, credit and resources of the school district will be pledged to the payment thereof. The school district will be 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 school district for the purpose of paying the bonds and the interest thereon.

**Form of Bonds**

The bonds will be issued in book-entry-only form.

**Paying Agent and Bond Registrar; Payment of Principal and Interest:**

INTRUST Bank, N.A., Wichita, Kansas, has been designated as paying agent and bond registrar for the bonds (hereinafter called the paying agent). The principal amount of and the interest on the bonds shall be paid by the paying agent from funds made available by the school district by wire transfer of same day funds to Cede & Co., nominee for the Depository Trust Company, New York, New York (DTC). The transfer of principal and interest payments to the participants of DTC will be the responsibility of DTC, and the transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. (Reference is made to the official notice of bond sale for additional information regarding payment of principal and interest to owners of the bonds.)

**Redemption**

Certain of the bonds are subject to redemption as set forth in the official notice of bond sale. Additionally, a

bidder may elect to have one or two of the bonds shown in the above maturity schedule issued as term bonds, which would be subject to mandatory redemption requirements. (Reference is made to the official notice of bond sale for complete details regarding redemption of the bonds.)

#### Delivery

The bonds shall be delivered at the expense of the school district on or about July 10, 2001. As a condition to delivery, the successful bidders shall be required to deposit the bonds with DTC. (Reference is made to the official notice of bond sale for additional information regarding delivery.)

#### 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 school district. 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 legal matters.)

#### Ratings

The school district has applied at its expense for an independent rating on the bonds herein offered for sale. If the successful bidder elects to purchase the bonds with municipal bond insurance, the rating agencies will assign their ratings to this issue with the understanding that upon delivery of the bonds, a policy insuring the payment when due of the principal of and interest on the bonds will be issued by one of the below-named insurers. Such application and ratings are further described in the preliminary official statement, hereinafter described.

#### Optional Municipal Bond Insurance

Applications have been submitted to AMBAC Assurance Corporation, MBIA Insurance Corporation, Financial Securities Assurance Inc. and Financial Guaranty Insurance Company for municipal bond insurance relating to the bonds. The bonds may be purchased with or without this insurance at the option of the successful bidder. All expenses associated with the purchase of said insurance (including any additional rating agency fees related thereto) will be the responsibility of the successful bidder. The amount of such premium and fees may be obtained from the above-named insurers. The insurance policy, if purchased, will insure the timely payment of the principal of and interest on the bonds. Bidders desiring to purchase the optional municipal bond insurance must so indicate on the official bid form.

#### Financial Matters

The school district's equalized assessed tangible valuation for computation of bonded debt limitations is \$2,188,039,372. Including the bonds described herein, on July 10, 2001, the school district's outstanding bonded indebtedness will be \$189,668,000.

#### Official Statement

The school district has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the school district or the school district's

financial advisors. The preliminary official statement is in a form "deemed final" by the school district for the purpose of Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. The school district will provide the purchaser of the bonds or its designated agent, within seven business days after the date of the sale, copies of the school district'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 school district 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 school district 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

The school district has adopted a resolution establishing a master undertaking to provide ongoing disclosure concerning the school district in connection with its general obligation bonds for the benefit of owners of the bonds, as required under Section (b)(5)(i) of Securities and Exchange Commission Rule 15c2-12. A copy of that resolution is included as an appendix to the official statement.

#### Additional Information

For additional information regarding the school district, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and the school district's preliminary official statement and official bid form for the bonds, all of which may be obtained from the undersigned or from the school district's financial advisors by contacting George K. Baum & Company, 100 N. Main St., Suite 810, Wichita, KS 67202-1375, (316) 264-9351; and Ranson & Associates, Inc., 250 N. Rock Road, Suite 150, Wichita, KS 67206-2241, (316) 681-3123.

Unified School District No. 259  
Sedgwick County, Kansas (Wichita)  
By R. Arlene Moore, Clerk  
201 N. Water  
Wichita, KS 67202  
(316) 973-4531  
Fax (316) 973-4600

Doc. No. 026630

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  
Barton County Courthouse  
Courtroom A  
1400 Main St.  
Great Bend, Kansas

Before Rulon, C.J.; Lewis, J.; and Wahl, S.J.

Tuesday, June 12, 2001

1:30 p.m.

Case No.	Case Name	Attorneys	Jurisdiction
85,268	State of Kansas, Appellee, v. James Leon Williams, Appellant.	Attorney General Thomas V. Black, C.A. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Pratt
84,632	Viswanatha Kharidi, M.D., et al., Appellants, v. Hays Medical Center, et al., Appellees.	Caleb Boone Jeffrey A. Bullins Janet M. Simpson	Ellis
85,730	State of Kansas, Appellee, v. Gary L. Rose, Appellant.	Attorney General Thomas V. Black, C.A. Matthew B. Lynch	Pratt
85,631	State of Kansas, Appellee, v. Robert E. Thompson, Appellant.	Attorney General Rod Ludwig, C.A. Kevin L. Phillips	Mitchell
85,822 85,823 85,824	State of Kansas, Appellee, v. Charles Callaway, Appellant.	Attorney General Matthew J. Richter, Asst. C.A. Jody M. Lamb	Seward

Wednesday, June 13, 2001

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
85,054	State of Kansas, Appellee, v. Tia K. Bohn, Appellant.	Attorney General Rick J. Scheufler, C.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Barton
84,880	State of Kansas, Appellee, v. Jay R. Creacy, Appellant.	Attorney General Russ Roe, Asst. C.A. Mark T. Schoenhofer	Saline
85,842	Connie Weiser, Appellant, v. Board of Education, USD 354, Claflin, Kansas, Barton County, Kansas, Appellee.	Gene F. Anderson Donna L. Whiteman	Barton
86,247	Ruby P. Petersile, In Her Own Right and By and Through Her Limited Guardian and Conservator, Ivan J. Keeler, Appellee, v. State Department of Social and Rehabilitation Services, Appellant.	Jack W. Shultz Reid Stacey	Ford

## Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	Jurisdiction
85,295	State of Kansas, Appellee, v. Ricky Lee Bryant, Appellant.	Attorney General Bonnie Hannan, Asst. D.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Wyandotte
86,014	Ernest L. King, Appellant, v. State of Kansas, Appellee.	Stephen B. Chapman Attorney General James L. Spies, Asst. D.A.	Wyandotte
85,432	State of Kansas, Appellee, v. John S. Bulla, Appellant.	Attorney General Bonnie Hannan, Asst. D.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Wyandotte
84,840	State of Kansas, Appellee, v. Kevin Lavon Martin, Appellant.	Attorney General Jerome A. Gorman, Asst. D.A. Jeffrey M. Goodwin	Wyandotte
85,720	Douglas L. Heronemus, Appellant, v. State of Kansas, Appellee.	Geary N. Gorup Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A.	Sedgwick
86,238	In the Interest of J.M.M., DOB: 02/17/00.	Michael E. Lazzo Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A.	Sedgwick
85,653	State of Kansas, Appellee, v. Tyrone Mayfield, Appellee.	Attorney General Joe Shepack, C.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Ellsworth
85,962	In the Matter of the Marriage of Irving E. Boldridge, Appellant, and Sophia E. Boldridge, Appellee.	Kent Docking John R. Kurth	Atchison
84,765	Walter H. Glass, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D. Debra S. Peterson, Asst. D.A. Ian H. Taylor, Asst. D.A.	Sedgwick
85,769	Raymond L. Greene, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D. Attorney General Steve Stockard, Asst. C.A.	Crawford
85,946	Dorothy Lewis, Appellant, v. City of Kansas City, Kansas, Appellee.	Dorothy Lewis, pro se Robert P. Burns, Asst. C.A.	Wyandotte
85,326	State of Kansas, Appellee, v. Steven R. Guy, Appellant.	Attorney General Kim W. Cudney, C.A. Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	Marshall
85,718	Unified Government of Wyandotte County, Kansas City, Kansas, Appellee, v. Carlos Lopez and Sharon Lopez, Appellants.	Delia M. York, Asst. C.A. Carlos Lopez, pro se Sharon Lopez, pro se	Wyandotte
85,533	Nancy Floro, Appellant, v. Lisa Berry, Appellee.	Timothy E. Keck Craig C. Blumreich	Shawnee

(continued)

85,637	Durand Dickerson, Appellant, v. Patrick Henderson, Patrick Henderson, Esq., Duncan Senecal Law Office Chartered, Appellees.	Durand K. Dickerson, pro se Ernest C. Ballweg	Leavenworth
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**Kansas Court of Appeals  
Wyandotte County Courthouse  
Division 17  
710 N. 7th St., 3rd Floor  
Kansas City, Kansas**

**Before Knudson, P.J.; Johnson, J.; and Paddock, S.J.**

**Tuesday, June 12, 2001**

**1:00 p.m.**

Case No.	Case Name	Attorneys	Jurisdiction
85,988	Drew A. Doggett, Appellant, v. The Burlington Northern and Santa Fe Railway Company, Appellee.	Robert D. Loughbom John T. Peak William P. Coates, Jr.	Wyandotte
85,177	State of Kansas, Appellee, v. Jason T. McConnell, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Kathryn B. Wall, Asst. A.D.	Johnson
85,381	In the Matter of the Estate of Melvin Koch, Deceased.	David C. Carpenter Gerald R. Kuckelman	Atchison
86,239	Lee Hughes, Appellee, v. Reno Construction and St. Paul Fire and Marine Insurance Co., Appellants, and Cigna Property and Casualty, Appellee.	Chris Miller Gary R. Terrill Patricia A. Wohlford	Work Comp
84,999	State of Kansas, Appellee, v. Anderson D. Graves, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Rick Kittel, Asst. A.D.	Johnson

**Wednesday, June 13, 2001**

**10:00 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
86,485	John D. Altevogt, Appellant, v. Youthfriends and the Greater Kansas City Community Foundation, Appellees.	Theresa Hook Barton George A. Barton David C. Vogel	Wyandotte
85,331	State of Kansas, Appellee, v. J.D. Turner, Appellant.	Attorney General Rekha Sharma-Crawford, Asst. D.A. Jessica R. Kunen, A.D. Shawn Minihan, Asst. A.D.	Douglas
83,907	Northwest Arkansas Masonry, Inc., Appellant, v. Summit Specialty Products, Inc., Ashgrove Cement Company, and Materials Packaging Corp., Appellees.	Scott C. Long Jeff S. Bloskey Richmond M. Enochs Richard M. Paul	Johnson
84,639	State of Kansas, Appellee, v. David M. Payne, Appellant.	Attorney General Bethany C. Daniels, Asst. D.A. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Douglas



## Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	Jurisdiction
86,301	In the Interest of J.K., DOB: 03/12/92.	A. J. Stecklein Victoria S. Meyer, Asst. D.A.	Wyandotte
85,022	State of Kansas, Appellee, v. Wayne Shay, Appellant.	Attorney General Robert D. Hecht, D.A. Kathleen Downey Ambrosio	Shawnee
86,216	Janette N. Van Gorp, Appellant, v. Fordyce Concrete, Appellee.	Davy C. Walker Fredrick J. Greenbaum	Work Comp
85,535	In the Matter of the Marriage of Teresa Ann Thornton (now known as Teresa Grissom), and Paul D. Thornton, Appellant.	Paul D. Thornton, pro se	Rice
85,645	State of Kansas, Appellee, v. David L. Ivory, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Shawn Minihan, Asst. A.D.	Sedgwick
85,774	Adam Valdez, Appellant, v. State of Kansas, Appellee.	B. Steven Upshaw Attorney General Tamara S. Hicks, Asst. C.A.	Finney
86,152	Frederick Smith, Appellant, v. Marty Snyder, Appellee.	Frederick Smith, pro se Scott Bradley Poor, Asst. A.G.	Shawnee
86,068	Darrell B. Bass, Appellant, v. State of Kansas, Appellee.	Kevin Loeffler Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A.	Sedgwick
84,864	In the Matter of the Marriage of Penelope Y. Cassell, Appellant, and Joseph H. Cassell, Appellee.	Kiehl Rathbun Stephen J. Blaylock	Sedgwick
85,642	J. R. Russell, Appellant, v. Robert Gardner and Board of Commissioners of the Unified Government of Wyandotte County/ Kansas City, Kansas, Appellees.	J. R. Russell, pro se Wayman W. Favors	Wyandotte
86,180	Roger Alan Anderson, Appellant, v. David R. McKune, et al., Appellees.	Michael G. Highland Kenneth R. Smith, Special Asst. A.G.	Leavenworth
85,325	State of Kansas, Appellee, v. Thomas C. Griffin II, Appellant.	Attorney General Julie E. Richey, C.A. Jessica R. Kunen, Chief A.D. Cory D. Riddle, Asst. A.D.	Crawford
86,092	Unified Government of Wyandotte County, Kansas City, Kansas, Appellee, v. Carlos Lopez, Appellant.	Delia M. York Carlos Lopez, pro se	Wyandotte
84,854	State of Kansas, Appellee, v. Clarence E. Grissom, Jr., Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Geary N. Gorup	Sedgwick

(continued)

85,421	State of Kansas, Appellee, v. Carmen E. Lazos, a/k/a Carmen Enrique Lazos Sanchez, Appellant.	Attorney General Ellen Mitchell, C.A. Jessica R. Kunen, Chief A.D. Libby Snider, Asst. A.D.	Saline
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**Kansas Court of Appeals  
Old Sedgwick County Courthouse  
510 N. Main, 3rd Floor  
Wichita, Kansas**

**Before Gernon, P.J.; Brazil, S.J.; and John J. Bukaty, D.J., assigned.**

**Tuesday, June 12, 2001**

**9:00 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
85,564	W. Howard Whiteside, Appellee, Cross-Appellant, v. The Department of Social and Rehabilitation Services, Appellant, Cross-Appellee.	Michael D. Hepperly Christopher J. Vinduska Gwendolen B. Mason	Sedgwick
85,548	Charles E. Clare, Appellant, v. State of Kansas, Appellee.	Cortland E. Berry Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A.	Sedgwick
85,280	State of Kansas, Appellee, v. Larry D. Dennis, Appellant.	Attorney General Jan Satterfield, C.A. Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Butler
85,639	In the Interest of J.C.S., M.S.E., T.W.S. and D.L.S., Minor Children Under 18 Years of Age.	Jeff Griffith Robert E. Shaver Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A.	Sedgwick

**1:30 p.m.**

Case No.	Case Name	Attorneys	Jurisdiction
85,897	Valda L. Fletcher, Appellee, v. Jed Anderson, Defendant, v. Farm Bureau Mutual Insurance Company, Inc., Garnishee, Appellant.	Gerald W. Scott Mark A. Scott Paul Hasty, Jr. Doug Whitaker	Sedgwick
85,923	State of Kansas, Appellee, v. Jon L. Whitesell, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A. Daniel E. Monnat	Sedgwick
84,242	State of Kansas, Appellee, v. Willie Delane Smith, Appellant.	Attorney General James R. Spring, C.A. Jessica R. Kunen, Chief A.D. Shawn Minihan, Asst. A.D.	Cowley

86,270 Carol V. Long, Individually, and on Behalf of All Other Persons Similarly Situated, Appellants,  
v.  
Dennis Nicholas Winkelman, Amanda Dawn Winkelman, and the Unknown Heirs, Executors, Administrators, Devisees, Trustees, Creditors, and Assigns of Dorene G. Chevraux, Leroy E. Chevraux, and Mary E. Chevraux, All Deceased, Appellees. Charles E. Watson  
Paul Arabia Harper

Wednesday, June 13, 2001

Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	Jurisdiction
84,981	State of Kansas, Appellee, v. Parluige W. Cassiragi, a/k/a Wilfredo G. Castro-Beltz, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Mary Curtis, Asst. A.D.	Johnson
85,366	State of Kansas, Appellee, v. William N. Greenburg, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Ian H. Taylor, Asst. D.A. Jessica R. Kunen, Chief A.D. Libby Snider, Asst. A.D.	Sedgwick
86,188	Maria Garcia, Appellee, v. Excel Corporation, Appellant.	Chris A. Clements Stephen M. Kerwick D. Shane Bangertter	Work Comp
86,110	Debe D. Lefors and Alan D. Lefors, Appellants, v. Cletus Morley, Appellee.	Brad L. Keil Stanford J. Smith, Jr.	Sedgwick
83,674	State of Kansas, Appellee, v. Cyndi Jeffries, Appellant.	Attorney General Kevin K. Stephenson, Asst. C.A. Jessica R. Kunen, Chief A.D. Daniel C. Estes, Asst. A.D.	Reno
85,327	State of Kansas, Appellee, v. James E. King, Appellant.	Attorney General William R. Mott, C.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Sumner
85,155	State of Kansas, Appellee, v. Steven Mueller, a/k/a Michael J. Moody, Appellant.	Attorney General Angela M. Wilson, Asst. D.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Douglas
85,493	Donald W. Rowell, Jr., Appellant, v. State of Kansas, Appellee.	Michael S. Holland Attorney General Matt Treaster, C.A.	Harvey
85,879	Joe Cape, Appellee, v. Schuyler Benson, Appellant.	Jerry K. Levy Katherine L. Kirk Michael R. O'Neal	Reno
85,746	State of Kansas, Appellee, v. Kathleen Marie Stewart, Appellant.	Attorney General James R. Spring, C.A. Casey J. Cotton	Cowley
85,284	State of Kansas, Appellee, v. Kenneth W. Luce, Appellant.	Attorney General Franklin Terrill Bruce, Asst. D.A. David E. Roberts	Reno

(continued)

85,402	Virgil Patrick Fox, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	Cherokee
84,782	State of Kansas, Appellee, v. Lonnie Nolan, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A. Jessica R. Kunen, Chief A.D. Libby Snider, Asst. A.D.	Sedgwick
85,733	State of Kansas, Appellee, v. Anthony James Betz, Appellant.	Attorney General Russ Roe, Asst. C.A. Autumn L. Fox	Saline
85,516	State of Kansas, Appellee, v. Cirilo Gomez, Appellant.	Attorney General Brian R. Sherwood, Asst. C.A. Robert A. Levy	Finney

**Kansas Court of Appeals  
Court of Appeals Courtroom  
301 S.W. 10th Ave.  
Topeka, Kansas**

**Before Pierron, P.J.; Marquardt and Beier, JJ.**

**Tuesday, June 19, 2001**

**9:00 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
85,611	Dennis Mulroy, Appellant, v. Duane L. Olberding and Western Resources, Inc., Appellees.	Robert V. Eye Steve R. Fabert Ron D. Martinek	Nemaha
84,221	State of Kansas, Appellee, v. Gerald L. Cope, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Johnson
86,108	Douglas Jones, Appellant, v. Christy Walker, Appellee.	Paula S. Pierce Alan F. Alderson	Shawnee
86,319	In the Matter of the Adoption of Baby Girl S, a Minor Child.	Anne Burke Miller Susan C. Jacobson	Riley
<b>1:30 p.m.</b>			
82,636 82637	State of Kansas, Appellee, v. Scott M. Arculeo, Appellant.	Jessica R. Kunen, Chief A.D. Patrick H. Dunn, Asst. A.D.	Lyon
84,524	State of Kansas, Appellee, v. Damone Lee Cribbs, Appellant.	Attorney General Michael A. Russell, Asst. D.A. Jessica R. Kunen, Chief A.D. Jennifer C. Roth, Asst. A.D.	Wyandotte
83,944	Arnold Lee Reynolds, Administrator for the Estate of Connie Reynolds, Deceased; Arnold Lee Reynolds, Individually; and Rhonda Reynolds, Appellees, v. James W. Van Kirk; Karen Van Kirk; Kansas Department of Transportation and Everett Jones, Appellants.	Lon Walters Vicky S. Johnson	Miami

84,852	Derrick W. Davis, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Reid T. Nelson, Asst. A.D. Attorney General Steven J. Obermeier, Asst. D.A.	Johnson
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Wednesday, June 20, 2001

## Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	Jurisdiction
84,887	State of Kansas, Appellee, v. Dante O. Adams, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Jessica R. Kunen, Chief A.D. Libby Snider, Asst. A.D.	Sedgwick
86,175	Ricky A. Wriston, Appellant, v. David R. McKune, et al., Appellees.	Michael G. Highland Kenneth R. Smith, Special Asst. A.G.	Leavenworth
84,842	State of Kansas, Appellee, v. Benjamin Rowbotham, Appellant.	Attorney General Arthur E. Rhodes, Asst. D.A. Jessica R. Kunen, Chief A.D. Cory Riddle, Asst. A.D.	Wyandotte
86,183	Randall Wyatt, Appellant, v. Leslie Sievers, et al., Appellees.	Michael G. Highland Kenneth R. Smith, Special Asst. A.G.	Leavenworth
85,629	State of Kansas, Appellee, v. Chesley Lum Armstrong, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Kathryn B. Wall, Asst. A.D.	Johnson
84,742	State of Kansas, Appellee, v. Arthur Perry, Appellant.	Attorney General Ellen H. Mitchell, C.A. Stacy Lynn Cunning, Asst. C.A. Jessica R. Kunen, Chief A.D. Libby Snider, Asst. A.D.	Saline
85,986	In the Interest of A.R.K., a Minor Child.	Rebecca J. Faurot Lois K. Malin, Asst. C.A.	Finney
85,123	State of Kansas, Appellee, v. Shane S. Haynes, Appellant.	Attorney General Christopher L. Schneider, Asst. D.A. Jessica R. Kunen, Chief A.D. Kathryn B. Wall, Asst. A.D.	Wyandotte
85,370 85,375	Glenn Cahill, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D.	Leavenworth
86,305	In the Matter of the Marriage of Debra Kleinsorge, Appellee, and George A. Kleinsorge, Appellant.	Scott Showalter Gene F. Anderson	Thomas
85,859	Carl M. Wilson, Appellant, v. Marion S. Lynn, Jr., and Shirley J. Lynn-Smith, Appellees.	Carl M. Wilson, pro se Philip C. Lorton	Wyandotte
84,970	State of Kansas, Appellee, v. Ronald Hopson, Appellant.	Attorney General Tony Cruz, Asst. C.A. Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	Geary

(continued)

84,664	State of Kansas, Appellee, v. David M. Payne, Appellant.	Attorney General Bradley R. Burke, Legal Intern Bethany C. Daniels, Asst. D.A. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Douglas
85,451	State of Kansas, Appellee, v. Cleties A. Clark, Jr., Appellant.	Attorney General Brad Lippert, C.A. Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	Nemaha
86,087	State of Kansas, Appellee, v. Gerald Hoover, Appellant.	Attorney General Kim W. Cudney, C.A. William C. O'Keefe	Washington

Carol G. Green  
Clerk of the Appellate Courts

Doc. No. 026606

## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of May 28 through June 10. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/klrd.html>.

Date	Room	Time	Committee	Agenda
May 29	Leavenworth	9:00 a.m.	Redistricting Public Hearing	Agenda not available.
May 29	Kansas City Manhattan	3:00 p.m. 10:00 a.m.	Redistricting Public Hearing	Agenda not available.
May 30				
May 31	Senate Chamber	10:00 a.m.	Sine Die	Agenda not available.
	House Chamber	10:00 a.m.	Sine Die	Agenda not available.
May 31	231-N	10:30 a.m.	Joint Committee on Administrative Rules and Regulations	Agenda not available.
May 31	531-N	11:00 a.m.	Joint Committee on Information Technology	Plan interim schedule.
May 31	514-S	10:00 a.m.	Joint Committee on Economic Development (subject to cancellation)	Agenda not available.
	514-S	9:00 a.m.	Joint Committee on Economic Development	Review draft of the strategic plan report. Review Post Audit on economic development in Kansas.
June 5	Independence	11:00 a.m.	Redistricting Public Hearing	Agenda not available.

Jeff Russell  
Director of Legislative  
Administrative Services

Doc. No. 026624

## State of Kansas

## Social and Rehabilitation Services

## Notice of Hearings

Two public hearings will be held in June to receive comments on the proposed Kansas State Child Care Plan developed by the Kansas Department of Social and Rehabilitation Services (SRS). The hearings will be at the following locations:

**Tuesday, June 5—7 to 9 p.m.**

Sternberg Museum  
Sternberg Drive, Hays

**Wednesday, June 6—1 to 3 p.m.**

DETAMC  
2102 E. 21st St., Wichita

One public hearing was already held April 26 in Topeka.

SRS is the lead agency and administers the Child Care and Development Fund (CCDF) received from the federal Department of Health and Human Services. The proposed Kansas Plan is available on the Internet at [www.srskansas.org/kidsnet/careassistance](http://www.srskansas.org/kidsnet/careassistance). Copies of the plan also will be available at the public hearings.

Written comments may be sent by June 6 to Jean Morgan, Social and Rehabilitation Services, 6th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, e-mail [JEM@srskansas.org](mailto:JEM@srskansas.org). For additional information, contact Jean Morgan at (785) 368-6355.

Janet Schalansky  
Secretary of Social and  
Rehabilitation Services

Doc. No. 026613

## State of Kansas

## Social and Rehabilitation Services

Request for Comments on the  
Chafee Foster Care Independence Program  
State Plan for Fiscal Years 2001-2004

## Program Narrative

The Kansas Department of Social and Rehabilitation Services will administer and oversee the Chafee Foster Care Independence Act program. The state will participate in national evaluations of the effects of the independent living programs. All youth in the custody of the SRS secretary and in out-of-home placement will be evaluated at age 16 to determine their basic independent living skill development level and will be provided services to help learn basic skills to overcome deficiencies. This evaluation is done for *all* youth even if the permanency plan goal is reintegration, adoption or relative placement. The youth's participation in designing a case plan to become self-sufficient is required. When a youth has an individual education plan, identified medical condition, mental health condition or intellectual limitations, they will be referred to vocational rehabilitation at age 16 for evaluation and service delivery, and they will be referred to the appropriate counselors and specialists to develop training or therapy to reduce the effects of the identified condition on their ability to be self-sufficient.

Social and Rehabilitation Services contracts statewide for reintegration/foster care and adoption services for youth in out-of-home placement. The reintegration/foster care and adoption contractors must provide independent living services to youth when they are 16 years of age. The service plan is developed *with* the youth after an assessment is completed. The contractor's performance is evaluated on its ability to produce the following outcomes: If a youth leaves the system at age 18, he/she will have a GED or high school diploma or be actively seeking a diploma. He/she will have income and resources sufficient to meet his/her needs as documented on a personal budget plan (this requires the youth have the necessary skills to obtain and keep employment). The youth will have secured a place to live independently or be in an assisted living program or with a relative.

If a youth 14 years of age or older does not have an identified placement resource with an adoptive family, relative or parent, or a specific time established for the move to a permanent home, the youth can receive an evaluation, services and training to help develop independent living skills. SRS provides a portion of the Chafee funds to the Juvenile Justice Authority to provide a variety of training including vocational training, anger management, self esteem training and training on how to work in a group. JJA emphasizes the need to postpone parenthood until the youth is ready and able to be a parent.

*To help youth prepare for and enter post secondary training and educational institutions the following plan has been developed:*

Some foster care youth lose school credits because of placement or frequent moves. Contractor and area office staff are encouraged to attend individual education plan conferences or to ask for 405C educational plans for the youth who are behind, but do not qualify for an IEP, for help in school or to catch up to grade level.

One component of Independent Living Basic Skills training is information, training and assistance in obtaining scholarships, Pell grants, student loans or admission to Job Corps. Youth who are interested in vocational programs are encouraged to evaluate their talents and interest in vocational training. Chafee funds are used for tuition for vocational training. Youth are encouraged to save earnings for future needs. The State of Kansas uses state general funds to allow youth to attend college, technical or vocational schools. Independent Living funds are used to pay for SAT and ACT tests. When possible, youth will do work study programs.

As a part of their Independent Living Subsidy Contract, youth *may* receive full funding for schooling the first year and decreasing amounts until they are 21 years of age. Chafee funds will be used for the room and board portion to allow more former state custody youth educational opportunities. Youth are assigned an IL coordinator and community mentor to help with transition issues. A contract is developed with the youth so they know what they can expect from the agency and agency's expectations of them.

(continued)

***To provide personal and emotional support to youth through mentors and the promotion of interactions with dedicated adults:***

When a youth receives a state subsidy, Kansas requires an adult mentor be assigned to the youth to advise on money management and to provide advice and counseling. Many of the mentors are the youth's former foster parent or adults known to the specific youth. They are reimbursed \$50 a month for their time and services. Chafee funds will be used to subsidize additional transition program adult mentors who will be assigned to youth as they leave the system and need transition funds.

Research indicates youth make more successful transitions when they have an adult mentor. The state is considering various ways to help contract agencies recruit mentors for youth, when they reach age 16, so mentors will have time to develop a relationship with the youth before they leave the system. It is assumed foster families, extended family or family friends may be the most natural resource for these young adults. The mentors will not be reimbursed unless the youth receives subsidy.

***To provide financial, housing, counseling, employment, education and other appropriate support and services to former foster care recipients between 18 and 21 years of age:***

Youth between 18 and 21 are eligible for counseling, individualized training on finding affordable housing, determining the actual costs of housing, understanding safety issues and obtaining transportation to work or school. Several contract agencies provide supervised apartment living for youth who are on their own for the first time. Contract agencies have been important in letting youth have a safety net of counselors and advisors while learning to maintain a house, pay rent and arrange transportation. They have been successful in helping young women, who were being recruited for gang membership, by giving them safe options. One contractor has staff on call 24 hours a day to help on safety issues for the youth and reinforce ways of maintaining good relationships in apartment living.

Independent Living counselors can refer youth to special employment training through community resources and employment services. Independent Living staff work with young people who are out of the system in preparing a budget and locating resources, i.e. finding suitable daycare for young parents.

**Services to Youth Ages 18-20**

Kansas provides services and subsidy to youth leaving custody and not returning to their family after reaching age 18. Primary services are completing high school or GED courses and attending college or other types of post-secondary education as preparation for independence. Services and subsidy can be provided for youth needing short-term help from three to nine months to relocate to an apartment and find employment or for youth who are over 18 and trying to finish high school or get their GED. Youth must be between 18 and 21 years of age, out of custody and have a case plan or contract with SRS to work on a specific independent living goal.

Some youth are eager to be totally independent and do not want services or subsidy when they leave the system;

they are advised that they can later return and request services.

**Room and Board**

Room and board may be provided when an eligible youth is living on their own whether by themselves, with a roommate or in a boarding situation where the youth is financially responsible for meeting their own maintenance and expenses. (This could include renting a room with a former foster parent or family friend.) Room and board also includes living in school dorms. Youth receiving subsidy meet the income and resource criteria for state general fund eligibility. The state does consider the earned income of the youth in determining eligibility, except that earned income of youth who are students and not employed full time is exempt. Savings for future education or transition needs is exempt up to \$10,000. Youth receiving subsidy receive a medical card. Room and board is considered an allowance for shelter and food. Kansas will monitor to ensure that not more than 30 percent of Chafee funds will be expended for room and board.

**Statewide Availability of Services**

Social and Rehabilitation Services contracts statewide for reintegration/foster care and adoption services for youth in out-of-home placement. The reintegration/foster care and adoption contractors must provide independent living services to youth when they are 16 years of age. The contractors provide services to all 105 counties of the state. The reintegration/foster care and adoption contractors are operating under the same expected outcomes. Contract agencies can individualize their training components and services based on location (urban vs. rural resources) and to meet the specific needs of the youth they serve. Agencies subcontract with local independent living organizations that work with special needs youth in transition. All agencies are to refer special needs youth to vocation rehabilitation at age 16.

Contractor and area office staff are to identify resource people who will be available to young adults who are or have transitioned out of the foster care system. They will provide direct services, counseling or referral to community resources. If youth need help in completing an educational plan, finding work or housing, they will be assessed for subsidy and, if willing to work with the agency on their goal, will receive financial subsidy for up to six months. Subsidy can be continued until the youth reaches 21 years of age, if the need continues and the youth is working on the transition plan.

Youth who have left the foster care or adoption system because of their age are given the name of local SRS staff who will work with them on transition issues or subsidy. Youth leaving JJA custody can receive services and subsidy if they meet the same criteria as foster youth. They must be income eligible and willing to abide by their subsidy contract regarding school, work or housing. It is expected that JJA or the contractors will have worked with youth to complete basic skills training before leaving the care system.

All youth in foster care and those referred for adoption have a permanency plan. When possible, youth will be placed in a permanent family who can mentor and pro-



vide training and independent living experiences. If needed, youth can attend independent living classes and receive training.

Youth between 14 and 16 years of age, who are in foster care but do not have a permanent family resource identified by the time they are 14 or a date set for their actual reintegration or placement, can receive an independent living assessment and classes. Sample training may include driver education, help in developing savings plan for allowances and developing their own budget. This training will be more intensive than provided by foster families who work with youth on a variety of basic living skills.

Youth ages 16 to 18 will receive an assessment of their skill to live independently and be offered experiences, training and opportunities to develop those skills. If they have special needs or conditions, they are to be referred for specialized services, i.e. vocational rehabilitation, transition planning for special needs students, etc.

Youth over age 18 who have not completed high school can remain in the foster care system to complete their high school education. If they are ready to leave the foster care system but need help in completing high school, they can receive services and subsidy to complete schooling or to enter technical or college level training. Once they are out of the foster care system, they will be expected to abide by a subsidy contract and attend classes and turn in homework, or if they are requesting help in finding work, they must consider all appropriate jobs and work with a job coach, if needed. If they request help in establishing housing, they will be expected to work with the mentor to ensure that rent is paid, etc.

The state has developed services for those individuals likely to remain in foster care until age 18. Any youth entering the system at age 14 or older may be at risk of remaining in care until age 18. Any youth without a specific identified family resource or a definite time set for reunification is at risk of remaining in care until age 18.

Special education teachers, counselors, vocational counselors, mental health centers, community developmentally disability offices and state social service staff have begun regular meetings to become more aware of services offered to mutual clients transitioning to independence. The purpose is to break down the barriers between service agencies so young people and their families can better utilize resources. The state "barrier buster" conference was held in March 2001 after a year of planning. The conference provided families and stakeholders considerable information regarding available transition services and community resources.

#### **Stakeholder Involvement and Coordination**

The board members of the four recognized Kansas tribes (Kickapoo, Kiowa, Pottawatomie and Sac-Fox) were contacted and given copies of the Chafee Act and the National Foster Care Awareness Project publication, *Frequently Asked Questions about the Foster Care Independence Act of 1999*. A government-to-government meeting was scheduled with Tribal Council members and leaders and SRS. The tribal officers' advice and direction related to independent living services was requested. While Indian children, who are in state custody, are receiving in-

dependent living services, additional outreach is needed to involve tribal representatives in developing or contributing to the state independent living plan.

The Juvenile Justice Authority has been consulted regarding the needs of youth in custody and the funding provided to meet their population's special needs for independent living. Basic skills training includes a health component that discusses health risks of sexual activity and unplanned pregnancies. Abstinence is encouraged. When possible, public health nurses provide information and discussion individually or in groups. Department of Agriculture staff are used to teach and counsel youth about good nutrition and inexpensive, safe, well planned meal preparation. Vocational rehabilitation services are contacted when a disabled youth or a youth with an IEP becomes 16. The counselor becomes acquainted with the youth and plans training for the youth when they reach 16. Contractor staff are to meet with the youth's school counselor and participate in the development of individual student plans, when needed. Youth are referred to employment services for "Welfare to Work" referrals and counseling. Foster youth receive school-to-work programs as a part of their education plan.

In April 2001, the first meeting of area office and contractor independent living coordinators and administrators was held to discuss service coordination to ensure youth service needs were met when they transition from the contractor back to the SRS office. The state plan and service delivery expectations also were reviewed.

Youth exiting the foster care system at age 18 are eligible for Health Wave medical coverage until they reach age 19. They must live in Kansas, live with a monthly income under \$1,876 for a family of two and have no other health coverage. No plans are currently under consideration for an expansion of medical coverage to youth older than 18 years of age.

#### **Positive Youth Involvement**

The SRS assistant secretary appointed a Youth Advisory Council. This council has three members who were in, but have left, the foster care system, and three who are still in the system. This group helped lead last year's teen conference of 100 foster youth. Part of their mission was to identify the issues most important to foster youth, related to independent living, and report back to the assistant secretary with concerns and recommendations. The group has presented the seven top concerns of the conference attendees to SRS and private agency CEOs and administrators along with their recommendations for improving the independent living and foster care system. They have met with senators and representatives and have scheduled an appointment with the chair of the Kansas House of Representatives' Higher Education Committee to request tuition waiver legislation be introduced. They have been referred to Kansas Legal Services, whose staff volunteered to help them design lobbying efforts related to the tuition waiver. They have been kept informed of the Chafee Act and its potential.

*Objective criteria the state uses for determining eligibility for benefits and services under the programs, including the process for developing the criteria:*

(continued)

Youth must have been in state custody. Eligibility for assessment, training and experience may begin by the time a youth in out-of-home placement is 14 years of age. All youth in out-of-home care at age 16 must be offered independent living services. The only acceptable basis for a contractor to not provide services is if they can document that the youth refused independent living services. Many foster youth entering the system in early adolescents need considerable services to catch up with their peers in social, emotional and educational deficiencies. Offering independent living services to younger youth at age 14 gives them more time to develop skills.

#### Fair and Equitable Treatment of Benefit Recipients

All youth in out-of-home placement will receive independent living services when they reach age 16. This service is provided by the private contractor. All contractor service planning and outcomes are monitored through contract and individual case monitoring. Area and central office staff monitor case plans, including independent living plans. A report of the youth's progress toward permanency is made to the court at least every six months. State independent living coordinators are used for consultation to determine the adequacy of specific case planning.

The State of Kansas requires that all services be in compliance with Title VI of the Civil Rights Act and with applicable requirements of the American with Disabilities Act. Youth are to be notified of the availability of subsidy when needed during their time in care and are to be given the name of the SRS contact person, if they choose not to receive subsidy at time of leaving care, in case they need services at a later time. Youth and their guardians have the right to request the court review case planning, and youth out of custody can appeal the denial of services or subsidy amount.

Any comments on this program can be mailed to Mary Hillin, Social and Rehabilitation Services, Children and Family Policy, 5th Floor North, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Comments should be received by June 25.

Janet Schalansky  
Secretary of Social and  
Rehabilitation Services

Doc. No. 026621

#### State of Kansas

### Governmental Ethics Commission

#### Opinion No. 2001-05

Written March 15, 2001, to Patti Woodcock, Kansas Department of Health and Environment, Department of Human Resources Management, Topeka.

This opinion is in response to your letter of February 28, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand that you are asking for this opinion in your capacity as an employee of the Kansas Department of Health and Environment's Department of Human Resources Management. You have explained that one of your employees has been asked to teach a course at two National Ground Water Association (NGWA) training seminars to be held in Nova Scotia and in San Antonio, Texas. The NGWA has offered to pay the travel costs and related expenses for this employee to teach these courses. In addition, they have offered to pay him an honorarium. You have informed us that the Department of Health and Environment does not regulate, license or inspect the NGWA. This employee's supervisor has informed a member of our staff in a telephone conversation that while this employee occasionally conducts training seminars on state time, the agency does not consider the teaching of the NGWA seminars to be beneficial to the agency and therefore does not consider it to be a part of this employee's official duties. The agency has informed this employee that he would not be able to teach these courses while on state time.

#### Question

May this employee of the Kansas Department of Health and Environment teach courses for the National Ground Water Association while on his personal time and accept reimbursement for travel costs and related expenses and honoraria?

#### Opinion

The ability of State employees to accept honoraria and reimbursement for these type of expenses is covered by K.S.A. 46-235 and K.S.A. 46-237a(d)(2). K.S.A. 46-235 states in pertinent part:

No state officer or employee shall accept compensation for performance of official duties, other than that to which such person is entitled for such performance. . . . The receipt of wages or salary from an individual's non-state employer during a period of service as a state officer or employee shall not be construed as compensation for performance of official duties.

K.S.A. 46-237a states in pertinent part:

(d) No person subject to the provisions of this section shall solicit or accept free or special discount travel or related expenses from a source outside state government, except:

(1) When it is obvious to the person accepting the same that the free or special discount travel and related expenses are not being provided because of the person's official position.

Because the agency has determined that the teaching of these seminars is not a portion of the employee's state duties, the acceptance of the honoraria is not "for performance of official duties" and the travel and related expenses are not being provided because of this employee's "official position." Therefore, the employee may accept the honoraria and the reimbursement for the travel costs and related expenses.

#### Opinion No. 2001-06

Written April 19, 2001, to Laura Johnson, Deputy Direc-

tor, Division of Property Valuation, Kansas Department of Revenue, Topeka.

This opinion is in response to your letter of March 11, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand that you are asking for this opinion in your capacity as Deputy Director of the Kansas Department of Revenue's Division of Property Valuation. You have explained that one of your employees has been asked to make a presentation at the upcoming International Association of Assessing Officers (IAAO) conference to be held in Porto Alegre, Brazil. The IAAO has offered to provide complimentary registration and reimbursement for travel costs for this employee to attend the conference and make this presentation. You have informed us that the Department of Revenue does not regulate, license or inspect the IAAO and that the Department considers this conference to be beneficial and useful to the agency, but, due to budget constraints, the agency will not be able to reimburse this employee for expenses associated with the conference.

#### Question

May this state employee accept the complimentary registration and reimbursement for travel costs from the IAAO?

#### Opinion

This state employee's ability to accept reimbursement for these expenses is covered by K.S.A. 46-237a(d)(2). It states in pertinent part:

(d) No person subject to the provisions of this section shall solicit or accept free or special discount travel or related expenses from a source outside state government, except:

(2) when the person's presence at a meeting, seminar or event serves a legitimate state purpose or interest and the person's agency authorizes or would authorize payment for such travel and expenses.

Because this employee's presence at the Conference serves a legitimate state purpose, and your agency, absent its current budget constraints, would authorize payment for the travel and expenses, he may accept the expenses associated with attendance at this conference.

#### Opinion No. 2001-07

Written April 19, 2001, to Clinton Riley, Department Legal Counsel, Kansas Department of Wildlife and Parks, Topeka.

This opinion is in response to your letter of April 4, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is

limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand that you request this opinion in your capacity as legal counsel for the Kansas Department of Wildlife & Parks (KDWP). You have explained that the KDWP contracts with independent contractors for maintenance at some of its facilities (Maintenance Contract). These Maintenance Contracts are let after a competitive bid process and awarded to the lowest bidder. The KDWP has advertised a Maintenance Contract for two state fishing lakes. The lowest bidder is currently a temporary employee of the KDWP. This employee's job description is sufficiently broad enough that he may perform work similar to that described in the Maintenance Contract for the two state fishing lakes. This employee is stationed at a wildlife area geographically separate from the two state fishing lakes at issue, and, although not anticipated, it is conceivable that he could be assigned work duties at either lake. In addition, he is supervised by the same manager as would oversee the independent contractor hired under the Maintenance Contract.

#### Question

May this temporary employee accept the Maintenance Contract while maintaining his temporary position with the KDWP without violating K.S.A. 46-235?

#### Opinion

K.S.A. 46-235 states in pertinent part:

No state officer or employee shall accept compensation for performance of official duties, other than that to which such person is entitled for such performance. No person shall pay or offer to pay any state officer or employee any compensation for performance of official duties, except a state officer or employee performing official duties in making payments to state officers and employees. The receipt of wages or salary from an individual's non-state employer during a period of service as a state officer or employee shall not be construed as compensation for performance of official duties.

Pursuant to this statute, this state employee could not accept payment, pursuant to the Maintenance Contract, for performing duties he is assigned pursuant to his temporary position with the KDWP. Although the work he performs pursuant to the Maintenance Contract and pursuant to his position as a temporary employee may be similar, so long as he is not being paid under the Maintenance Contract for the performance of the specific duties he is assigned pursuant to his temporary position with the KDWP, there would be no violation of K.S.A. 46-235. You have questioned whether the temporary employee may be assigned to work duties from the services described in the maintenance contract. The Commission notes that this would be an appropriate measure to avoid any conflicts of interest or the appearance of impropriety that could arise in this situation.

#### Opinion No. 2001-08

Written April 19, 2001, to Robert Longino, Acting Direc-

(continued)

tor, Division of Alcoholic Beverage Control, Kansas Department of Revenue, Topeka.

This opinion is in response to your letter of March 26, 2001, in which you request an advisory opinion from the Kansas Governmental Ethics Commission concerning the application of the governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand you request this opinion in your capacity as the Acting Director for the Division of Alcoholic Beverage Control (ABC) of the Kansas Department of Revenue (KDR). You have explained that the ABC licenses, regulates and inspects businesses selling alcoholic beverages. You question whether an employee of the ABC could sell or offer for sale an identification checking device to such a licensee within the state of Kansas. In addition, you question whether an employee of the agency could own, manage, or work for a company which sells identification checking devices to licensees within the state of Kansas.

#### Question

May an employee of the ABC sell or offer for sale, or own or work for a company which sells or offers for sale identification checking devices to licensees within the state of Kansas?

#### Opinion

In order to answer this question, several statutes must be addressed. We start with K.S.A. 46-233, which states in pertinent part:

(a)(1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed. . . .

Under this provision, a state employee is prohibited, in his or her capacity as a state employee, from being substantially involved in the preparation of, or participating in the making of a contract with a business by which he or she employed or in which he or she has a substantial interest pursuant to K.S.A. 46-229. Absent such participation in the making of a contract with such a business, this statute would not prohibit an employee of the agency from selling or offering for sale, or owning or working for a company which sells or offers for sale identification checking devices to licensees within the state of Kansas.

Next, we turn to K.S.A. 46-235, which states:

No state officer or employee shall accept compensation for performance of official duties, other than that to which such person is entitled for such performance. . . . The receipt of wages or salary from an individual's non-state employer during a period of service as a state officer or employee shall not be construed as compensation for performance of official duties.

Pursuant to this statute, so long as it is not part of the employee's current state duties to perform the type of

service he or she will perform in the private sector, K.S.A. 46-235 would not prohibit the employee from selling or offering for sale, or owning or working for a company which sells or offers for sale identification checking devices to licensees within the state of Kansas.

K.S.A. 46-286 also applies to this question. That section states:

(a) No state officer or employee, in the officer's or employee's official capacity, shall participate directly in the licensure, inspection or administration . . . of . . . any outside organization with which the officer or employee holds a position.

Pursuant to this statute, an employee would be prohibited from participating in the licensure, inspection or administration of a business that he or she owned or in which he or she held a position. So long as the employee will not be involved directly in the licensure, inspection or administration or enforcement of any regulation involving such a business, this statute would not prohibit that employee from selling or offering for sale, or owning or working for a company which sells or offers for sale identification checking devices to licensees within the state of Kansas.

K.S.A. 46-241 should also be considered. It states:

No state officer or employee shall disclose or use confidential information acquired in the course of his or her official duties in order to further his or her own economic interest or those of any other person.

This section is self-explanatory. Confidential information obtained during the employee's official duties with the State may not be used for that person's financial gain or the financial gain of another.

Finally, you question the application of K.S.A. 46-236 which states in pertinent part:

No state officer or employee . . . shall solicit any economic opportunity . . . from any person known to have a special interest, under circumstances where such officer, [or] employee . . . knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer, [or] employee. . . .

Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to: . . . a commercially reasonable loan or other commercial transaction in the ordinary course of business. . . .

In the absence of evidence showing that a particular course of official action was to be followed as a condition of the sale, this section would not apply to the sale of the identification devices, because the sale is a commercial transaction occurring in the ordinary course of business. Therefore, this section would not prohibit an employee from selling or offering for sale, or owning or working for a company which sells or offers for sale identification checking devices to licensees within the state of Kansas.

In conclusion, the state governmental ethics laws would not prohibit an employee of the ABC from owning, managing, or working for a company which sells identification checking devices to licensees within the state of Kansas, so long as the provisions outlined above are followed. The Commission notes, that while there may be

no technical violation of these statutes, employees of the ABC may wish to consider the appearance of impropriety such actions may foster before becoming involved in such business endeavors.

#### Opinion No. 2001-09

Written April 19, 2001, to Daniel F. Fredlund, Wichita.

This opinion is in response to your letter of March 15, 2001, in which you request an advisory opinion from the Kansas Governmental Ethics Commission concerning the application of the governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand you request this opinion in your capacity as an environmental geologist in the Department of Underground Injection Control (UIC) for the Kansas Corporation Commission (KCC). You have explained that you are considering opening an independent geological consulting business in which you would perform geological evaluations and sell oil and gas prospects to oil and gas industry clientele for a reasonable fee and royalty interests. You would operate this business while continuing to work for the KCC.

You have explained that at the UIC department, oil and gas companies make applications to inject water into wells called injection wells. In your position with the KCC, you evaluate geological and hydrological data to ensure that injection wells meet Kansas and Federal environmental protection regulations. You make recommendations for approval or denial of these injection wells to your supervisor who grants temporary approval, although final authorization is given by the KCC Commissioners.

#### Question

May this environmental geologist for the Kansas Corporation Commission operate a geological evaluation and prospect business while still employed by the State?

#### Opinion

K.S.A. 46-233 applies to this situation. It states in pertinent part:

(a)(1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed. . . .

Under this provision, you are prohibited, as a state employee, from being substantially involved in the preparation of, or participating in the making of a contract with a business by which you are employed or in which you have a substantial interest pursuant to K.S.A. 46-229. Absent such participation in the making of a contract with such a business, this statute would not prohibit you from operating this business.

Next, we turn to K.S.A. 46-235, which states:

No state officer or employee shall accept compensation for performance of official duties, other than that to which such person is entitled for such performance. . . . The receipt of wages or salary from an individual's non-state employer during a period of service as a state officer or employee shall not be construed as compensation for performance of official duties.

Pursuant to this statute, so long as it is not part of your current state duties to perform the type of service you will perform in your private business, K.S.A. 46-235 would not prohibit you from operating this business.

K.S.A. 46-286 also applies to this question. That section states:

(a) No state officer or employee, in the officer's or employee's official capacity, shall participate directly in the licensure, inspection or administration . . . of . . . any outside organization with which the officer or employee holds a position.

Pursuant to this statute, you would be prohibited from participating in the licensure, inspection or administration of a business that you own or in which you hold a position. So long as you will not be involved directly in the licensure, inspection or administration or enforcement of any regulation involving a business in which you hold a position, this statute would not prohibit you from owning or operating this business.

Finally, K.S.A. 46-241 should be considered. It states:

No state officer or employee shall disclose or use confidential information acquired in the course of his or her official duties in order to further his or her own economic interest or those of any other person.

This section is self-explanatory. Confidential information obtained during your official duties with the State may not be used for your financial gain or the financial gain of another.

Under the circumstances presented, the state governmental ethics laws would not prohibit you from operating this business so long as the provisions outlined above are followed. Nonetheless, the Commission notes that such a business endeavor may foster an appearance of impropriety.

#### Opinion No. 2001-10

Written April 19, 2001, to Karl Peterjohn, Executive Director, Kansas Taxpayers Network, Wichita.

This opinion is in response to your letter of March 26, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the lobbying provisions of the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand that you are asking for this opinion in your capacity as Executive Director of the Kansas Taxpayers Network (KTN). You have explained that for several years, the KTN has provided plaques to legislators who score 100% on your annual vote rating. These

(continued)

plaques are to award these legislators for their voting record and have, in the past, cost less than \$40.

**Question**

1. Is the award of such a plaque considered a gift and therefore subject to the monetary limitation of \$40 pursuant to K.S.A. 46-237?

2. Must the award of such a plaque be reported pursuant to the lobbying provisions of K.S.A. 46-269?

**Opinion**

K.S.A. 46-237 states in pertinent part:

(a) Except as provided by this section, no state officer . . . shall accept, or agree to accept any (1) economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year . . . from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

K.A.R. 19-40-3a defines the term "gift":

(b) "Gift" means the transfer of money or anything of value unless legal consideration of a reasonably equal or greater value is received in return.

Because the plaque is a thing of value and because there has been no consideration given in return for its receipt, the award of the plaque is considered a gift pursuant to K.S.A. 46-237.

The next question is whether such a gift is subject to the monetary limitation of \$40 pursuant to K.S.A. 46-237. In order for this limitation to apply, two elements must be met. First, the person giving the gift must have a special interest in the person accepting the gift, and second, the person accepting the gift must know or should know that a major purpose of the donor is to influence such person in the performance of his or her official duties or prospective official duties.

With regard to the first element, the KTN is an organization registered to lobby in the state of Kansas and, therefore, has a special interest in the members of the legislature. With regard to the second element, you have stated that the plaque is awarded to the legislator because of his or her voting record. Therefore, it is clear that the plaque is given because of the legislator's official position. In Opinion 1992-35 the commission stated:

This Commission has consistently held that gifts given to state officers or employees because they serve in that position are presumed to be given to influence official action. While the item itself may not be intended to influence, the gift seeks goodwill or access and therefore the opportunity to influence.

In this instance, the gift of the plaque seeks to reward legislators for voting a certain way and thus encourage them to continue voting in a way that is favorable to the issues important to the KTN. Therefore, this gift meets the elements of K.S.A. 46-237 and must cost less than \$40 in order to be accepted by the legislator.

We next turn to your question regarding the reporting requirements for this gift. K.S.A. 46-268 states that every "lobbyist shall file with the secretary of state a report . . .

[which] shall include all expenditures which are required to be reported under K.S.A. 46-269."

K.S.A. 46-269 states in pertinent part:

Each report required to be filed by K.S.A. 46-268 . . . shall disclose the following:

(b) The aggregate amount or value of all expenditures made . . . by the lobbyist or by the lobbyist's employer for or in direct relation to lobbying during the reporting. . . . Such expenditures shall be reported according to the following categories of expenditures:

(2) entertainment, gifts, honoraria or payments;

(c) (1) In addition to the information reported pursuant to subsection (b), each lobbyist . . . shall report any gift . . . provided to members of the legislature. . . . Such report shall disclose the full name of the legislator . . . who received such gift . . . and the amount expended on such gift. . . .

Because the plaque is a gift, if the KTN must file a report pursuant to K.S.A. 46-268 and 46-269, it must report the cost of the gift in the aggregate pursuant to K.S.A. 46-269(b) and must also itemize the name of the legislator who received the gift and the amount expended on the gift pursuant to K.S.A. 46-269(c).

Daniel Severt  
Chairman

Doc. No. 026584

**State of Kansas**

**Supreme Court Child Support Guidelines  
Advisory Committee**

**Notice of Public Hearing and Meeting**

The Kansas Supreme Court Child Support Guidelines Advisory Committee will conduct a public hearing, in compliance with CFR 45 302.56, from 7 to 8:30 p.m. Thursday, June 7, in a first floor jury room, Sedgwick County Courthouse, 525 N. Main, Wichita. The purpose of the public hearing is to provide information to the committee on issues related to the Kansas Child Support Guidelines pursuant to Kansas Supreme Court Administrative Order No. 128. Persons interested in attending will need to enter on the north side of the courthouse. Testimony will be limited to not more than five minutes per person and may be limited further depending on the number of persons wishing to testify. Written testimony is strongly encouraged. Comments and testimony will be restricted to matters related to the Kansas Child Support Guidelines.

The committee also will meet at 10 a.m. June 8 in the Small Claims Courtroom in the Sedgwick County Historic Courthouse, 510 N. Main, third floor, Wichita. The purpose of the meeting is to review and, if appropriate, recommend revisions to the Kansas Child Support Guidelines.

Announcements of subsequent meetings will be published in the Kansas Register. Questions regarding either meeting should be directed to Mark Gleeson, Family and Children Program Coordinator, at (785) 291-3224 or e-mail at gleeson@kscourts.org. Written comments to the

committee can be submitted to the Kansas Supreme Court's Child Support Guidelines Advisory Committee, Room 2N, Kansas Judicial Center, 301 S.W. 10th Ave., Topeka, 66612.

The Kansas Child Support Guidelines can be found on the Kansas Supreme Court Web site at [www.kscourts.org](http://www.kscourts.org).

Judge Nancy Parrish  
Chair

Doc. No. 026626

## State of Kansas

### Department of Transportation

#### Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale at public auction at 10 a.m. June 27 at site (I-70 and Valencia Road) the following tract of land located in the northwest quadrant of I-70 and Valencia Road, west of Topeka, Shawnee County, Kansas, described as follows:

3.9 acres more or less in the Southeast Quarter of Section 29, Township 11 South, Range 14 East. Prospective bidders should note access control restrictions and easement reservations for existing utilities.

In the event of inclement weather, the auction will be held at 10:30 a.m. June 27 at the Gage KDOT area office, Eagle Nest conference room, 101 Gage Blvd., Topeka.

#### Inspection of Property:

From 10 to 11 a.m. June 20 and 30 minutes prior to the sale.

#### Terms of Sale:

Certified check for 10 percent of the purchase price the day of the sale, payable to the Kansas Department of Transportation. The balance of the purchase price must be paid by certified check on or before July 27, 2001. The appraised value is \$8,130, and the minimum acceptable bid is \$5,500. The successful bidder will receive a bill of sale on the day of the sale and a quitclaim deed when the balance is paid. If the balance of the purchase price is not paid on or before July 27, 2001, the 10 percent down payment will be forfeited to the seller.

The Kansas Department of Transportation ensures the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap or national origin.

The seller reserves the right to reject any and all bids and is not responsible for accidents. For additional terms and information, contact the Bureau of Right of Way at 1-877-461-6817.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 026627

## 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 May 24, 2001.)

#### HOUSE BILL No. 2296

AN ACT concerning written instruments; relating to forgery; worthless checks; amending K.S.A. 21-3710 and K.S.A. 2000 Supp. 21-4704 and 60-2610 and repealing the existing sections.

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

Section 1. On and after July 1, 2001, K.S.A. 21-3710 is hereby amended to read as follows: 21-3710. (a) Forgery is knowingly and with intent to defraud:

(1) Making, altering or endorsing any written instrument in such manner that it purports to have been made, altered or endorsed by another person, either real or fictitious, and if a real person without the authority of such person; or altering any written instrument in such manner that it purports to have been made at another time or with different provisions without the authority of the maker thereof; or making, altering or endorsing any written instrument in such manner that it purports to have been made, altered or endorsed with the authority of one who did not give such authority;

(2) issuing or delivering such written instrument knowing it to have been thus made, altered or endorsed; or

(3) possessing, with intent to issue or deliver, any such written instrument knowing it to have been thus made, altered or endorsed.

(b) (1) Forgery is a severity level 8, nonperson felony.

(2) On a first conviction of a violation of this section, in addition to any other sentence imposed, a person shall be fined the lesser of the amount of the forged instrument or \$500.

(3) On a second conviction of a violation of this section, a person shall be required to serve at least 30 days' imprisonment as a condition of probation, and fined the lesser of the amount of the forged instrument or \$1,000.

(4) On a third or subsequent conviction of a violation of this section, a person shall be required to serve at least 45 days' imprisonment as a condition of probation, and fined the lesser of the amount of the forged instrument or \$2,500.

(5) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the mandatory sentence as provided herein.

(c) In any prosecution under this section, it may be alleged in the complaint or information that it is not known whether a purported person is real or fictitious, and in such case there shall be a rebuttable presumption that such purported person is fictitious.

Sec. 2. On and after July 1, 2001, K.S.A. 2000 Supp. 21-4704 is hereby amended to read as follows: 21-4704. (a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

(continued)

SENTENCING RANGE - NONDRUG OFFENSES

Category	A			B			C			D			E			F			G			H			I		
Severity Level	3 + Person Felonies			2 Person Felonies			1 Person & 1 Nonperson Felonies			1 Person Felony			3 + Nonperson Felonies			2 Nonperson Felonies			1 Nonperson Felony			2 + Misdemeanors			1 Misdemeanor No Record		
I	653	620	592	618	586	554	285	272	258	267	253	240	246	234	221	226	214	203	203	195	184	186	176	166	165	155	147
II	493	467	442	460	438	416	216	205	194	200	190	181	184	174	165	168	160	152	154	146	138	138	131	123	123	117	109
III	247	233	221	228	216	206	107	102	96	100	94	89	92	88	82	83	79	74	77	72	68	71	66	61	61	59	55
IV	172	162	154	162	154	144	75	71	68	69	66	62	64	60	57	59	56	52	52	50	47	48	45	42	43	41	38
V	136	130	122	128	120	114	60	57	53	55	52	50	51	49	46	47	44	41	43	41	38	38	36	34	34	32	30
VI	46	43	40	41	39	37	38	36	34	36	34	32	32	30	28	29	27	25	26	24	22	22	20	18	19	17	15
VII	34	32	30	31	29	27	29	27	25	26	24	22	25	23	21	24	22	20	21	19	17	18	16	14	15	13	11
VIII	23	21	19	20	19	18	18	16	14	17	15	13	16	14	12	15	13	11	14	12	10	13	11	9	10	8	7
IX	17	16	15	15	14	13	14	12	11	13	11	10	12	10	9	11	9	8	10	8	7	9	7	6	8	6	5
X	13	12	11	12	11	10	11	10	9	10	9	8	9	8	7	8	7	6	7	6	5	6	5	4	5	4	3

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sentence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) The sentence for the violation of K.S.A. 21-3411, aggravated assault against a law enforcement officer or K.S.A. 21-3415, aggravated battery against a law enforcement officer and amendments thereto which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered departure and shall not be subject to appeal.

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567 and, subsection (c)(3) of K.S.A. 21-3412, and amendments thereto shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. *If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto.* Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567 and, subsection (c)(3) of K.S.A. 21-3412 and subsections (b)(2) and (b)(3) of K.S.A. 21-3710, and amendments thereto shall not be served in a state facility in the custody of the secretary of corrections.

(j) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sen-



tence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term. Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: (1) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (2) at the time of the conviction under subsection (1) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government. The provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, or any substantially similar offense from another jurisdiction.

(l) The sentence for a violation of subsection (a) of K.S.A. 21-3715 and amendments thereto when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715 or 21-3716 and amendments thereto shall be presumed imprisonment.

Sec. 3. K.S.A. 2000 Supp. 60-2610 is hereby amended to read as follows: 60-2610. (a) If a person gives a worthless check, as defined by subsection (g), the person shall be liable to the holder of the check for the amount of the check, the incurred court costs, ~~the costs of restricted mail and the incurred service charge, interest at the statutory rate and the costs of collection including but not limited to reasonable attorney fees, plus an amount equal to the greater of the following:~~

(1) Damages equal to three times the amount of the check but not exceeding the amount of the check by more than \$500; or

(2) \$100.

The court may waive all or part of the attorney fees provided for by this subsection, if the court finds that the damages and other amounts awarded are sufficient to adequately compensate the holder of the check. In the event the court waives all or part of the attorney fees, the court shall make written findings of fact as to the specific reasons that the amounts awarded are sufficient to adequately compensate the holder of the check.

(b) The amounts specified by subsection (a) shall be recoverable in a civil action brought by or on behalf of the holder of the check only if: (1) Not less than 14 days before filing the civil action, the holder of the check made written demand on the maker or drawer for payment of the amount of the check and the incurred service charge and ~~the costs of restricted mail accrued interest;~~ and (2) the maker or drawer failed to tender to the holder, prior to the filing of the action, an amount not less than the amount demanded.

The written demand shall be sent by ~~restricted mail, as defined by subsection (g) first class mail,~~ to the person to be given notice at such person's address as it appears on such check, draft or order or to the last known address of the maker or drawer and ~~The written demand shall include notice that, if the money is not paid within 14 days, triple damages in addition to an amount of money equal to the sum of the amount of the check, the incurred court costs, service charge, costs of restricted mail and court costs, accrued interest, the costs of collection, including but not limited to, reasonable attorney fees unless the court otherwise orders, may be incurred by the maker or drawer of the check.~~

Notice required by subsection (b)(1) shall state the exact amount and date due, as well as an estimate of the amount that may be incurred if the amount demanded is not paid by the specified date.

(c) Subsequent to the filing of an action under this section but prior to the commencement of a dispositional hearing by the court, the de-

fendant may tender to the plaintiff as satisfaction of the claim, an amount of money equal to the sum of the amount of the check, the incurred ~~court costs, service charge, costs of restricted mail and accrued interest,~~ the costs of collection, including, but not limited to, reasonable attorney fees and court costs. The plaintiff shall include in the petition a statement alleging that the defendant may tender such amount as satisfaction of the claim as provided in this subsection. If the amount alleged in the petition is tendered to the plaintiff in full satisfaction of the debt prior to the commencement of the dispositional hearing by the court, the case shall be dismissed by the plaintiff. For purposes of this subsection only, the amount tendered as satisfaction of the claim shall not include triple damages or damages of \$100 as provided in subsections (a)(1) and (2). For purposes of this subsection, a dispositional hearing means a trial or other hearing by the court in which the plaintiff is seeking the entry of judgment against the defendant. The court may waive all or part of the attorney fees provided for by this subsection, if the court finds that the damages and other amounts awarded are sufficient to adequately compensate the holder of the check. In the event the court waives all or part of the attorney fees, the court shall make written findings of fact as to the specific reasons that the amounts awarded are sufficient to adequately compensate the holder of the check.

(d) If the trier of fact determines that the failure of the defendant to satisfy the dishonored check was due to economic hardship, the court may waive all or part of the damages provided for by this section, but the court shall render judgment against defendant for not less than the amount of the dishonored check, the incurred court costs, service charge, costs of restricted mail and the costs of collection, including but not limited to reasonable attorney fees, unless otherwise provided in this subsection. The court may waive all or part of the attorney fees provided for by this subsection, if the court finds that the damages and other amounts awarded are sufficient to adequately compensate the holder of the check. In the event the court waives all or part of the attorney fees, the court shall make written findings of fact as to the specific reasons that the amounts awarded are sufficient to adequately compensate the holder of the check.

(e) Any amount previously paid as restitution or reparations to the holder of the check by or on behalf of its maker or drawer shall be credited against the amount for which the maker or drawer is liable under subsection (a).

(f) Conviction of giving a worthless check or habitually giving a worthless check, as defined by K.S.A. 21-3707 and 21-3708, and amendments thereto, shall not be a prerequisite or bar to recovery pursuant to this section.

(g) *The service charge on a check which is dishonored by the drawee because the maker or drawer had no deposits in or credits with the drawee or has not sufficient funds in, or credits with, the drawee for the payment of each check, order or draft in full upon its presentation, shall not exceed \$30.*

~~(g)~~ (h) As used in this section:

(1) "giving a worthless check" means the making, drawing, issuing or delivering or causing or directing the making, drawing, issuing or delivering of any check, order or draft on any bank, credit union, savings and loan association or depository for the payment of money or its equivalent:

(A) (1) With intent to defraud or in payment for a preexisting debt; and or

(B) (2) Which is dishonored by the drawee because the maker or drawer had no deposits in or credits with the drawee or has not sufficient funds in, or credits with, the drawee for the payment of such check, order or draft in full upon its presentation; and

(3) for which the maker or drawer has not tendered to the holder's agent the amount of money demanded and within the time allowed by the demand required in subsection (b).

(2) "Restricted mail" means mail which carries on its face the endorsements "restricted mail" and "deliver to addressee only."

(3) "Service charge" means \$10, or subject to limitations contained in this subsection, if a larger amount is posted conspicuously, the larger amount. In no event shall the amount of such insufficient check service charge exceed \$30.

Sec. 4. K.S.A. 2000 Supp. 60-2610 is hereby repealed.

Sec. 5. On and after July 1, 2001, K.S.A. 21-3710 and K.S.A. 2000 Supp. 21-4704 are hereby repealed.

(continued)

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

(Published in the Kansas Register May 24, 2001.)

HOUSE Substitute for SENATE BILL No. 304

AN ACT concerning the secretary of transportation; authorizing the issuance of certain bonds; amending K.S.A. 2000 Supp. 68-2320 and repealing the existing section.

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

Section 1. K.S.A. 2000 Supp. 68-2320 is hereby amended to read as follows: 68-2320. (a) On and after July 1, 1991, the secretary of transportation is hereby authorized and empowered to issue bonds of the state of Kansas, payable solely from revenues accruing to the state highway fund and transferred to the highway bond debt service fund and pledged to their payment, for the purpose of providing funds to pay costs relating to construction, reconstruction, maintenance or improvement of highways in this state and to pay all expenses incidental thereto and to the bonds. The secretary is hereby authorized to issue bonds the total principal amount of which shall not exceed \$890,000,000.

(b) In addition to the provisions of subsection (a), on and after July 1, 1999, the secretary of transportation is hereby authorized and empowered to issue bonds of the state of Kansas, payable solely from revenues accruing to the state highway fund and transferred to the highway bond debt service fund and pledged to their payment, for the purpose of providing funds to pay costs relating to construction, reconstruction, maintenance or improvement of highways in this state and to pay all expenses incidental thereto and to the bonds. The secretary is hereby authorized to issue bonds the total principal amount of which shall not exceed \$995,000,000 \$1,272,000,000.

(c) In accordance with procurement statutes, the secretary may contract with financial advisors, attorneys and such other professional services as the secretary deems necessary to carry out the provisions of this act, and to do all things necessary or convenient to carry out the powers expressly granted in this act.

Sec. 2. K.S.A. 2000 Supp. 68-2320 is hereby repealed.

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

(Published in the Kansas Register May 24, 2001.)

HOUSE BILL No. 2508

AN ACT concerning child support enforcement; establishing the Kansas payment center; income withholding; amending K.S.A. 23-4,136, 38-1121, 38-1123 and 60-2803 and K.S.A. 2000 Supp. 23-497, 23-4,106, 23-4,107, 23-4,108, 23-4,118, 60-1610, 60-2308 and section 130 of 2001 Senate Bill No. 57 and repealing the existing sections.

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

Section 1. On and after July 1, 2001, K.S.A. 2000 Supp. 23-4,106 is hereby amended to read as follows: 23-4,106. As used in the income withholding act:

(a) "Arrearage" means the total amount of unpaid support which is due and unpaid under an order for support, based upon the due date specified in the order for support or, if no specific date is stated in the order, the last day of the month in which the payment is to be made. If the order for support includes a judgment for reimbursement, an arrearage equal to or greater than the amount of support payable for one month exists on the date the order for support is entered.

(b) "Business day" means a day on which state offices in Kansas are open for regular business.

(c) "Health benefit plan" means any benefit plan, other than public assistance, which is able to provide hospital, surgical, medical, dental or any other health care or benefits for a child, whether through insurance or otherwise, and which is available through a parent's employment or other group plan.

(d) "Income" means any form of periodic payment to an individual, regardless of source, including, but not limited to, wages, salary, trust, royalty, commission, bonus, compensation as an independent contractor,

annuity and retirement benefits, workers compensation and any other periodic payments made by any person, private entity or federal, state or local government or any agency or instrumentality thereof. "Income" does not include: (1) Any amounts required by law to be withheld, other than creditor claims, including but not limited to federal and state taxes, social security tax and other retirement and disability contributions; (2) any amounts exempted by federal law; (3) public assistance payments; and (4) unemployment insurance benefits except to the extent otherwise provided by law. Any other state or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply. Workers compensation shall be considered income only for the purposes of child support and not for the purposes of maintenance.

(e) "Income withholding order" means an order issued under this act which requires a payor to withhold income to satisfy an order for support or to defray an arrearage.

(f) "Medical child support order" means an order requiring a parent to provide coverage for a child under a health benefit plan and, where the context requires, may include an order requiring a payor to enroll a child in a health benefit plan.

(g) "Medical withholding order" means an income withholding order which requires an employer, sponsor or other administrator of a health benefit plan to enroll a child under the health coverage of a parent.

(h) "Nonparticipating parent" means, if one parent is a participating parent as defined in this section, the other parent.

(i) "Obligee" means the person or entity to whom a duty of support is owed.

(j) "Obligor" means any person who owes a duty to make payments or provide health benefit coverage under an order for support.

(k) "Order for support" means any order of a court, or of an administrative agency authorized by law to issue such an order, which provides for payment of funds for the support of a child, or for maintenance of a spouse or ex-spouse, and includes an order which provides for modification or resumption of a previously existing order; payment of uninsured medical expenses; payment of an arrearage accrued under a previously existing order; a reimbursement order, including but not limited to an order established pursuant to K.S.A. 39-718a or 39-718b, and amendments thereto; an order established pursuant to K.S.A. 23-451 *et seq.* and amendments thereto; or a medical child support order.

(l) "Participating parent" means a parent who is eligible for single coverage under a health benefit plan as defined in this section, regardless of the type of coverage actually in effect, if any.

(m) "Payor" means any person or entity owing income to an obligor or any self-employed obligor and includes, with respect to a medical child support order, the sponsor or administrator of a health benefit plan.

(n) "Public office" means any elected or appointed official of the state or any political subdivision or agency of the state, or any subcontractor thereof, who is or may become responsible by law for enforcement of, or who is or may become authorized to enforce, an order for support, including but not limited to the department of social and rehabilitation services, court trustees, county or district attorneys and other subcontractors.

(o) "Title IV-D" means part D of title IV of the federal social security act (42 U.S.C. § 651 *et seq.*) and amendments thereto, as in effect on May 1, 1997 December 31, 1999. "Title IV-D cases" means those cases required by title IV-D to be processed by the department of social and rehabilitation services under the state's plan for providing title IV-D services.

Sec. 2. On and after July 1, 2001, K.S.A. 2000 Supp. 23-4,108 is hereby amended to read as follows: 23-4,108. (a) It shall be the affirmative duty of any payor to respond within 10 days to written or electronic requests for information presented by the public office concerning: (1) The full name of the obligor; (2) the current address of the obligor; (3) the obligor's social security number; (4) the obligor's work location; (5) the number of the obligor's claimed dependents; (6) the obligor's gross income; (7) the obligor's net income; (8) an itemized statement of deductions from the obligor's income; (9) the obligor's pay schedule; (10) the obligor's health insurance coverage; and (11) whether or not income owed the obligor is being withheld pursuant to this act. This is an exclusive list of the information that the payor is required to provide under this section.

(b) It shall be the duty of any payor who has been served a copy of an income withholding order for payment of an order for cash support that meets the requirements of subsection (h) to deduct and pay over income

as provided in this section. The payor shall begin the required deductions no later than the next payment of income due the obligor after 14 days following service of the order on the payor.

(c) Within seven business days of the time the obligor is normally paid, the payor shall pay the amount withheld as directed by the income withholding agency pursuant to K.S.A. 23-4,109 and amendments thereto, as directed by the income withholding order or by a rule of the Kansas supreme court. The payor shall identify each payment with the name of the obligor, the county and case number of the income withholding order, and the date the income was withheld from the obligor. *The payor shall pay the amounts withheld and identify each payment in the same business day.* A payor subject to more than one income withholding order payable to the same payee may combine the amounts withheld into a single payment, but only if the amount attributable to each income withholding order is clearly identified. Premiums required for a child's coverage under a health benefit plan shall be remitted as provided in the health benefit plan and shall not be combined with any other support payment required by the income withholding order.

(d) The payor shall continue to withhold income as required by the income withholding order until further order of the court or agency.

(e) From income due the obligor, the payor may withhold and retain to defray the payor's costs a cost recovery fee of \$5 for each pay period for which income is withheld or \$10 for each month for which income is withheld, whichever is less. Such cost recovery fee shall be in addition to the amount withheld as support.

(f) The entire sum withheld by the payor, including the cost recovery fee and premiums due from the obligor which are incurred solely because of a medical withholding order, shall not exceed the limits provided for under section 303(b) of the consumer credit protection act (15 U.S.C. § 1673(b)). If amounts of earnings required to be withheld exceed the maximum amount of earnings which may be withheld according to the consumer credit protection act, priority shall be given to payment of current and past due support, and the payor shall promptly notify the holder of the limited power of attorney of any nonpayment of premium for a health benefit plan on the child's behalf. An income withholding order issued pursuant to this act shall not be considered a wage garnishment as defined in subsection (b) of K.S.A. 60-2310 and amendments thereto. If amounts of earnings required to be withheld in accordance with this act are less than the maximum amount of earnings which could be withheld according to the consumer credit protection act, the payor shall honor garnishments filed by other creditors to the extent that the total amount taken from earnings does not exceed consumer credit protection act limitations.

(g) The payor shall promptly notify the court or agency that issued the income withholding order of the termination of the obligor's employment or other source of income, or the layoff of the obligor from employment, and provide the obligor's last known address and the name and address of the individual's current employer, if known.

(h) A payor who complies with a copy of an income withholding order that is regular on its face shall not be subject to civil liability to any person or agency for conduct in compliance with the income withholding order. *As used in this section, "regular on its face" means a completed document in the standard format for any income withholding notice that has been adopted by the United States secretary of health and human services in a final rule or a certified copy of the income withholding order.*

(i) Except as provided further, if any payor violates the provisions of this act, the court may enter a judgment against the payor for the total amount which should have been withheld and paid over. If the payor, without just cause or excuse, intentionally fails to pay over income within the time established in subsection (c) and the obligee files a motion to have such income paid over, the court shall enter a judgment against the payor and in favor of the obligee for three times the amount of the income owed and reasonable attorney fees. *If the payor, without good cause, fails to pay over the income and identify each payment in the same business day, the court shall enter a judgment against the payor and in favor of the obligee for twice the amount of the cost recovery fee, as established in subsection (e), per obligor.*

(j) In addition to any judgment authorized by subsection (i), a payor shall be subject to a civil penalty not exceeding \$500 and other equitable relief as the court considers proper if the payor: (1) Discharges, refuses to employ or takes disciplinary action against an obligor subject to an income withholding order because of such withholding and the obligations or additional obligations which it imposes upon the payor; or (2) fails to withhold support from income or to pay such amounts in the manner required by this act.

Sec. 3. K.S.A. 2000 Supp. 23-4,118 is hereby amended to read as follows: 23-4,118. (a) The department of social and rehabilitation services is designated as the state income withholding agency in title IV-D cases. For the purpose of keeping adequate records to document, track and monitor support payments in title IV-D cases and for the purpose of initiating the income withholding process in such cases, the department may contract for the performance of all or a portion of the withholding agency function with existing title IV-D contractors or any newly created entity capable of providing such services.

(b) In all other cases, except as otherwise provided in this subsection, the clerk of the district court is designated as the income withholding agency for the purpose of keeping adequate records to allow the obligor and obligee to track and monitor support payments. If a district court trustee has been designated by the chief judge to receive, process and maintain records for moneys received under support orders, the district court trustee is designated as the income withholding agency for non-IV-D cases in the judicial district. *The department of social and rehabilitation services, the title IV-D agency for the state, shall establish a central unit for collection and disbursement of support payments to meet the requirements of title IV-D.*

(b) *The department may contract with a private vendor for the establishment and operation, in whole or in part, of such central unit. Any contract currently in place shall be modified on or before July 1, 2001, to take into account the provisions of this subsection. The following conditions and limitations shall apply to any such contract:*

(1) *Any contract shall incorporate by reference the Kansas supreme court rule concerning official child support and maintenance records established pursuant to subsection (c).*

(2) *No contract shall include provisions allowing the vendor to be paid, in whole or in part, on the basis of an amount per phone call received by the center nor allowing the vendor to be paid an amount per check issued for checks that were issued in error by the center.*

(3) *Any contract with a private vendor shall include penalty provisions for noncompliance with federal regulations relating to the timeliness of collections and disbursements and shall include a monetary penalty of \$100 for each erroneous transaction, whether related to collection or disbursement. Penalties shall be collected as and when assessed. Of the penalty, \$25 shall be allocated to the obligee and \$75 shall be allocated to the department of social and rehabilitation services.*

(4) *Any contract with a private vendor shall provide for full access to all data by the secretary's designee in the central receivables unit, the designee of the office of judicial administration and the chairperson of the central payment center oversight commission. Further, the contract shall provide that all district court clerks and court trustees have access to records of the vendors sufficient to allow them to assist in the process of matching support payments to the obligees and be provided dedicated telephone access to the vendor for the purpose of assisting the vendor in making accurate and timely disbursements.*

(5) *Any contract with a private vendor, in addition to sufficient customer service staff during regular business hours, shall require 24-hour access by obligors and obligees to payment files which show status of receipts and disbursements, including, but not limited to, date of receipt by the vendor, date of processing by the vendor and date of mailing to the obligee.*

(6) *Any contract with a private vendor shall provide that the central unit be known as the Kansas payment center. The name "Kansas payment center" shall be reserved for use by the state of Kansas for the functions of the central unit and shall not be used by any private entity for the collection of support funds.*

(7) *Any contract with a private vendor shall provide that the vendor create a standardized form that shall accompany all payments made to the central unit for new orders effective on and after January 1, 2002. Such form shall contain the information necessary to assist in the disbursement of such payments.*

(c) *The Kansas supreme court, by court rule, shall establish the procedure for the creation, maintenance and correction of official child support and maintenance records for use as official court records.*

(d) *The department shall collaborate with the Kansas supreme court to establish the central unit for collection and disbursement of support payments, which shall include, but is not limited to, all support payments subject to the requirements of title IV-D. Upon designation by the Kansas supreme court, the central unit for collection and disbursement of support payments shall commence operations with respect to support orders en-*

(continued)

tered in each county as provided in a schedule adopted or approved by the supreme court or the supreme court's designee.

(e) When the central unit for collection and disbursement of support payments commences operations with respect to a county, any provision in any child support order or income withholding order entered in that county which requires remittance of support payments to the clerk of the district court or district court trustee shall be deemed to require remittance of support payments to the central unit for collection and disbursement of support payments, regardless of the date the child support or income withholding order was entered.

(f) As used in this section, "child support order" includes any order for maintenance of a spouse or ex-spouse issued in conjunction with a child support order.

(g) Any unmatched funds which remain unmatched one year after the transfer and after a good faith effort has been made to find the obligee shall be deposited with the state treasurer in accordance with the unclaimed property act.

(h) The provisions of this section shall expire on July 1, 2003.

Sec. 4. On and after July 1, 2001, K.S.A. 23-4,136 is hereby amended to read as follows: 23-4,136. Any person who is the obligor under a support order of another jurisdiction may obtain voluntary income withholding by filing with the court a request for an income withholding order and a certified copy of the support order of the other jurisdiction. The court shall issue an income withholding order, as provided in subsection (i) of K.S.A. 23-4,107 and amendments thereto, which shall be honored by any payor regardless of whether there is an arrearage. ~~In such a case, payments shall be made from the payor or the clerk of the court to the agency for distribution to the obligee.~~

Sec. 5. On and after July 1, 2001, K.S.A. 38-1121 is hereby amended to read as follows: 38-1121. (a) The judgment or order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes, but if any person necessary to determine the existence of a father and child relationship for all purposes has not been joined as a party, a determination of the paternity of the child shall have only the force and effect of a finding of fact necessary to determine a duty of support.

(b) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued, but only if any man named as the father on the birth certificate is a party to the action.

(c) Upon adjudging that a party is the parent of a minor child, the court shall make provision for support and education of the child including the necessary medical expenses incident to the birth of the child. The court may order the support and education expenses to be paid by either or both parents for the minor child. When the child reaches 18 years of age, the support shall terminate unless: (1) The parent or parents agree, by written agreement approved by the court, to pay support beyond that time; (2) the child reaches 18 years of age before completing the child's high school education in which case the support shall not automatically terminate, unless otherwise ordered by the court, until June 30 of the school year during which the child became 18 years of age if the child is still attending high school; or (3) the child is still a bona fide high school student after June 30 of the school year during which the child became 18 years of age, in which case the court, on motion, may order support to continue through the school year during which the child becomes 19 years of age so long as the child is a bona fide high school student and the parents jointly participated or knowingly acquiesced in the decision which delayed the child's completion of high school. The court, in extending support pursuant to subsection (c)(3), may impose such conditions as are appropriate and shall set the child support utilizing the guideline table category for 16-year through 18-year old children. Provision for payment of support and educational expenses of a child after reaching 18 years of age if still attending high school shall apply to any child subject to the jurisdiction of the court, including those whose support was ordered prior to July 1, 1992. If an agreement approved by the court prior to July 1, 1992, provides for termination of support before the date provided by subsection (c)(2), the court may review and modify such agreement, and any order based on such agreement, to extend the date for termination of support to the date provided by subsection (c)(2). If an agreement approved by the court prior to July 1, 1992, provides for termination of support before the date provided by subsection (c)(3), the court may review and modify such agreement, and any order based on

such agreement, to extend the date for termination of support to the date provided by subsection (c)(3). For purposes of this section, "bona fide high school student" means a student who is enrolled in full accordance with the policy of the accredited high school in which the student is pursuing a high school diploma or a graduate equivalency diploma (GED). ~~The judgment shall specify the terms of payment and shall require payment to be made through the clerk of the district court or the court trustee except for good cause shown.~~ The judgment may require the party to provide a bond with sureties to secure payment. The court may at any time during the minority of the child modify or change the order of support, including any order issued in a title IV-D case, within three years of the date of the original order or a modification order, as required by the best interest of the child. If more than three years has passed since the date of the original order or modification order, a requirement that such order is in the best interest of the child need not be shown. The court may make a modification of support retroactive to a date at least one month after the date that the motion to modify was filed with the court. Any increase in support ordered effective prior to the date the court's judgment is filed shall not become a lien on real property pursuant to K.S.A. 60-2202, and amendments thereto.

(d) If both parents are parties to the action, the court shall enter such orders regarding custody, residency and parenting time as the court considers to be in the best interest of the child.

If the parties have an agreed parenting plan it shall be presumed the agreed parenting plan is in the best interest of the child. This presumption may be overcome and the court may make a different order if the court makes specific findings of fact stating why the agreed parenting plan is not in the best interest of the child. If the parties are not in agreement on a parenting plan, each party shall submit a proposed parenting plan to the court for consideration at such time before the final hearing as may be directed by the court.

(e) In entering an original order for support of a child under this section, the court may award an additional judgment to reimburse the expenses of support and education of the child from the date of birth to the date the order is entered. If the determination of paternity is based upon a presumption arising under K.S.A. 38-1114 and amendments thereto, the court shall award an additional judgment to reimburse all or part of the expenses of support and education of the child from at least the date the presumption first arose to the date the order is entered, except that no additional judgment need be awarded for amounts accrued under a previous order for the child's support.

(f) In determining the amount to be ordered in payment and duration of such payments, a court enforcing the obligation of support shall consider all relevant facts including, but not limited to, the following:

- (1) The needs of the child.
- (2) The standards of living and circumstances of the parents.
- (3) The relative financial means of the parents.
- (4) The earning ability of the parents.
- (5) The need and capacity of the child for education.
- (6) The age of the child.
- (7) The financial resources and the earning ability of the child.
- (8) The responsibility of the parents for the support of others.
- (9) The value of services contributed by both parents.

(g) The provisions of K.S.A. 23-4,107, and amendments thereto, shall apply to all orders of support issued under this section.

(h) An order granting parenting time pursuant to this section may be enforced in accordance with K.S.A. 23-701, and amendments thereto, or under the uniform child custody jurisdiction and enforcement act.

Sec. 6. On and after July 1, 2001, K.S.A. 38-1123 is hereby amended to read as follows: 38-1123. (a) If existence of the father and child relationship has been determined and payment of support is ordered under prior law, the court may order support and any related expenses to be paid through ~~the clerk of the court or district court trustee~~ the central unit for collection and disbursement of support payments designated pursuant to K.S.A. 23-4,118, and amendments thereto. If payment of support is ordered under this act, the court shall require such support and any related expense to be paid through the clerk of the court or the court trustee central unit for collection and disbursement of support payments designated pursuant to K.S.A. 23-4,118, and amendments thereto.

(b) The provisions of ~~K.S.A. 23-4,107~~ the Kansas income withholding act, K.S.A. 23-4,105 through K.S.A. 23-4,123, and amendments thereto, shall apply to orders of support issued under this act or under the predecessor to this act.

(c) Willful failure to obey the judgment or order of the court is a civil contempt of the court. All remedies for the enforcement of judgments apply.

Sec. 7. On and after July 1, 2001, K.S.A. 2000 Supp. 60-1610 is hereby amended to read as follows: 60-1610. A decree in an action under this article may include orders on the following matters:

(a) *Minor children.* (1) *Child support and education.* The court shall make provisions for the support and education of the minor children. The court may modify or change any prior order, including any order issued in a title IV-D case, within three years of the date of the original order or a modification order, when a material change in circumstances is shown, irrespective of the present domicile of the child or the parents. If more than three years has passed since the date of the original order or modification order, a material change in circumstance need not be shown. The court may make a modification of child support retroactive to a date at least one month after the date that the motion to modify was filed with the court. Any increase in support ordered effective prior to the date the court's judgment is filed shall not become a lien on real property pursuant to K.S.A. 60-2202 and amendments thereto. Regardless of the type of custodial arrangement ordered by the court, the court may order the child support and education expenses to be paid by either or both parents for any child less than 18 years of age, at which age the support shall terminate unless: (A) The parent or parents agree, by written agreement approved by the court, to pay support beyond the time the child reaches 18 years of age; (B) the child reaches 18 years of age before completing the child's high school education in which case the support shall not terminate automatically, unless otherwise ordered by the court, until June 30 of the school year during which the child became 18 years of age if the child is still attending high school; or (C) the child is still a bona fide high school student after June 30 of the school year during which the child became 18 years of age, in which case the court, on motion, may order support to continue through the school year during which the child becomes 19 years of age so long as the child is a bona fide high school student and the parents jointly participated or knowingly acquiesced in the decision which delayed the child's completion of high school. The court, in extending support pursuant to subsection (a)(1)(C), may impose such conditions as are appropriate and shall set the child support utilizing the guideline table category for 16-year through 18-year old children. Provision for payment of support and educational expenses of a child after reaching 18 years of age if still attending high school shall apply to any child subject to the jurisdiction of the court, including those whose support was ordered prior to July 1, 1992. If an agreement approved by the court prior to July 1, 1988, provides for termination of support before the date provided by subsection (a)(1)(B), the court may review and modify such agreement, and any order based on such agreement, to extend the date for termination of support to the date provided by subsection (a)(1)(B). If an agreement approved by the court prior to July 1, 1992, provides for termination of support before the date provided by subsection (a)(1)(C), the court may review and modify such agreement, and any order based on such agreement, to extend the date for termination of support to the date provided by subsection (a)(1)(C). For purposes of this section, "bona fide high school student" means a student who is enrolled in full accordance with the policy of the accredited high school in which the student is pursuing a high school diploma or a graduate equivalency diploma (GED). In determining the amount to be paid for child support, the court shall consider all relevant factors, without regard to marital misconduct, including the financial resources and needs of both parents, the financial resources and needs of the child and the physical and emotional condition of the child. Until a child reaches 18 years of age, the court may set apart any portion of property of either the husband or wife, or both, that seems necessary and proper for the support of the child. ~~Every~~ Except for good cause shown, every order requiring payment of child support under this section shall require that the support be paid through the clerk of the district court or the court trustee ~~except for good cause shown~~ central unit for collection and disbursement of support payments designated pursuant to K.S.A. 23-4,118, and amendments thereto. A written agreement between the parties to make direct child support payments to the obligee and not pay through the central unit shall constitute good cause, unless the court finds the agreement is not in the best interest of the child or children. The obligor shall file such written agreement with the court. The obligor shall maintain written evidence of the payment of the support obligation and, at least annually, shall provide such evidence to the court and the obligee. If the divorce decree of the

parties provides for an abatement of child support during any period provided in such decree, the child support such nonresidential parent owes for such period shall abate during such period of time, except that if the residential parent shows that the criteria for the abatement has not been satisfied there shall not be an abatement of such child support.

(2) *Child custody and residency.* (A) *Changes in custody.* Subject to the provisions of the uniform child custody jurisdiction and enforcement act (K.S.A. 38-1336 through 38-1377, and amendments thereto), the court may change or modify any prior order of custody, residency, visitation and parenting time, when a material change of circumstances is shown, but no ex parte order shall have the effect of changing residency of a minor child from the parent who has had the sole de facto residency of the child to the other parent unless there is sworn testimony to support a showing of extraordinary circumstances. If an interlocutory order is issued ex parte, the court shall hear a motion to vacate or modify the order within 15 days of the date that a party requests a hearing whether to vacate or modify the order.

(B) *Examination of parties.* The court may order physical or mental examinations of the parties if requested pursuant to K.S.A. 60-235 and amendments thereto.

(3) *Child custody or residency criteria.* The court shall determine custody or residency of a child in accordance with the best interests of the child.

(A) If the parties have entered into a parenting plan, it shall be presumed that the agreement is in the best interests of the child. This presumption may be overcome and the court may make a different order if the court makes specific findings of fact stating why the agreed parenting plan is not in the best interests of the child.

(B) In determining the issue of child custody, residency and parenting time, the court shall consider all relevant factors, including but not limited to:

(i) The length of time that the child has been under the actual care and control of any person other than a parent and the circumstances relating thereto;

(ii) the desires of the child's parents as to custody or residency;

(iii) the desires of the child as to the child's custody or residency;

(iv) the interaction and interrelationship of the child with parents, siblings and any other person who may significantly affect the child's best interests;

(v) the child's adjustment to the child's home, school and community;

(vi) the willingness and ability of each parent to respect and appreciate the bond between the child and the other parent and to allow for a continuing relationship between the child and the other parent; and

(vii) evidence of spousal abuse.

Neither parent shall be considered to have a vested interest in the custody or residency of any child as against the other parent, regardless of the age of the child, and there shall be no presumption that it is in the best interests of any infant or young child to give custody or residency to the mother.

(4) *Types of legal custodial arrangements.* Subject to the provisions of this article, the court may make any order relating to custodial arrangements which is in the best interests of the child. The order shall provide one of the following legal custody arrangements, in the order of preference:

(A) *Joint legal custody.* The court may order the joint legal custody of a child with both parties. In that event, the parties shall have equal rights to make decisions in the best interests of the child.

(B) *Sole legal custody.* The court may order the sole legal custody of a child with one of the parties when the court finds that it is not in the best interests of the child that both of the parties have equal rights to make decisions pertaining to the child. If the court does not order joint legal custody, the court shall include on the record specific findings of fact upon which the order for sole legal custody is based. The award of sole legal custody to one parent shall not deprive the other parent of access to information regarding the child unless the court shall so order, stating the reasons for that determination.

(5) *Types of residential arrangements.* After making a determination of the legal custodial arrangements, the court shall determine the residency of the child from the following options, which arrangement the court must find to be in the best interest of the child. The parties shall submit to the court either an agreed parenting plan or, in the case of dispute, proposed parenting plans for the court's consideration. Such options are:

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(A) *Residency.* The court may order a residential arrangement in which the child resides with one or both parents on a basis consistent with the best interests of the child.

(B) *Divided residency.* In an exceptional case, the court may order a residential arrangement in which one or more children reside with each parent and have parenting time with the other.

(C) *Nonparental residency.* If during the proceedings the court determines that there is probable cause to believe that the child is a child in need of care as defined by subsections (a)(1), (2) or (3) of K.S.A. 38-1502 and amendments thereto or that neither parent is fit to have residency, the court may award temporary residency of the child to a grandparent, aunt, uncle or adult sibling, or, another person or agency if the court finds the award of custody to such person or agency is in the best interests of the child. In making such a residency order, the court shall give preference, to the extent that the court finds it is in the best interests of the child, first to awarding such residency to a relative of the child by blood, marriage or adoption and second to awarding such residency to another person with whom the child has close emotional ties. The court may make temporary orders for care, support, education and visitation that it considers appropriate. Temporary residency orders are to be entered in lieu of temporary orders provided for in K.S.A. 38-1542 and 38-1543, and amendments thereto, and shall remain in effect until there is a final determination under the Kansas code for care of children. An award of temporary residency under this paragraph shall not terminate parental rights nor give the court the authority to consent to the adoption of the child. When the court enters orders awarding temporary residency of the child to an agency or a person other than the parent, the court shall refer a transcript of the proceedings to the county or district attorney. The county or district attorney shall file a petition as provided in K.S.A. 38-1531 and amendments thereto and may request termination of parental rights pursuant to K.S.A. 38-1581 and amendments thereto. The costs of the proceedings shall be paid from the general fund of the county. When a final determination is made that the child is not a child in need of care, the county or district attorney shall notify the court in writing and the court, after a hearing, shall enter appropriate custody orders pursuant to this section. If the same judge presides over both proceedings, the notice is not required. Any disposition pursuant to the Kansas code for care of children shall be binding and shall supersede any order under this section.

(b) *Financial matters.* (1) *Division of property.* The decree shall divide the real and personal property of the parties, including any retirement and pension plans, whether owned by either spouse prior to marriage, acquired by either spouse in the spouse's own right after marriage or acquired by the spouses' joint efforts, by: (A) a division of the property in kind; (B) awarding the property or part of the property to one of the spouses and requiring the other to pay a just and proper sum; or (C) ordering a sale of the property, under conditions prescribed by the court, and dividing the proceeds of the sale. Upon request, the trial court shall set a valuation date to be used for all assets at trial, which may be the date of separation, filing or trial as the facts and circumstances of the case may dictate. The trial court may consider evidence regarding changes in value of various assets before and after the valuation date in making the division of property. In dividing defined-contribution types of retirement and pension plans, the court shall allocate profits and losses on the non-participant's portion until date of distribution to that nonparticipant. In making the division of property the court shall consider the age of the parties; the duration of the marriage; the property owned by the parties; their present and future earning capacities; the time, source and manner of acquisition of property; family ties and obligations; the allowance of maintenance or lack thereof; dissipation of assets; the tax consequences of the property division upon the respective economic circumstances of the parties; and such other factors as the court considers necessary to make a just and reasonable division of property. The decree shall provide for any changes in beneficiary designation on: (A) Any insurance or annuity policy that is owned by the parties, or in the case of group life insurance policies, under which either of the parties is a covered person; (B) any trust instrument under which one party is the grantor or holds a power of appointment over part or all of the trust assets, that may be exercised in favor of either party; or (C) any transfer on death or payable on death account under which one or both of the parties are owners or beneficiaries. Nothing in this section shall relieve the parties of the obligation to effectuate any change in beneficiary designation by the filing of such change with the insurer or issuer in accordance with the terms of such policy.

(2) *Maintenance.* The decree may award to either party an allowance for future support denominated as maintenance, in an amount the court finds to be fair, just and equitable under all of the circumstances. The decree may make the future payments modifiable or terminable under circumstances prescribed in the decree. The court may make a modification of maintenance retroactive to a date at least one month after the date that the motion to modify was filed with the court. In any event, the court may not award maintenance for a period of time in excess of 121 months. If the original court decree reserves the power of the court to hear subsequent motions for reinstatement of maintenance and such a motion is filed prior to the expiration of the stated period of time for maintenance payments, the court shall have jurisdiction to hear a motion by the recipient of the maintenance to reinstate the maintenance payments. Upon motion and hearing, the court may reinstate the payments in whole or in part for a period of time, conditioned upon any modifying or terminating circumstances prescribed by the court, but the reinstatement shall be limited to a period of time not exceeding 121 months. The recipient may file subsequent motions for reinstatement of maintenance prior to the expiration of subsequent periods of time for maintenance payments to be made, but no single period of reinstatement ordered by the court may exceed 121 months. Maintenance may be in a lump sum, in periodic payments, on a percentage of earnings or on any other basis. At any time, on a hearing with reasonable notice to the party affected, the court may modify the amounts or other conditions for the payment of any portion of the maintenance originally awarded that has not already become due, but no modification shall be made without the consent of the party liable for the maintenance, if it has the effect of increasing or accelerating the liability for the unpaid maintenance beyond what was prescribed in the original decree. *Except for good cause shown, every order requiring payment of maintenance under this section shall require that the maintenance be paid through the clerk of the district court or the court trustee except for good cause shown central unit for collection and disbursement of support payments designated pursuant to K.S.A. 23-4,118, and amendments thereto. A written agreement between the parties to make direct maintenance payments to the obligee and not pay through the central unit shall constitute good cause. If child support and maintenance payments are both made to an obligee by the same obligor, and if the court has made a determination concerning the manner of payment of child support, then maintenance payments shall be paid in the same manner.*

(3) *Separation agreement.* If the parties have entered into a separation agreement which the court finds to be valid, just and equitable, the agreement shall be incorporated in the decree. A separation agreement may include provisions relating to a parenting plan. The provisions of the agreement on all matters settled by it shall be confirmed in the decree except that any provisions relating to the legal custody, residency, visitation parenting time, support or education of the minor children shall be subject to the control of the court in accordance with all other provisions of this article. Matters settled by an agreement incorporated in the decree, other than matters pertaining to the legal custody, residency, visitation, parenting time, support or education of the minor children, shall not be subject to subsequent modification by the court except: (A) As prescribed by the agreement or (B) as subsequently consented to by the parties.

(4) *Costs and fees.* Costs and attorney fees may be awarded to either party as justice and equity require. The court may order that the amount be paid directly to the attorney, who may enforce the order in the attorney's name in the same case.

(c) *Miscellaneous matters.* (1) *Restoration of name.* Upon the request of a spouse, the court shall order the restoration of that spouse's maiden or former name.

(2) *Effective date as to remarriage.* Any marriage contracted by a party, within or outside this state, with any other person, before a judgment of divorce becomes final shall be voidable until the decree of divorce becomes final. An agreement which waives the right of appeal from the granting of the divorce and which is incorporated into the decree or signed by the parties and filed in the case shall be effective to shorten the period of time during which the remarriage is voidable.

Sec. 8. On and after July 1, 2001, K.S.A. 2000 Supp. 60-2308 is hereby amended to read as follows: 60-2308. (a) Money received by any debtor as pensioner of the United States within three months next preceding the issuing of an execution, or attachment, or garnishment process, cannot be applied to the payment of the debts of such pensioner when it appears

by the affidavit of the debtor or otherwise that such pension money is necessary for the maintenance of the debtor's support or a family support wholly or in part by the pension money. The filing of the affidavit by the debtor, or making proof as provided in this section, shall be *prima facie* evidence of the necessity of such pension money for such support. It shall be the duty of the court in which such proceeding is pending to release all moneys held by such attachment or garnishment process, immediately upon the filing of such affidavit, or the making of such proof.

(b) Except as provided in subsection (c), any money or other assets payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified under sections 401(a), 403(a), 403(b), 408, 408A or 409 of the federal internal revenue code of 1986 and amendments thereto shall be exempt from any and all claims of creditors of the beneficiary or participant. Any such plan shall be conclusively presumed to be a spendthrift trust under these statutes and the common law of the state. All records of the debtor concerning such plan or arrangement and of the plan concerning the debtor's participation in the plan or arrangement shall be exempt from the subpoena process.

(c) Any plan or arrangement described in subsection (b) shall not be exempt from the claims of an alternate payee under a qualified domestic relations order. However, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state department of social and rehabilitation services, of the alternate payee. As used in this subsection, the terms "alternate payee" and "qualified domestic relations order" have the meaning ascribed to them in section 414(p) of the federal internal revenue code of 1986 and amendments thereto.

(d) The provisions of subsections (b) and (c) shall apply to any proceeding which: (1) is filed on or after July 1, 1986; or (2) was filed on or after January 1, 1986, and is pending or on appeal July 1, 1986.

(e) Money held by the central unit for collection and disbursement of support payments designated pursuant to K.S.A. 23-4,118, and amendments thereto, the state department of social and rehabilitation services, any clerk of a district court or any district court trustee in connection with a court order for the support of any person, whether it be the money is identified as child support, spousal support, alimony or maintenance, shall be exempt from execution, attachment or garnishment process.

Sec. 9. On and after July 1, 2001, K.S.A. 60-2803 is hereby amended to read as follows: 60-2803. (a) When a money judgment rendered in a civil action in a court of this state is satisfied, the judgment creditor or the assignee of the judgment creditor shall file satisfaction and release of the judgment within twenty days after receipt of written demand therefor, sent by restricted mail as defined by K.S.A. 60-103 and amendments thereto. Such satisfaction and release shall be filed with the clerk of the court in which the judgment was entered and with the clerk of any other court in which the judgment was filed.

(b) If a judgment creditor or the assignee of a judgment creditor refuses or neglects to enter satisfaction and release of a judgment when required by this section, such judgment creditor or assignee shall be liable to the judgment debtor, or other interested person demanding the satisfaction or release, in damages in the amount of one hundred dollars, together with a reasonable attorney's fee for preparing and prosecuting the action to recover such damages.

(c) The provisions of this section shall not apply if the judgment is satisfied by payment through the office of the clerk of the district court, the district court trustee or any central unit for collection and disbursement of support payments designated pursuant to K.S.A. 23-4,118, and amendments thereto.

New Sec. 10. (a) There is hereby created the central payment center oversight commission.

(b) Commission members shall include:

- (1) A district court judge whose jurisdiction includes domestic relations;
- (2) a court trustee who works in child support enforcement;
- (3) a district court clerk;
- (4) an employer, with more than 100 employees, who provides income withholding;
- (5) an employer, with less than 10 employees, who provides income withholding;
- (6) a custodial parent who has a court order to receive child support;
- (7) a noncustodial parent who is under a support order to pay child support;
- (8) a representative appointed by the governor;

(9) the state treasurer or the treasurer's designee;

(10) a representative of the office of judicial administration as an ex officio member;

(11) the central receivables unit manager of the department of social and rehabilitation services or the manager's designee as an ex officio member;

(12) four members of the legislature as ex officio members. Of the four members, one representative shall be appointed by the speaker of the house of representatives, one representative shall be appointed by the minority leader of the house of representatives, one senator shall be appointed by the president of the senate and one senator shall be appointed by the minority leader of the senate;

(13) the vendor operating the central unit for the collection and disbursement of support payments, pursuant to K.S.A. 23-4,118, and amendments thereto, or the vendor's designee as an ex officio member; and

(14) the director of the title IV-D division or the director's designee as an ex officio member.

(c) The legislative coordinating council shall appoint the members of the commission under subsections (b)(1) through (b)(8) and appoint a temporary chairperson to convene the initial meeting.

(d) The initial members of the commission shall be appointed no later than July 1, 2001. Members shall serve terms of two years, except that the initial terms of members under subsections (b)(5) through (b)(8) shall be one year to provide for staggered terms for commission members. Vacancies shall be filled in the same manner as the original appointments and for the remainder of the unexpired term. Members whose terms have expired shall continue to serve until their successors have been appointed. Members shall be eligible for reappointment. The commission shall select a chairperson, annually, from its membership. A chairperson may serve more than one year.

(e) The commission shall meet on call of the chairperson as authorized by the legislative coordinating council.

(f) The staff of the legislative research department, the office of the revisor of statutes and the division of legislative administrative services shall provide such assistance as may be requested by the commission and to the extent authorized by the legislative coordinating council.

(g) Members of the commission attending meetings of the committee, or attending a subcommittee meeting thereof authorized by the legislative coordinating council, shall be paid compensation, travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212 and amendments thereto.

(h) The central payment center oversight commission duties shall include, but not be limited to:

(1) Recommending to the department of social and rehabilitation services, if appropriate, ways to improve or enhance the effectiveness of the central unit for the collection and disbursement of support payments;

(2) recommending performance indicators for the central unit;

(3) recommending legislation which would clarify and improve state law regarding support for children as it relates to the central unit;

(4) presenting an annual report of its activities and recommendations to the legislative coordinating council by February 1;

(5) reviewing and making nonbinding suggestions and recommendations to the terms of any current or proposed contract with a private vendor who is or may be operating the central unit;

(6) monitoring federal regulations relating to the central unit mandate and evaluate any and all opportunities for appropriate waivers and options out of the mandate;

(7) monitoring all unmatched funds in suspense status and make recommendations regarding the handling of unmatched payments in suspense, whether by the state or a private vendor;

(8) monitoring the penalty provisions in any private vendor contract and monitor the status of violations and collection of penalties;

(9) monitoring the quality of customer service;

(10) conducting public hearings in order to fulfill the oversight function, as authorized by the legislative coordinating council;

(11) reviewing the nature and extent of direct payment orders by judicial district and report: (A) On the effectiveness of orders and any abuses occurring; and (B) on the impact on the court trustee system; and

(12) reviewing the income withholding provisions of the law and make recommendations to accelerate the timely receipt and payment of such withholdings.

(i) The provisions of this section shall expire on July 1, 2003.

(continued)

Sec. 11. On and after July 1, 2001, K.S.A. 2000 Supp. 23-497 is hereby amended to read as follows: 23-497. (a) ~~Except as provided further,~~ to defray the expenses of operation of the court trustee's office, the court trustee is authorized to charge an amount: (1) Whether fixed or sliding scale, based upon the scope of services provided or upon economic criteria, not to exceed 5% of the support collected from obligors through such office, as determined necessary by the chief judge as provided by this section; (2) based upon the hourly cost of office operations for the provision of services on an hourly or per service basis, with the written agreement of the obligee; or (3) from restitution collected, not to exceed the fee authorized by the attorney general under any contract entered into pursuant to K.S.A. 75-719, and amendments thereto.

(b) All such amounts shall be paid to the court trustee operations fund of the county where collected. There shall be created a court trustee operations fund in the county treasury of each county or district court of each county, in each judicial district that establishes the office of court trustee for the judicial district. The moneys budgeted to fund the operation of existing court trustee offices and to fund the start-up costs of new court trustee offices established on or after January 1, 1992, whether as a result of a rule adopted pursuant to K.S.A. 23-494, and amendments thereto, or because this act has created a court trustee operations fund, shall be transferred from the county general fund to the court trustee operations fund. The county commissioners of the county or group of counties, if the judicial district consists of more than one county, by a majority vote, shall decide whether the county or counties will have a court trustee operations fund in the county treasury or the district court of each county. All expenditures from the court trustee operations fund shall be made in accordance with the provisions of K.S.A. 23-492 et seq. and amendments thereto to enforce duties of support. Authorized expenditures from the court trustee operations fund may include repayment of start-up costs, expansions and operations of the court trustee's office to the county general fund. The court trustee shall be paid compensation as determined by the chief judge. The board of county commissioners of each county to which this act may apply shall provide suitable quarters for the office of court trustee, furnish stationery and supplies, and such furniture and equipment as shall, in the discretion of the chief judge, be necessary for the use of the court trustee. The chief judge shall fix and determine the annual budget of the office of the court trustee and shall review and determine on an annual basis the amount necessary to be charged to defray the expense of start-up costs, expansions and operations of the office of court trustee. All payments made by the secretary of social and rehabilitation services pursuant to K.S.A. 23-4,117 and amendments thereto or any grants or other monies received which are intended to further child support enforcement goals or restitution goals shall be deposited in the court trustee operations fund.

(c) *The court trustee shall not charge or collect a fee for any support payment that is not paid through the central unit for collection and disbursements of support payments pursuant to K.S.A. 23-4,118, and amendments thereto.*

Sec. 12. On and after July 1, 2001, K.S.A. 2000 Supp. 23-4,107 is hereby amended to read as follows: 23-4,107. (a) Any new or modified order for support shall include a provision for the withholding of income to enforce the order for support.

(b) Except as otherwise provided in subsection (j), (k) or (l), all new or modified orders for support shall provide for immediate issuance of an income withholding order. The income withholding order shall be issued without further notice to the obligor and shall specify an amount sufficient to satisfy the order for support and to defray any arrearage. The income withholding order shall be issued regardless of whether a payor subject to the jurisdiction of this state can be identified at the time the order for support is entered.

(c) Except as otherwise provided in this subsection or subsections (j) or (l), if no income withholding order is in effect to enforce the support order, an income withholding order shall be issued by the court upon request of the obligee or public office, provided that the obligor accrued an arrearage equal to or greater than the amount of support payable for one month and the requirements of subsections (d) and (h) have been met. The income withholding order shall be issued without further notice to the obligor and shall specify an amount sufficient to satisfy the order for support and to defray any arrearage. The income withholding order shall be issued regardless of whether a payor subject to the jurisdiction of this state can be identified at the time the income withholding order is issued.

(d) Not less than seven days after the obligee or public office has served a notice pursuant to subsection (h), the obligee or public office may initiate income withholding pursuant to paragraph (1) or (2).

(1) The obligee or public office may apply for an income withholding order by filing with the court an affidavit stating: (A) The date that the notice was served on the obligor and the manner of service; (B) that the obligor has not filed a motion to stay issuance of the income withholding order or, if a motion to stay has been filed, the reason an income withholding order must be issued immediately; (C) a specified amount to be withheld by the payor to satisfy the order of support and to defray any arrearage; (D) whether the income withholding order is to include a medical withholding order; and (E) that the amount of the arrearage as of the date the notice to the obligor was prepared was equal to or greater than the amount of support payable for one month. In addition to any other penalty provided by law, the filing of such an affidavit with knowledge of the falsity of a material declaration is punishable as a contempt.

Upon the filing of the affidavit, the income withholding order shall be issued without further notice to the obligor, hearing or amendments of the support order. Payment of all or part of the arrearage before issuance of the income withholding order shall not prevent issuance of the income withholding order, unless the arrearage is paid in full and the order for support does not include an amount for the current support of a person. No affidavit is required if the court, upon hearing a motion to stay issuance of the income withholding order or otherwise, issues an income withholding order.

(2) In a title IV-D case, the IV-D agency may issue an income withholding order as authorized by K.S.A. 39-7,147, and amendments thereto. Any such income withholding order shall be considered an income withholding order issued pursuant to this act.

(e) (1) An income withholding order shall be directed to any payor of the obligor. Notwithstanding any other requirement of this act as to form or content, any income withholding order prepared in a standard format prescribed by the secretary of social and rehabilitation services shall be deemed to be in compliance with this act.

(2) An income withholding order which does not include a medical withholding order shall require the payor to withhold from any income due, or to become due, to the obligor a specified amount sufficient to satisfy the order of support and to defray any arrearage and shall include notice of and direction to comply with the provisions of K.S.A. 23-4,108 and 23-4,109, and amendments thereto.

(3) An income withholding order which consists only of a medical withholding order shall include notice of the medical child support order and shall conform to the requirements of K.S.A. 23-4,121 and amendments thereto. The medical withholding order shall include notice of and direction to comply with the requirements of K.S.A. 23-4,108, 23-4,109, 23-4,119 and 23-4,122 and amendments thereto.

(4) An income withholding order, which includes both a medical withholding order and an income withholding order for cash support shall meet the requirements of paragraphs (2) and (3).

(f) (1) Upon written request and without the requirement of further notice to the obligor, the clerk of the district court shall cause a copy of the income withholding order to be served on the payor only by personal service or registered mail, return receipt requested.

(2) Without the requirement of further notice to the obligor, the IV-D agency may cause a copy of any income withholding order to be served on the payor only by personal service or registered mail, return receipt requested or by any alternate method acceptable to the payor. No payor shall be liable to any person solely because of the method of service accepted by the payor.

(3) As used in this section, "copy of the income withholding order" means any document or notice, regardless of format, that advises the payor of the same general duties, requires the same amount to be withheld from income and requires medical withholding to the same extent as the original income withholding order.

(g) An income withholding order shall be binding on any existing or future payor on whom a copy of the order is served and shall require the continued withholding of income from each periodic payment of income until further order of the court or agency that issued the income withholding order. At any time following issuance of an income withholding order, a copy of the income withholding order may be served on any payor without the requirement of further notice to the obligor.

(h) Except as provided in subsection (k) or (l), at any time following entry of an order for support the obligee or public office may serve upon



the obligor a written notice of intent to initiate income withholding. If any notice in the court record indicates that title IV-D services are being provided in the case, whether or not the IV-D services include enforcement of current support, the person or public office requesting issuance of the income withholding order shall obtain the consent of the IV-D agency to the terms of the proposed income withholding order.

The notice of intent to initiate income withholding shall be served on the obligor only by personal service or registered mail, return receipt requested. The notice served on the obligor must state: (1) The terms of the order of support and the total arrearage as of the date the notice was prepared; (2) the amount of income that will be withheld, not including premiums to satisfy a medical withholding order; (3) whether a medical withholding order will be included; (4) that the provision for withholding applies to any current or subsequent payor; (5) the procedures available for contesting the withholding and that the only basis for contesting the withholding is a mistake of fact concerning the amount of the support order, the amount of the arrearage, the amount of income to be withheld or the proper identity of the obligor; (6) the period within which the obligor must act to stay issuance of the income withholding order and that failure to take such action within the specified time will result in payors' being ordered to begin withholding; and (7) the action which will be taken if the obligor contests the withholding.

The obligor may, at any time, waive in writing the notice required by this subsection.

(i) On request of an obligor, the court shall issue an income withholding order which shall be honored by a payor regardless of whether there is an arrearage. Nothing in this subsection shall limit the right of the obligee to request modification of the income withholding order.

(j) (1) *In a nontitle IV-D case, upon presentation to the court of a written agreement between the parties providing for an alternative arrangement, no income withholding order shall be issued pursuant to subsection (b). In any case, before entry of a new or modified order for support, a party may request that no income withholding order be issued pursuant to subsection (b) if notice of the request has been served on all interested parties and: (A) The party demonstrates, and the court finds, that there is good cause not to require immediate income withholding, or (B) a written agreement among all interested parties provides for an alternative arrangement. If child support and maintenance payments are both made to an obligee by the same obligor, and if the court has determined that good cause has been shown that direct child support payments to the obligee may be made, then the court shall provide for direct maintenance payments to the obligee and no income withholding order shall be issued pursuant to subsection (b).* In a title IV-D case, the determination that there is good cause not to require immediate income withholding must include a finding that immediate income withholding would not be in the child's best interests and, if an obligor's existing obligation is being modified, proof of timely payment of previously ordered support.

(2) Notwithstanding the provisions of subsection (j)(1), the court shall issue an income withholding order when an affidavit pursuant to subsection (d) is filed if an arrearage exists in an amount equal to or greater than the amount of support payable for one month.

(3) If a notice pursuant to subsection (h) has been served in a title IV-D case, there is no arrearage or the arrearage is less than the amount of support payable for one month, and the obligor files a motion to stay issuance of the income withholding order based upon the court's previous finding of good cause not to require immediate income withholding pursuant to subsection (j)(1), the obligor must demonstrate the continued existence of good cause. Unless the court again finds that good cause not to require immediate income withholding exists, the court shall issue the income withholding order.

(4) If a notice pursuant to subsection (h) has been served in a title IV-D case, there is no arrearage or the arrearage is less than the amount of support payable for one month, and the obligor files a motion to stay issuance of an income withholding order based upon a previous agreement of the interested parties for an alternative arrangement pursuant to subsection (j)(1), the court shall issue an income withholding order, notwithstanding any previous agreement, if the court finds that:

- (A) The agreement was not in writing;
- (B) the agreement was not approved by all interested parties;
- (C) the terms of the agreement or alternative arrangement are not being met;
- (D) the agreement or alternative arrangement is not in the best interests of the child; or

(E) the agreement or alternative arrangement places an unnecessary burden upon the obligor, obligee or a public office.

(5) The procedures and requirements of K.S.A. 23-4,110 and amendments thereto apply to any motion pursuant to paragraph (3) or (4) of this subsection (j).

(k) (1) An ex parte interlocutory order for support may be enforced pursuant to subsection (b) only if the obligor has consented to the income withholding in writing.

(2) An ex parte interlocutory order for support may be enforced pursuant to subsection (c) only if 10 or more days have elapsed since the order for support was served on the obligor.

(3) Any other interlocutory order for support may be enforced by income withholding pursuant to this act in the same manner as a final order for support.

(4) No bond shall be required for the issuance of an income withholding order to enforce an interlocutory order pursuant to this act.

(l) All new or modified orders for maintenance of a spouse or ex-spouse, except orders for a spouse or ex-spouse living with a child for whom an order of support is also being enforced, entered on or after July 1, 1992, shall include a provision for the withholding of income to enforce the order of support. Unless the parties consent in writing to earlier issuance of a withholding order, withholding shall take effect only after there is an arrearage in an amount equal to or greater than the amount of support payable for two months and after service of a notice as provided in subsection (h).

Sec. 13. Section 130 of 2001 Senate Bill No. 57 is hereby amended to read as follows:

Sec. 130.

DEPARTMENT OF  
SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated from the above agency from the state general fund for the fiscal year ending June 30, 2002, the following:

State operations ..... \$88,076,981

*Provided*, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01 and amendments thereto: *And provided further*, That expenditures from this account for official hospitality by the secretary of social and rehabilitation services shall not exceed \$500.

Alcohol and drug abuse services grants ..... \$3,535,388

*Provided*, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

Mental health and retardation services  
aid and assistance ..... \$126,208,957

*Provided*, That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That the secretary of social and rehabilitation services is authorized to refuse to enter into contracts with ICFs/MR: *And provided further*, That the secretary of social and rehabilitation services is hereby authorized and directed to continue meeting with the directors of nursing facilities for mental health (NF/MN facilities) and the directors of community mental health centers and to develop a plan for reducing the reliance of the state on NF/MN facilities and to determine the number of individuals currently in care who are candidates for community based services: *And provided further*, That the secretary of social and rehabilitation services shall not decertify any beds prior to the plan being reviewed by the legislature during the regular session in 2002.

Kansas neurological institute—operating expenditures ..... \$9,398,466

*Provided*, That any unencumbered balance in the Kansas neurological institute—operating expenditures account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$150 except upon approval of the state finance council: *Provided further*, That expenditures from the Kansas neurological institute—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be

(continued)

made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Kansas neurological institute with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Larned state hospital—operating expenditures..... \$9,716,548

*Provided*, That any unencumbered balance in the Larned state hospital—operating expenditures account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Larned state hospital—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Larned state hospital with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Osawatomie state hospital—operating expenditures..... \$5,592,630

*Provided*, That any unencumbered balance in the Osawatomie state hospital—operating expenditures account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$150 except upon approval of the state finance council: *Provided further*, That expenditures from the Osawatomie state hospital—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Osawatomie state hospital with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Parsons state hospital and training center—  
operating expenditures..... \$6,201,974

*Provided*, That any unencumbered balance in the Parsons state hospital and training center—operating expenditures account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$150 except upon approval of the state finance council: *Provided further*, That expenditures from the Parsons state hospital and training center—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Rainbow mental health facility—  
operating expenditures..... \$740,473

*Provided*, That any unencumbered balance in the Rainbow mental health facility—operating expenditures account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Rainbow mental health facility—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from

this account for educational services contracts which are hereby authorized to be negotiated and entered into by Rainbow mental health facility with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Children's mental health initiative..... \$1,000,000

*Provided*, That no expenditures shall be made from the children's mental health initiative account for inpatient hospital beds for children.

Children's health insurance..... \$9,364,164

*Provided*, That any unencumbered balance in the children's health insurance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That any health maintenance organization which contracts with the department of social and rehabilitation services to provide managed care physical health benefits under the HealthWave Program and also contracts with the department of social and rehabilitation services to provide managed care physical health benefits under the PrimeCare Program may be eligible for enhanced funding under the Title XXI program.

Youth services aid and assistance..... \$58,603,619

*Provided*, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That the consensus estimating group for the department of social and rehabilitation services shall include foster care and adoption services in caseload estimates: *And provided further*, That expenditures shall be made from the youth services aid and assistance account in the amount of \$90,000 from the community funding program subaccount for a pilot project for 100 child welfare mediation cases in Wichita pursuant to a contract, which is hereby authorized and directed to be entered into by the secretary of social and rehabilitation services with a private contractor which shall provide \$30,000 of foundation funding for such project.

Vocational rehabilitation aid and assistance..... \$3,440,562

*Provided*, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: *Provided, however*, That all such expenditures for durable equipment or assistive technology devices shall require a \$1 for \$1 match from non-state sources: *And provided further*, That expenditures may be made from this account by the secretary of social and rehabilitation services for the purchase of worker's compensation insurance for consumers of vocational rehabilitation services and assessments at work site and job tryout sites throughout the state.

Cash assistance..... \$51,621,778

*Provided*, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

Community based services..... \$36,834,437

*Provided*, That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

Other medical assistance..... \$238,878,004

*Provided*, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

Sex predator program..... \$1,301,352

*Provided*, That any unencumbered balance in the sex predator program account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2002, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund..... \$62,391,895

*Provided*, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and retardation services may be credited to the title XIX fund: *Provided further*, That moneys in the title XIX fund may be used for

expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act, for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance, and for transfers to the social welfare fund.

Kansas neurological institute fee fund .....	\$984,781
Kansas neurological institute— foster grandparents program—federal fund.....	No limit
Kansas neurological institute— patient benefit fund.....	No limit
Kansas neurological institute— work therapy patient benefit fund.....	No limit
Larned state hospital fee fund.....	\$2,747,653
Larned state hospital— elementary and secondary education fund—federal.....	No limit
Larned state hospital— vocational education fund—federal.....	No limit
Larned state hospital—ECIA fund—federal.....	No limit
Larned state hospital—canteen fund.....	No limit
Larned state hospital—patient benefit fund.....	No limit
Larned state hospital—motor pool revolving fund.....	No limit
Osawatomi state hospital fee fund.....	\$3,245,715

*Provided*, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomi state hospital shall be deposited to the credit of the video teleconferencing fee account of the Osawatomi state hospital fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, technical and program support, maintenance and replacement of associated equipment at Osawatomi state hospital: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomi state hospital fee fund for fiscal year 2002.

Osawatomi state hospital—ECIA fund—federal.....	No limit
Osawatomi state hospital—canteen fund.....	No limit
Osawatomi state hospital—patient benefit fund.....	No limit
Osawatomi state hospital—work therapy patient benefit fund.....	No limit
Osawatomi state hospital—motor pool revolving fund....	No limit
Osawatomi state hospital—training fee revolving fund....	No limit

*Provided*, That all moneys received as fees for training activities for Osawatomi state hospital shall be deposited to the credit of the Osawatomi state hospital—training fee revolving fund: *Provided further*, That the superintendent of Osawatomi state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomi state hospital: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomi state hospital.

Parsons state hospital and training center fee fund.....	\$997,177
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*Provided*, That all moneys received as fees for the use of video teleconferencing equipment at Parsons state hospital and training center shall be deposited to the credit of the video teleconferencing fee account of the Parsons state hospital and training center fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, maintenance and replacement of video teleconferencing equipment at Parsons state hospital and training center: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Parsons state hospital and training center fee fund for fiscal year 2002.

Parsons state hospital and training center— canteen fund.....	No limit
Parsons state hospital and training center— patient benefit fund.....	No limit
Parsons state hospital and training center— work therapy patient benefit fund.....	No limit
Rainbow mental health facility fee fund.....	\$761,965
Rainbow mental health facility— elementary and secondary education fund—federal.....	No limit
Rainbow mental health facility—patient benefit fund.....	No limit
Social services clearing fund.....	No limit

*Provided*, That the secretary of social and rehabilitation services shall certify to the director of the budget on June 30, 2002, that expenditures

from the social services clearing fund for state operations did not exceed \$275,765,005 for fiscal year 2002: *Provided, however*, That expenditures from the social services clearing fund for transfers or state operations for institutions under the control of the department of social and rehabilitation services shall be in addition to any expenditure limitation on the social services clearing fund: *Provided further*, That expenditures may be made from this fund for fiscal year 2002 pursuant to employment incentive programs which the secretary is hereby authorized to develop and enter into with public and private employers to provide an economic incentive to such employers to employ assistance recipients: *And provided further*, That any transfer made from this fund to another state agency pursuant to a contract with that agency shall be in addition to any expenditure limitations imposed on this fund.

Social welfare fund..... \$50,689,197  
*Provided*, That any transfers of funds between the social welfare fund and state institutions made by the secretary of social and rehabilitation services during fiscal year 2002 shall be in addition to any expenditure limitation imposed on this fund: *Provided further*, That notwithstanding the provisions of K.S.A. 39-7,154 and amendments thereto, the child support collection pass-through payments are hereby eliminated for FY 2002 and no expenditures shall be made from the social welfare fund for payment of any amounts pursuant to K.S.A. 39-7,154 and amendments thereto: *And provided further*, That expenditures shall be made from the social welfare fund to pay for the third day of emergency shelter payments for law enforcement placements during fiscal year 2002.

Other state fees fund..... No limit  
*Provided*, That expenditures shall be made from the social welfare fund for a grant in the amount of \$15,000 for the fetal alcohol syndrome project pursuant to a grant agreement that shall require a \$1 for \$1 match from the local contractor, that local funds shall be used for prevention services and that the contractor shall also provide all data and information required by the secretary of social and rehabilitation services to determine the effectiveness of the project.

Alcohol and drug abuse block grant federal fund..... \$11,193,076  
*Provided*, That any transfers of moneys from the alcohol and drug abuse block grant federal fund to any other block grant fund specified in this subsection during fiscal year 2002 shall be in addition to any expenditure limitation imposed on this fund.

Child welfare services block grant federal fund.....	\$5,471,777
Mental health block grant federal fund.....	\$2,763,991
Social services block grant—federal fund.....	\$23,044,036

*Provided*, That any transfers of moneys from the social services block grant—federal fund to any other block grant fund specified in this subsection during fiscal year 2002 shall be in addition to any expenditure limitation imposed on this fund.

Child care mandatory federal fund..... No limit  
*Provided*, That any transfers from the child care mandatory federal fund to the department of health and environment during fiscal year 2002 shall be in addition to any expenditure limitation imposed on this fund.

Temporary assistance to needy families federal fund.....	No limit
Child care matching federal fund.....	No limit
Child care discretionary federal fund.....	No limit
Disability determination services federal fund.....	No limit
Food stamp assistance federal fund.....	No limit
Foster care assistance federal fund.....	No limit
Medical assistance federal fund.....	No limit

*Provided*, That the secretary of social and rehabilitation services is hereby authorized and directed to apply for a medicaid waiver from the U.S. department of health and human services for a pilot project for not more than 300 children currently in the third grade who are performing below average in school reading scores to be treated and receive services under an optometric vision therapy program that will be matched with state funding through the department of education provided in the grant to the Kansas optometric association for vision study account of the children's initiatives fund.

Rehabilitation services federal fund.....	No limit
Other federal grants and assistance fund.....	No limit
SRS enterprise fund.....	No limit
SRS trust fund.....	No limit

(continued)

Provided, That all contributions from local entities shall be credited to the vocational rehabilitation special revenue account of the SRS trust fund for the purpose of providing the required state match for receipt of federal vocational rehabilitation funds: *Provided further*, That expenditures may be made from the vocational rehabilitation special revenue account of this fund for local community-based vocational rehabilitation programs.

Child support enforcement administration fund.....	No limit
Energy assistance block grant federal fund.....	No limit
Children's health insurance federal fund.....	No limit
Family and children trust account— family and children investment fund.....	No limit
Children's initiatives accountability fund.....	\$0
Kansas insurance coverage for children fund.....	No limit
State medicaid match fund—SRS.....	\$12,300,000

(c) During the fiscal year ending June 30, 2002, the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2002, from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services to another item of appropriation for fiscal year 2002 from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the legislative research department.

(d) On July 1, 2001, the superintendent of Osawatomie state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomie state hospital—canteen fund to the Osawatomie state hospital—patient benefit fund.

(e) On July 1, 2001, the superintendent of Parsons state hospital and training center, upon the approval of the director of accounts and reports, shall transfer \$11,000 from the Parsons state hospital and training center—canteen fund to the Parsons state hospital and training center—patient benefit fund.

(f) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the title XIX fund to the social welfare fund the amount specified by the secretary of social and rehabilitation services.

(g) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,332,070 from the temporary assistance to needy families federal fund to the social services block grant—federal fund.

(h) During the fiscal year ending June 30, 2002, all moneys received by the secretary of social and rehabilitation services, to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund, shall be deposited in the state treasury to the credit of the family and children endowment account of the family and children investment fund.

(i) During the fiscal year ending June 30, 2002, to the extent it is determined by the secretary of social and rehabilitation services to be cost effective, the secretary of social and rehabilitation services shall apply for and accept donations from private sources to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund. During the fiscal year ending June 30, 2002, upon receipt of any such donation of moneys from private sources for deposit in the family and children endowment account of the family and children investment fund, the secretary of social and rehabilitation services shall match the amount of each such donation on a \$1 for \$1 basis from moneys appropriated for fiscal year 2002 for the department of social and rehabilitation services in accordance with this subsection. During the fiscal year ending June 30, 2001, and to provide such matching moneys, the secretary of social and rehabilitation services shall transfer amounts from any available moneys appropriated for fiscal year 2002 in one or more accounts of the state general fund or in one or more special revenue funds of the department of social and rehabilitation services, that in the aggregate

are equal to the amount of moneys donated, to the family and children endowment account of the family and children investment fund.

(j) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from any moneys appropriated from the state general fund or any special revenue fund for the fiscal year 2002, as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from any such moneys appropriated for fiscal year 2002 for the receipt, crediting and disbursement of moneys received by the department of social and rehabilitation services for payments of support pursuant to a rule or administrative order issued by the Kansas supreme court, which is hereby authorized to be issued by the Kansas supreme court, directing payments of support, which are made pursuant to any court order entered in this state regardless of the date of the order, to be made to a central unit for the collection and disbursement of support payments, notwithstanding the provisions of any statute to the contrary.

(k) (j) During the fiscal year ending June 30, 2002, of the amounts budgeted but not expended for the regular medical program from the other medical assistance account of the state general fund, the amounts budgeted but not expended from the mental health and retardation services aid and assistance account of the state general fund, and the amounts budgeted but not expended for the regular medical program from the social welfare fund, an aggregate of \$870,000 from such accounts and such fund shall not be expended for other programs or purposes during fiscal year 2002 and shall be expended by the above agency during fiscal year 2003 for implementation of the medicaid buy-in program for individuals with disabilities.

(l) (k) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2002 as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services for fiscal year 2002 from the moneys appropriated from the state general fund or any special revenue fund to provide information about the proposed location of a residential alcohol and substance abuse treatment program that is proposed for the provision of services under contract with the secretary of social and rehabilitation services, to the governing body of the local government in which the residential alcohol and substance abuse treatment program is proposed to be located: *Provided*, That, if the governing body of the local government objects to the proposed location and the governing body actively assists the secretary of social and rehabilitation services in identifying a suitable location for the residential alcohol and substance abuse treatment program within the local government, with consideration of the site selection criteria established for the location of the program and applicable zoning and other land-use restrictions of the local government, then, prior to entering into a contract for services with the specific residential alcohol and substance abuse treatment program, the secretary of social and rehabilitation services shall actively consider the views of the governing body of the local government and the affected residents of the local government and shall act in the best interests of the state with regard to entering into the proposed contract with the residential alcohol and substance abuse treatment program: *Provided, however*, That no such objections by the governing body or the residents of a local government shall prohibit the secretary of social and rehabilitation services from entering into a contract for services with a residential alcohol and substance abuse treatment program to be located within a local government: *Provided further*, That, as used in this subsection, "local government" means any city, county or other taxing subdivision of the state having general governance authority.

Sec. 14. K.S.A. 2000 Supp. 23-4,118 and section 130 of 2001 Senate Bill No. 57 are hereby repealed.

Sec. 15. On and after July 1, 2001, K.S.A. 23-4,136, 38-1121, 38-1123 and 60-2803 and K.S.A. 2000 Supp. 23-497, 23-4,106, 23-4,107, 23-4,108, 60-1610 and 60-2308 are hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 24, 2001.)

## HOUSE BILL No. 2084

AN ACT concerning alcoholic beverages; relating to the regulation thereof; amending K.S.A. 21-3610, 41-204, 41-311, as amended by Section 1 of 2001 Senate Bill No. 178, 41-2623 and 41-2703 and repealing the existing sections; also repealing K.S.A. 21-3610a.

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

Section 1. K.S.A. 21-3610 is hereby amended to read as follows: 21-3610. (a) Furnishing alcoholic liquor or cereal malt beverage to a minor is directly or indirectly, selling to, buying for, giving or furnishing any alcoholic liquor or cereal malt beverage to any minor.

(b) Except as provided by subsections (d) and (e), furnishing alcoholic liquor or cereal malt beverage to a minor is a class B person misdemeanor for which the minimum fine is \$200.

(c) (1) Except as provided by paragraph (2) of this subsection, as used in this section, terms have the meanings provided by K.S.A. 41-102, and amendments thereto.

(2) As used in this section, "cereal malt beverage," "retailer" and "legal age for consumption of cereal malt beverage" have the meanings provided by K.S.A. 41-2701, and amendments thereto.

(d) It shall be a defense to a prosecution under this section if: (1) The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit, or an employee thereof; (2) the defendant sold the alcoholic liquor or cereal malt beverage to the minor with reasonable cause to believe that the minor was 21 or more years of age or of legal age for the consumption of alcoholic liquor or cereal malt beverage; and (3) to purchase the alcoholic liquor, the minor or cereal malt beverage, the person exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was 21 or more years of age or of legal age for the consumption of alcoholic liquor or cereal malt beverage.

(e) This section shall not apply to the furnishing of cereal malt beverage by a parent or legal guardian to such parent's child or such guardian's ward.

Sec. 2. K.S.A. 41-204 is hereby amended to read as follows: 41-204.

(a) No person shall be appointed director who is not a citizen of the United States and who has not resided in the state of Kansas successively for five years immediately preceding the date of appointment.

(b) No person shall be appointed deputy director who is not a citizen of the United States and who has not resided in the state of Kansas successively for two years immediately preceding the date of appointment.

(a) Any person appointed as director and all employees of the division shall be citizens of the United States and residents of the state of Kansas.

(b) No person shall be appointed director or deputy director if such person has been convicted of a felony or of any violation of any federal or state law concerning the manufacture or sale of alcoholic liquor or cereal malt beverages, has paid a fine or penalty in settlement in any prosecution against such person in any violation of such laws or has forfeited bond to appear in court to answer charges for any such violation.

(c) No person appointed director, deputy director or agent or employee of the director may or any employee of the division may have, directly or indirectly, individually or as a member of a partnership, or as a shareholder of a corporation, have any interest whatsoever in the manufacture, sale or distribution of alcoholic liquor, nor receive any compensation or profit therefrom, nor have any interest whatsoever in the purchases or sales made by the persons authorized by this act, or to purchase or to sell alcoholic liquor. None of the provisions of Nothing in this subsection shall prevent a person subject to this subsection from purchasing and keeping in the person's possession for the use of the person or the person's family or guests any alcoholic liquor which may be purchased or kept by any person by virtue of this act.

Sec. 3. K.S.A. 41-311, as amended by section 1 of 2001 Senate Bill No. 178 is hereby amended to read as follows: 41-311.

(a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who has not been a citizen of the United States for at least 10 years, except that the spouse of a deceased retail licensee may receive and renew a retail license notwithstanding the provisions of this subsection (a)(1) if such spouse is otherwise qualified to hold a retail license and

is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of this act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not have a written lease thereon for at least 3/4 of the period for which the license is to be issued; or

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license; or

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act; or

~~(14)~~ (14) who does not provide any data or information required by section 2 of 2001 Senate Bill No. 178, and amendments thereto.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has beneficial interest in the manufacture, preparation or wholesaling of alcoholic beverages;

(4) a person who has beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provi-

(continued)

sions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state; or

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license; or

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

(2) person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) person who has beneficial interest in the manufacture, preparation or wholesaling of alcoholic beverages other than that produced by such brewery or winery;

(4) person, copartnership or association which has beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto;

(5) copartnership, unless all of the copartners are qualified to obtain a license;

(6) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason; except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (d)(4), (f)(1) and (f)(2), (f)(2) and section 2 of 2001 Senate Bill No. 178, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to

exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality, or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

Sec. 4. K.S.A. 41-2623 is hereby amended to read as follows: 41-2623. (a) No license shall be issued under the provisions of this act to:

(1) Any person described in subsection (a)(1), (2), (4), (5), (6), (7), (8), (9) or (12), (12) or (13) of K.S.A. 41-311, and amendments thereto, except that the provisions of subsection (a)(7) of such section shall not apply to nor prohibit the issuance of a license for a class A club to an officer of a post home of a congressionally chartered service or fraternal organization, or a benevolent association or society thereof.

(2) A person who has had the person's license revoked for cause under the provisions of this act.

(3) A person who has not been a resident of this state for a period of at least one year immediately preceding the date of application.

(4) A person who has a beneficial interest in the manufacture, preparation or wholesaling or the retail sale of alcoholic liquors or a beneficial interest in any other club, drinking establishment or caterer licensed hereunder, except that:

(A) A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other clubs or drinking establishments licensed hereunder if such other clubs or establishments are located in hotels.

(B) A license for a club or drinking establishment which is a restaurant may be issued to a person who has a beneficial interest in other clubs or drinking establishments which are restaurants.

(C) A caterer's license may be issued to a person who has a beneficial interest in a club or drinking establishment and a license for a club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.

(D) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the liquor control act if such distributor or retailer sells no alcoholic liquor to such club.

(E) On and after January 1, 1988, a license for a class B club or drinking establishment may be granted to a person who has a beneficial interest in a microbrewery or farm winery licensed pursuant to the Kansas liquor control act.

(5) A copartnership, unless all of the copartners are qualified to obtain a license.

(6) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements.

(7) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation which:

(A) Has had a license revoked under the provisions of the club and drinking establishment act; or

(B) has been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(8) A corporation organized under the laws of any state other than this state.

(Published in the Kansas Register May 24, 2001.)

HOUSE BILL No. 2275

(9) A trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) of K.S.A. 41-311, and amendments thereto shall not apply in determining whether a beneficiary would be eligible for a license.

(b) No club or drinking establishment license shall be issued under the provisions of the club and drinking establishment act to:

(1) A person described in subsection (a)(11) of K.S.A. 41-311, and amendments thereto.

(2) A person who is not a resident of the county in which the premises sought to be licensed are located.

Sec. 5. K.S.A. 41-2703 is hereby amended to read as follows: 41-2703. (a) After examination of an application for a retailer's license, the board of county commissioners or the director shall, if they approve the same, issue a license to the applicant. The governing body of the city shall, if the applicant is qualified as provided by law, issue a license to such applicant.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of the county in which the place of business covered by the license is located, has not been a resident of such county for at least six months or has not been a resident in good faith of the state of Kansas.

(2) A person who has not been a resident of this state for at least one year immediately preceding application for a retailer's license.

(3) A person who is not of good character and reputation in the community in which the person resides.

(4) A person who is not a citizen of the United States.

(5) A person who, within two years immediately preceding the date of application, has been convicted of a felony or any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States.

(6) A partnership, unless all the members of the partnership are otherwise qualified to obtain a license.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason other than the citizenship and residency requirements.

(8) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock, of a corporation which: (A) Has had a retailer's license revoked under K.S.A. 41-2708, and amendments thereto; or (B) has been convicted of a violation of the drinking establishment act or the cereal malt beverage laws of this state.

(9) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all the qualifications of a licensee.

(10) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, residence requirements or age, except that this subsection (b)(10) shall not apply in determining eligibility for a renewal license.

(11) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act.

(c) Retailers' licenses shall be issued either on an annual basis or for the calendar year. If such licenses are issued on an annual basis, the board of county commissioners or the governing body of the city shall notify the distributors supplying the county or city on or before April 1 of the year if a retailer's license is not renewed.

Sec. 6. K.S.A. 21-3610, 21-3610a, 41-204, 41-311, as amended by Section 1 of 2001 Senate Bill No. 178, 41-2623 and 41-2703 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

AN ACT concerning the state board of cosmetology; persons and practices regulated; permanent color technology, tattooing and body piercing; transferring certain powers, duties and functions to the secretary of health and environment; amending K.S.A. 2000 Supp. 65-1904, 65-1940, 65-1940, as amended by section 1 of this act, 65-1941, 65-1941, as amended by section 2 of this act, 65-1942, 65-1943, 65-1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1951, 65-1953, 65-1954 and 74-2701 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 65-1952.

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

Section 1. K.S.A. 2000 Supp. 65-1904 is hereby amended to read as follows: 65-1904. (a) Unless revoked for cause, all licenses of cosmetologists, cosmetology technicians, estheticians, electrologists and manicurists issued or renewed by the board shall expire on the expiration dates established by rules and regulations adopted by the board under this section. Subject to the other provisions of this subsection, each such license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration of the license, payment of the nonrefundable license renewal fee established under this section and with renewal applications filed on and after July 1, 2000, the filing of a successfully completed written renewal examination prescribed by the board under this subsection. For renewal applications filed on and after July 1, 2000, the board shall prescribe a written renewal examination for each classification of licensee under this subsection which will test the applicant's understanding of the laws relating to the practice for which the applicant holds a license, will test the applicant's understanding of health and sanitation matters relating to the practice for which the applicant holds a license and will test the understanding of the applicant about safety matters relating to the practice for which the applicant holds a license. The board shall fix the score for the successful completion of a written renewal examination. The board shall develop an information booklet to be sent to an applicant for renewal of a license along with the written renewal examination. The information booklet shall contain information on the subjects to be tested on the written renewal examination and shall be provided to the applicant along with the written renewal examination at least 30 days prior to the date on which the renewal application is to be filed. The written renewal examination may be prepared by the applicant with the use of the information booklet. The board shall report to the 1999 session of the legislature the progress made by the board in developing an information booklet and a written renewal examination.

(b) Any cosmetologist's, cosmetology technician's, esthetician's, electrologist's or manicurist's license may be renewed by the applicant within six months after the date of expiration of the applicant's last license upon submission of proof, satisfactory to the board, of the applicant's qualifications to renew practice as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist, and payment of the applicable nonrefundable renewal fee and delinquent fee prescribed pursuant to this section. Any applicant whose license as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist has expired for more than six months may obtain a license in the same manner and on payment of the same nonrefundable fees as provided for an applicant for an original license expires on or after January 1, 2000, and has been expired for more than six months may obtain reinstatement of such license upon application to the board, upon filing with the board a successfully completed written renewal examination and upon payment of the applicable nonrefundable delinquent renewal fee and a nonrefundable renewal penalty fee of \$100.

(c) Any applicant for a license other than a renewal license shall make a verified application to the board on such forms as the board may require and, upon payment of the license application fee and the examination fee shall be examined by the board or their appointees and shall be issued a license, if found to be duly qualified to practice the profession of, cosmetologist, esthetician, electrologist or manicurist.

(d) The board is hereby authorized to adopt rules and regulations fixing the amount of nonrefundable fees for the following items and to charge and collect the amounts so fixed, subject to the following limitations:

Cosmetologist license application fee, for two years—not more than	600
Cosmetologist license renewal fee	60
Delinquent cosmetologist renewal fee	25

(continued)

Cosmetology technician license renewal fee, for two years—not more than .....	35
Delinquent cosmetology technician renewal fee .....	25
Electrologist license application fee, for two years—not more than .....	35
Electrologist license renewal fee .....	35
Delinquent electrologist renewal fee .....	25
Manicurist license application fee, for two years—not more than .....	30
Manicurist license renewal fee .....	30
Delinquent manicurist renewal fee .....	25
Esthetician license application fee, for two years—not more than .....	30
Esthetician license renewal fee .....	30
Delinquent esthetician renewal fee .....	25
Any apprentice license application fee—not more than .....	15
New school license application fee .....	150
School license renewal fee—not more than .....	75
Delinquent school license fee—not more than .....	50
New cosmetology services salon or electrology clinic license application fee—not more than .....	50
Cosmetology services salon or electrology clinic license renewal fee—not more than .....	30
Delinquent cosmetology services salon or electrology clinic renewal fee .....	30
Cosmetologist's examination—not more than .....	50
Electrologist's examination—not more than .....	50
Manicurist's examination—not more than .....	50
Esthetician examination—not more than .....	50
Instructor's examination—not more than .....	75
Reciprocity application fee—not more than .....	50
Verification of licensure .....	20
Any duplicate of license .....	25
Instructor's license application fee, for two years—not more than .....	75
Renewal of instructor's license fee .....	50
Delinquent instructor's renewal fee—not more than .....	75
Temporary permit fee .....	15
Statutes and regulations book .....	5

(e) Whenever the board determines that the total amount of revenue derived from the fees collected pursuant to this section is insufficient to carry out the purposes for which the fees are collected, the board may amend its rules and regulations to increase the amount of the fee, except that the amount of the fee for any item shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this section provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the board to decrease the amount of the fee for one or more of the items listed in this subsection by amending the rules and regulations which fix the fees.

(f) Any person who failed to obtain a renewal license while in the armed forces of the United States shall be entitled to a renewal license upon filing application and paying the nonrefundable renewal fee for the current year during which the person has been discharged on and after July 1, 1996.

(g) Any person who was formerly licensed as a cosmetologist, a cosmetology technician, an esthetician, an electrologist or a manicurist and whose license expired on or after July 1, 1996, and was not renewed may obtain reinstatement of the license until July 1, 1999, upon application to the board and upon payment of the applicable delinquent renewal fee.

(h) Any person who is currently licensed as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist on inactive status shall be deemed licensed on active status. Upon application for renewal of the license as provided in rules and regulations, the person shall be issued a license which does not indicate inactive status. Prior to application for renewal of the license and upon request to the board, such person may obtain a license which does not indicate inactive status.

(i) From and after the effective date of this act, there shall be no continuing education requirement imposed by the board upon any person who was formerly or is currently licensed as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist as a condition of reinstatement or renewal of the person's license to practice.

Sec. 2. K.S.A. 2000 Supp. 65-1940 is hereby amended to read as follows: 65-1940. As used in this act, unless the context otherwise requires:

- (a) "Board" means the Kansas state board of cosmetology.
- (b) "Director" means the executive director of the board.
- (c) "Department" means the department of health and environment.
- (d) "Secretary" means the secretary of health and environment.
- (e) "Licensed permanent color technician and tattoo artist" means a

person licensed under this act to practice tattooing or permanent color technology, or both.

(f) "Permanent color technician and tattoo artist" means a person who practices tattooing or permanent color technology, or both pursuant to this act.

(g) "Body piercing" means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting removable jewelry or other objects in or through the human body, except puncturing the external part of the human ear earlobe shall not be included in this definition. This act shall not be construed to authorize a licensed body piercer to implant or embed foreign objects into the human body or otherwise to engage in the practice of medicine and surgery.

(h) "Physician" means a person licensed to practice medicine and surgery by the state board of healing arts.

(i) "Tattoo" means the indelible mark, figure or decorative design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being.

(j) "Tattooing" means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.

(k) "Tattoo facility" means any room or space or any part thereof where tattooing is practiced or where the business of tattooing is conducted.

(l) "Body piercing facility" means any room space, or any part thereof, where body piercing is practiced or where the business of body piercing is conducted.

(m) "Permanent color technology" means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.

Sec. 3. K.S.A. 2000 Supp. 65-1941 is hereby amended to read as follows: 65-1941. (a) No person, including a permanent color technician and tattoo artist, shall perform tattooing, display a sign or in any other way advertise or purport to be a permanent color technician and tattoo artist unless that person holds a valid license issued by the board. No person shall perform body piercing, display a sign or in any other way advertise or purport to be in the business of body piercing unless that person holds a valid license issued by the board. This act does not prevent or affect the use of tattooing, permanent color technology or body piercing by a physician, a person under the control and supervision of a physician, a licensed dentist, a person under the control and supervision of a licensed dentist, an individual performing tattooing, permanent color technology or body piercing solely on such individual's body or any other person specifically permitted to use electrolysis or tattooing by law.

(b) Violation of subsection (a) is a class A nonperson misdemeanor.

(c) The board may bring an action to enjoin any person required to be licensed under K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto from practicing body piercing, tattooing or permanent color technology if such person does not hold a currently valid license authorizing the person to engage in such practice. The board may bring an action to enjoin any person from operating a facility required to be licensed under K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto if such person does not hold a currently valid facility license.

(d) The board may order the remedying of any violations of rules and regulations of the board or any provision of this act and the board may issue a cease and desist order upon board determination that the holder of a license has violated any order of the board, any rules and regulations of the board or any provision of K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto.

Sec. 4. K.S.A. 2000 Supp. 65-1942 is hereby amended to read as follows: 65-1942. (a) No person shall:

(1) Sell, barter or offer to sell or barter a license;

(2) purchase or procure by barter a license with intent to use it as evidence of the person's qualification to practice tattooing or body piercing.



- (e) (3) alter materially a license with fraudulent intent;
- (f) (4) use or attempt to use as a valid license a license which has been purchased, fraudulently obtained, counterfeited or materially altered; or
- (g) (5) willfully make a false, material statement in an application for licensure or for renewal of a license.

(b) A violation of subsection (a) is a class A nonperson misdemeanor.

Sec. 5. K.S.A. 2000 Supp. 65-1953 is hereby amended to read as follows: 65-1953. No person shall perform body piercing or tattooing on or to any person under 18 years of age without the prior written and notarized consent of the parent or court appointed guardian of such person and the person giving such consent must be present during the body piercing or tattooing procedure. The written permission and a copy of the letters of guardianship when such permission is given is granted by a guardian, shall be retained by the person administering such body piercing or tattooing for a period of five years. Violation of this section is a class C misdemeanor.

Sec. 6. On July 1, 2002, K.S.A. 2000 Supp. 65-1940, as amended by section 1 of this act, is hereby amended to read as follows: 65-1940. As used in this act, unless the context otherwise requires:

- (a) "Board" means the Kansas state board of cosmetology.
- (b) "Director" means the executive director of the board.
- (c) "Department" means the department of health and environment.
- (d) (b) "Secretary" means the secretary of health and environment.
- (e) (c) "Licensed permanent color technician and tattoo artist" means a person licensed under this act to practice tattooing or permanent color technology, or both.
- (f) (d) "Permanent color technician and tattoo artist" means a person who practices tattooing or permanent color technology, or both pursuant to this act.

(g) (e) "Body piercing" means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting removable jewelry or other objects through the human body, except puncturing the external part of the human earlobe shall not be included in this definition. This act shall not be construed to authorize a licensed body piercer to implant or embed foreign objects into the human body or otherwise to engage in the practice of medicine and surgery.

(h) (f) "Physician" means a person licensed to practice medicine and surgery by the state board of healing arts.

(i) (g) "Tattoo" means the indelible mark, figure or decorative design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being.

(j) (h) "Tattooing" means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.

(k) (i) "Tattoo facility" means any room or space or any part thereof where tattooing is practiced or where the business of tattooing is conducted.

(l) (j) "Body piercing facility" means any room space, or any part thereof, where body piercing is practiced or where the business of body piercing is conducted.

(m) (k) "Permanent color technology" means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.

Sec. 7. On July 1, 2002, K.S.A. 2000 Supp. 65-1941, as amended by section 2 of this act, is hereby amended to read as follows: 65-1941. (a) No person, including a permanent color technician and tattoo artist, shall perform tattooing, display a sign or in any other way advertise or purport to be a permanent color technician and tattoo artist unless that person holds a valid license issued by the board secretary. No person shall perform body piercing, display a sign or in any other way advertise or purport to be in the business of body piercing unless that person holds a valid license issued by the board secretary. This act does not prevent or affect the use of tattooing, permanent color technology or body piercing by a

physician, a person under the control and supervision of a physician, a licensed dentist, a person under the control and supervision of a licensed dentist, an individual performing tattooing, permanent color technology or body piercing solely on such individual's body or any other person specifically permitted to use electrolysis or tattooing by law.

(b) Violation of subsection (a) is a class A nonperson misdemeanor.

(c) The board secretary may bring an action to enjoin any person required to be licensed under K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto from practicing body piercing, tattooing or permanent color technology if such person does not hold a currently valid license authorizing the person to engage in such practice. The board secretary may bring an action to enjoin any person from operating a facility required to be licensed under K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto if such person does not hold a currently valid facility license.

(d) The board secretary may order the remedying of any violations of rules and regulations of the board secretary or any provision of this act and the board secretary may issue a cease and desist order upon board determination that the holder of a license has violated any order of the board secretary, any rules and regulations of the board secretary or any provision of K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto.

Sec. 8. On July 1, 2002, K.S.A. 2000 Supp. 65-1943 is hereby amended to read as follows: 65-1943. An applicant for licensure shall pay a fee established by rules and regulations adopted by the board secretary and shall show to the satisfaction of the board secretary that the applicant:

- (a) Has complied with the provisions of this act and the applicable rules and regulations of the secretary;
- (b) is not less than 18 years of age;
- (c) has a high school diploma or equivalent education;
- (d) has submitted evidence of completion of education or training prescribed and approved by the board secretary as follows:

(1) (A) A training program under the direct supervision of a licensed permanent color technician and tattoo artist in a state approved by the board secretary, or a person or school in this state designated by the board secretary, if the application is for a permanent color technician and tattoo artist license; or

(B) a training program under the direct supervision of a person licensed in a state approved by the board secretary or a person or school in this state designated by the board secretary if the application is for a license to perform body piercing; and

(2) if the license is applied for under either subpart (A) or (B), has passed an examination approved, administered or recognized by the board secretary.

Sec. 9. On July 1, 2002, K.S.A. 2000 Supp. 65-1944 is hereby amended to read as follows: 65-1944. (a) A person who holds a license shall notify the board secretary in writing of the regular address of the place or places where the person performs or intends to perform tattooing or body piercing and shall keep the license conspicuously posted in the place of business at all times.

(b) The board secretary shall keep a record of the place or places of business of each person who holds a license.

(c) Any notice required to be given by the board secretary to a person who holds a license may be given by mailing the notice to the address of the last place of business of which the person has notified the board secretary.

(d) The board secretary shall issue to each qualified applicant a license to operate a tattoo facility or a body piercing facility and to advertise permanent tattooing or body piercing services for which the facility is licensed.

Sec. 10. On July 1, 2002, K.S.A. 2000 Supp. 65-1945 is hereby amended to read as follows: 65-1945. (a) Except as otherwise provided in this section, a license issued under K.S.A. 2000 Supp. 65-1950 expires one year after the date of issue unless renewed by payment of the required renewal fee. The board secretary may vary the date of license renewal by giving to the applicant written notice of the renewal date being

(continued)

assigned and by making prorated adjustments in the renewal fee. If payment is transmitted by postal service, the envelope must be postmarked on or before the expiration of the license. If the license expires, the license may be renewed on payment of a renewal fee and late penalty fee established by the ~~board~~ *secretary* under this act.

(b) The ~~board~~ *secretary* may suspend the license of any person who fails to renew. A suspended license may be reactivated upon the payment of a reactivation fee established by the ~~board~~ *secretary* under this act and all past unpaid renewal fees.

(c) A person applying for reactivation shall not be required to take an examination as a condition of reactivation if the reactivation occurs within three years after the date the license expired.

(d) All permanent color technicians, tattoo artists and persons who are licensed to perform body piercing must participate in continuing education, with guidelines and effective date to be established by rules and regulations of the ~~board~~ *secretary*.

Sec. 11. On July 1, 2002, K.S.A. 2000 Supp. 65-1946 is hereby amended to read as follows: 65-1946. Licensed practicing permanent color technicians and tattoo artists and persons who are licensed to perform body piercing shall meet the following standards and any others the ~~board~~ *secretary* may adopt by rules and regulations:

(a) Tattooing and body piercing instruments shall be sterilized in accordance with methods approved by rules and regulations of the ~~board~~ *secretary* and such rules and regulations shall be approved by the ~~secretary~~ *secretary* before adoption or amendment;

(b) practicing permanent color technicians and tattoo artists and persons licensed to perform body piercing shall be equipped with appropriate sterilizing equipment, with availability of hot and cold running water and a covered waste receptacle; and

(c) case history cards shall be kept for each client for a period of five years.

Sec. 12. On July 1, 2002, K.S.A. 2000 Supp. 65-1947 is hereby amended to read as follows: 65-1947. The ~~board~~ *secretary* may revoke, suspend, refuse to issue a license or renewal or place on probation any licensee upon proof that a person or licensee:

(a) Has been convicted of a violation under K.S.A. 2000 Supp. 65-1942;

(b) has been convicted in this or any other state of a crime related to the practice of tattooing or body piercing;

(c) has knowingly misrepresented, misstated or failed to disclose personal qualifications or other information necessary to practice tattooing or body piercing in any communication to the ~~board~~ *secretary* or the department;

(d) has used, caused or promoted the use of any advertising matter, promotional literature, warranty, label, insignia or any other representation, however disseminated or published, that is false, misleading or deceptive;

(e) has knowingly deceived the public by acting in a manner as to mislead clients as to the person's professional status;

(f) has employed directly or indirectly any suspended or unlicensed person to perform any tattooing or body piercing covered by this act;

(g) has permitted another person to use the license;

(h) has practiced tattooing or body piercing under a false, misleading or deceptive name;

(i) has failed, if a licensed permanent color technician and tattoo artist or if licensed to perform body piercing, to maintain a business address and telephone number at which the licensee may be reached during business hours;

(j) has failed, if a nonpracticing permanent color technician and tattoo artist or a person licensed to perform body piercing, to provide the ~~board~~ *secretary* with a home address and telephone number;

(k) has failed to properly and reasonably accept responsibility for the actions of employees;

(l) has practiced tattooing or body piercing with a mental or physical illness that affects ability to perform or endangers the public;

(m) has demonstrated gross incompetence in performing tattooing or body piercing; or

(n) has violated any of the provisions of this act or rules and regulations adopted by the ~~board~~ *secretary* pursuant to this act.

Sec. 13. On July 1, 2002, K.S.A. 2000 Supp. 65-1948 is hereby amended to read as follows: 65-1948. The powers and duties of the ~~board~~ *secretary* as related to this act are as follows:

(a) To authorize all disbursements necessary to carry out the provisions of this act;

(b) to determine training and experience requirements for taking the examination and to supervise and administer examinations to test the knowledge of applicants for licensure;

(c) to license persons who apply to the ~~board~~ *secretary* and who have qualified to practice tattooing or body piercing;

(d) to rent facilities when necessary to carry out the examination of applicants for licensure;

(e) to renew licenses;

(f) to suspend or revoke licenses or place licensees on probation in the manner provided by this act;

(g) to appoint representatives to conduct or supervise the examination of applicants for licensure;

(h) to designate the time and place for examining applicants for licensure;

(i) to carry out, ~~together with the department or separately,~~ the periodic inspection of facilities of persons who are licensed to practice tattooing or body piercing *and to enter into contracts for the performance of such inspections;*

(j) to issue a tattoo facility license to qualified applicants upon compliance with this act;

(k) to issue a body piercing facility license to qualified applicants upon compliance with this act; and

(l) to appoint or employ subordinate employees.

Sec. 14. On July 1, 2002, K.S.A. 2000 Supp. 65-1949 is hereby amended to read as follows: 65-1949. (a) The ~~board~~ *secretary* shall adopt rules and regulations to prescribe education and training standards for the practice of tattooing and separate education and training standards for the licensure of body piercing.

(b) An applicant seeking licensure as a permanent color technician and tattoo artist or to be licensed to perform body piercing shall be required to demonstrate safety, sanitation and sterilization techniques by means of an inspection conducted by the ~~board~~ *secretary* to test the applicant's knowledge of infection control practices and requirements.

Sec. 15. On July 1, 2002, K.S.A. 2000 Supp. 65-1950 is hereby amended to read as follows: 65-1950. (a) The ~~board~~ *secretary* shall assess, by rules and regulations adopted by the ~~board~~ *secretary*, the following fees and any other fees necessary to carry out the provisions of this act:

(1) Application fee;

(2) examination fees;

(3) reexamination fees;

(4) reciprocity fee;

(5) license fee;

(6) license renewal fee, active and inactive;

(7) late fee;

(8) reactivation fee;

(9) duplicate license fee;

(10) demonstration permit;

(11) tattoo facility fee and renewal fee, active or inactive; and

(12) body piercing facility fee renewal fee.

(b) The ~~board~~ *secretary* shall license each applicant, without discrimination, who proves to the satisfaction of the ~~board~~ *secretary*, fitness for such licensure as required by this act and upon payment of a fee established by the ~~board~~ *secretary* under this section. Except as provided in K.S.A. 2000 Supp. 65-1945, the ~~board~~ *secretary* shall issue to the applicant a license that expires one year after the date of issuance.

(c) An applicant who is employed as a permanent color technician and tattoo artist on the day immediately preceding the effective date of this act shall be licensed by the ~~board~~ *secretary*, even though the applicant does not meet the training requirements of this act, so long as the applicant successfully passes an examination required by the ~~board~~ *secretary*.

(d) The ~~board~~ *secretary* shall establish all fees under this act. The fees and charges established under this section shall not exceed the cost of administering the regulatory program under this act pertaining to the purpose for which the fee or charge is established.

Sec. 16. On July 1, 2002, K.S.A. 2000 Supp. 65-1951 is hereby amended to read as follows: 65-1951. The ~~board, the director~~ *secretary* or a person authorized by the ~~board~~ *secretary* shall remit all moneys received by or for it from fees, charges or penalties *under the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto,* to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the ~~cosmetology tattoo and body piercing~~ *fee fund.*

Sec. 17. On July 1, 2002, K.S.A. 2000 Supp. 65-1954 is hereby amended to read as follows: 65-1954. (a) The ~~board~~ *secretary*, in addition to any other penalty prescribed under the act governing permanent color technicians and tattoo artists, may assess civil fines and costs, including attorney fees, after proper notice and an opportunity to be heard, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the ~~board~~ *secretary* in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation.

(b) In determining the amount of penalty to be assessed pursuant to this section, the ~~board~~ *secretary* may consider the following factors among others: (1) Willfulness of the violation; (2) repetitions of the violation; and (3) magnitude of the risk of harm caused by the violation.

(c) In addition to a civil penalty and costs, the ~~board~~ *secretary* may assess investigation and hearing costs against a licensee for proceedings which have resulted in a successful action by the ~~board~~ *secretary* against the license of the licensee under K.S.A. 2000 Supp. 65-1947 and amendments thereto.

(d) All civil fines assessed and collected under this section shall be remitted to the state treasurer at least monthly and shall be deposited in the state treasury and credited to the state general fund. All costs assessed under this section shall be remitted to the state treasurer at least monthly and shall be deposited in the state treasury and credited to the ~~cosmetology tattoo and body piercing~~ *fee fund.*

New Sec. 18. (a) On July 1, 2002, all of the powers, duties and functions of the state board of cosmetology and the position of executive director thereof which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, are hereby transferred to and imposed upon the secretary of health and environment.

(b) On and after July 1, 2002, whenever the state board of cosmetology or the executive director thereof are referred to or designated by this act, any other statute, rules and regulations, contract or other document, with reference to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, such reference or designation shall apply to the secretary of health and environment.

(c) All rules and regulations of the state board of cosmetology in existence on July 1, 2002, which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of health and environment under this act until revised, amended, revoked or nullified pursuant to law.

(d) All orders and directives of the state board of cosmetology in existence on July 1, 2002, which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, shall continue to be effective and shall be deemed to be orders and directives of the secretary of health and environment under this act until revised, amended, or nullified pursuant to law.

(e) On July 1, 2002, all books, records and other property of the state

board of cosmetology which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, are hereby transferred to the secretary of health and environment.

(f) On July 1, 2002, officers and employees who immediately prior to the effective date of this act were engaged in the exercise and performance of the powers, duties and functions which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, and who, in the opinion of the secretary of health and environment, are necessary to perform the powers, duties and functions transferred under this section shall become officers and employees of the department of health and environment. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such officer or employee prior to the effective date of this act. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers and any abolition of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

(g) Whenever any conflict arises as to the proper disposition of any property or records as a result of any abolishment and transfer made under this act, or under authority of this act, such conflict shall be resolved by the governor, and the decision of the governor shall be final.

Sec. 19. On July 1, 2002, K.S.A. 2000 Supp. 74-2701 is hereby amended to read as follows: 74-2701. (a) There is hereby created the Kansas state board of cosmetology, which shall be composed of ~~seven~~ *six* members, appointed by the governor, to regulate the practice of the profession of cosmetology in Kansas. Subject to the provisions of K.S.A. 75-4315c and amendments thereto, a member shall be appointed from each congressional district and the remainder from the state at large. Not more than four members shall be of the same political party. Four members shall be licensed cosmetologists; ~~one member shall be a licensed permanent color technician and tattoo artist or a licensed body piercer,~~ and two members shall represent the general public interest, except that no manufacturer, wholesaler or retailer of cosmetic supplies or equipment used by the profession of cosmetology, or any representative of such manufacturer, wholesaler or retailer, shall become a member of the board.

(b) ~~The terms of office of members of the board serving prior to the effective date of this act shall expire on the effective date of this act, but such members shall continue to serve until their successors are appointed and qualified as provided in this section.~~ Members of the board serving prior to the effective date of this act may be reappointed as provided in this section. Of the members first appointed to the board on and after the effective date of this act, two members shall be appointed for terms of one year, two members shall be appointed for terms of two years and three members shall be appointed for terms of three years. Thereafter each member of the board shall be appointed for a term of three years, and until a successor is appointed and qualifies. The board shall annually select a chairperson from its membership.

(c) The governor shall appoint an executive director who shall serve at the pleasure of the governor. The executive director shall also be the treasurer of the board and shall keep a record of the proceedings and perform such other duties as the board shall direct.

(d) When a vacancy occurs by death or resignation, appointees to the board shall have the prescribed qualifications. All vacancies in the board shall be filled by the governor for the unexpired terms. The members of the board shall take the oath of office prescribed for public officers before entering upon the discharge of their duties.

Sec. 20. K.S.A. 2000 Supp. 65-1904, 65-1940, 65-1941, 65-1942, 65-1952 and 65-1953 are hereby repealed.

Sec. 21. On July 1, 2002, K.S.A. 2000 Supp. 65-1940, as amended by section 1 of this act, 65-1941, as amended by section 2 of this act, 65-1943, 65-1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1951, 65-1954 and 74-2701 are hereby repealed.

Sec. 22. 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 2000 Volumes of the *Kansas Administrative Regulations*.

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**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-1-1	Amended	V. 19, p. 1476
5-1-3	through	
5-1-12	New	V. 19, p. 1480-1483
5-2-3	New	V. 19, p. 1484
5-3-1a	New	V. 19, p. 1484
5-3-4b	Amended	V. 19, p. 1484
5-3-4c	New	V. 19, p. 1484
5-3-4d	New	V. 19, p. 1485
5-3-4e	New	V. 19, p. 1485
5-3-5d	Amended	V. 19, p. 1485
5-3-5e	Amended	V. 19, p. 1485

5-3-5g	through	
5-3-5n	New	V. 19, p. 1485, 1486
5-3-11	Amended	V. 19, p. 1486
5-3-16	Amended	V. 19, p. 1490
5-3-19	through	
5-3-28	New	V. 19, p. 1490-1493
5-4-5	New	V. 19, p. 1494
5-4-8	New	V. 19, p. 1494
5-5-1	Amended	V. 19, p. 1495
5-5-6	Amended	V. 19, p. 1495
5-5-13	New	V. 19, p. 1496
5-5-14	New	V. 19, p. 1496
5-5-16	New	V. 19, p. 1496
5-6-3	through	
5-6-15	New	V. 19, p. 1497-1499
5-7-4	Amended	V. 19, p. 1499
5-7-4a	New	V. 19, p. 1500
5-7-5	New	V. 19, p. 1500
5-8-3	New	V. 19, p. 1500
5-8-4	New	V. 19, p. 1501
5-8-6	New	V. 19, p. 1501
5-8-7	New	V. 19, p. 1502
5-8-8	New	V. 19, p. 1502
5-9-11	New	V. 19, p. 1503
5-12-1	through	
5-12-4	New	V. 19, p. 1503, 1504
5-13-1	through	
5-13-11	New	V. 19, p. 1504-1507
5-14-1	through	
5-14-7	New	V. 19, p. 1507-1509
5-21-4	Amended	V. 19, p. 1509
5-21-5	New	V. 19, p. 1510
5-21-8	New	V. 19, p. 1510
5-21-9	New	V. 19, p. 1510
5-23-1	Amended	V. 19, p. 1510
5-23-3	Amended	V. 19, p. 1511
5-23-3a	New	V. 19, p. 1511
5-23-4	Amended	V. 19, p. 1512
5-23-4a	Amended	V. 19, p. 1513
5-23-4b	New	V. 19, p. 1513
5-23-14	New	V. 19, p. 1514
5-23-15	New	V. 19, p. 1514
5-25-4	Amended	V. 20, p. 294
5-40-1	Amended	V. 19, p. 1514
5-40-4	Amended	V. 19, p. 1515
5-40-11	New	V. 19, p. 1515
5-40-14	New	V. 19, p. 1515
5-40-15	New	V. 19, p. 1515
5-40-16	New	V. 19, p. 1515
5-41-1	Amended	V. 19, p. 1516
5-41-6	Amended	V. 19, p. 1516
5-42-3	Revoked	V. 19, p. 1516
5-42-4	New	V. 19, p. 1517
5-45-1	Amended	V. 19, p. 1517
5-45-4	Amended	V. 19, p. 1518
5-45-13	Amended	V. 19, p. 1518
5-45-14	Amended	V. 19, p. 1518
5-45-18	New	V. 19, p. 1518
5-46-1	New	V. 19, p. 1519
5-46-3	New	V. 19, p. 1519
5-46-4	New	V. 19, p. 1520

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-24-2	Amended	V. 20, p. 323
7-25-1	Amended	V. 20, p. 325
7-26-1	Amended	V. 20, p. 325
7-26-2	Amended	V. 20, p. 325
7-28-1	Amended	V. 20, p. 325
7-29-2	Amended	V. 20, p. 325
7-32-1	Amended	V. 19, p. 1269
7-32-2	Amended	V. 19, p. 1269
7-36-4	Amended	V. 20, p. 326
7-38-1	Amended	V. 20, p. 326

**AGENCY 9: ANIMAL HEALTH DEPARTMENT**

Reg. No.	Action	Register
9-10-33	New	V. 19, p. 1948
9-14-2	Amended	V. 19, p. 1748

9-15-4	Amended	V. 19, p. 1748
9-15-5	New	V. 19, p. 1948

**AGENCY 16: ATTORNEY GENERAL**

Reg. No.	Action	Register
16-6-1	Amended	V. 19, p. 399

**AGENCY 17: STATE BANK COMMISSIONER**

Reg. No.	Action	Register
17-22-1	Amended	V. 19, p. 500
17-23-16	Amended	V. 19, p. 500

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-2	Amended	V. 19, p. 141
28-1-18	Amended	V. 19, p. 141
28-1-26	New	V. 19, p. 142
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
28-10-15	through	
28-10-35	Revoked	V. 20, p. 322
28-10-37	Revoked	V. 20, p. 322
28-10-38	Revoked	V. 20, p. 322
28-10-39	Revoked	V. 20, p. 322
28-10-75	through	
28-10-88	Revoked	V. 20, p. 322
28-10-100	through	
28-10-108	Revoked	V. 20, p. 322
28-15-35	Amended	V. 20, p. 725
20-15-36	Amended	V. 20, p. 728
28-15-36a	Amended	V. 20, p. 728
28-15-37	Amended	V. 20, p. 729
28-16-28b	Amended	V. 19, p. 1720
28-16-28e	Amended	V. 19, p. 1723
28-16-57	Revoked	V. 20, p. 322
28-16-76	through	
28-16-79	Revoked	V. 20, p. 322
28-16-82	Revoked	V. 20, p. 322
28-17-15	Amended	V. 19, p. 1190
28-19-79	Revoked	V. 20, p. 492
28-19-202	Amended	V. 20, p. 322
28-19-717	New	V. 19, p. 1932
28-19-719	New	V. 20, p. 492
28-19-729	New	V. 19, p. 565
28-19-729a	through	
28-19-729h	New	V. 19, p. 566-569
28-29-1100	through	
28-29-1107	New	V. 19, p. 941-943
28-34-1a	Amended	V. 20, p. 105
28-34-6a	Amended	V. 20, p. 106
28-34-9a	Amended	V. 20, p. 107
28-34-21	Revoked	V. 20, p. 323
28-34-26	Revoked	V. 20, p. 323
28-34-27	Revoked	V. 20, p. 323
28-34-28	Revoked	V. 20, p. 323
28-34-30	Revoked	V. 20, p. 323
28-34-32b	Amended	V. 20, p. 107
28-34-50	Amended	V. 20, p. 453
28-34-51	Amended	V. 20, p. 454
28-34-52	Revoked	V. 20, p. 455
28-34-52a	New	V. 20, p. 455
28-34-52b	New	V. 20, p. 455
28-34-53	Amended	V. 20, p. 456
28-34-54	Amended	V. 20, p. 456
28-34-55	Revoked	V. 20, p. 457
28-34-55a	New	V. 20, p. 457
28-34-56	Revoked	V. 20, p. 457
28-34-56a	New	V. 20, p. 457
28-34-57	Amended	V. 20, p. 457
28-34-58	Revoked	V. 20, p. 458
28-34-58a	New	V. 20, p. 458
28-34-59	Revoked	V. 20, p. 459
28-34-59a	New	V. 20, p. 459

28-34-60	Revoked	V. 20, p. 459
28-34-60a	New	V. 20, p. 459
28-34-61	Revoked	V. 20, p. 460
28-34-61a	New	V. 20, p. 460
28-34-62a	Amended	V. 20, p. 460
28-34-75		
through		
28-34-93	Revoked	V. 20, p. 323
28-34-94a	Revoked	V. 20, p. 323
28-38-18		
through		
28-38-23	Amended	V. 19, p. 1078-1080
28-38-26	Amended	V. 19, p. 1081
28-38-28	Amended	V. 19, p. 1081
28-38-29	Amended	V. 19, p. 1081
28-38-30	New	V. 19, p. 1082
28-39-410	Revoked	V. 20, p. 323
28-59-1		
through		
28-59-5	Amended	V. 20, p. 295, 296
28-59-5a	Amended	V. 20, p. 297
28-59-6	Amended	V. 20, p. 297
28-59-7	Amended	V. 20, p. 298
28-59-8	Amended	V. 20, p. 298
28-61-1		
through		
28-61-10	Amended	V. 20, p. 298-303
28-61-11	New	V. 20, p. 304
28-68-1	Amended	V. 19, p. 1934
28-68-2	Amended	V. 19, p. 1934
28-68-3	Amended	V. 19, p. 1935
28-68-6	Amended	V. 19, p. 1936
28-72-51		
through		
28-72-54	New	V. 19, p. 989, 990

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-50	Amended	V. 19, p. 1548
30-4-64	Amended	V. 20, p. 490
30-5-59	Amended	V. 19, p. 1548
30-5-64	Amended	V. 19, p. 1549
30-5-81	Amended	V. 19, p. 1587
30-5-108	Amended	V. 20, p. 491
30-5-309	Amended	V. 19, p. 988
30-10-21	Amended	V. 19, p. 1550

**AGENCY 36: DEPARTMENT OF TRANSPORTATION**

Reg. No.	Action	Register
36-2-3	Revoked	V. 19, p. 1449
36-2-4	Revoked	V. 19, p. 1449
36-2-6	Revoked	V. 19, p. 1449
36-2-8		
through		
36-2-13	Revoked	V. 19, p. 1449
36-15-23	Revoked	V. 19, p. 1622
36-34-1	Revoked	V. 19, p. 1622

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-30	Revoked	V. 20, p. 723
40-1-42	Amended	V. 20, p. 723
40-1-43	Amended	V. 20, p. 723
40-1-46	New	V. 20, p. 573
40-3-26	Amended	V. 19, p. 303
40-3-27	Revoked	V. 19, p. 680
40-3-32	Amended	V. 19, p. 303
40-3-45	Amended	V. 19, p. 303
40-3-49	Amended	V. 19, p. 303
40-4-35	Amended	V. 19, p. 1853
40-12-1	Revoked	V. 20, p. 723

**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

**AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-1-2	Amended	V. 20, p. 137
50-1-3	Amended	V. 20, p. 138
50-1-4	Amended	V. 20, p. 138
50-2-1	Amended	V. 20, p. 139
50-2-3	Amended	V. 20, p. 139
50-2-9	Revoked	V. 20, p. 140
50-2-12	Amended	V. 20, p. 140
50-2-17	Amended	V. 20, p. 140
50-2-18	Amended	V. 20, p. 140
50-2-19	Amended	V. 20, p. 140
50-2-21	Amended	V. 20, p. 141
50-2-26	Amended	V. 20, p. 143
50-3-1		
through		
50-3-5	Amended	V. 20, p. 143-145
50-4-2	Amended	V. 20, p. 146

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-4-101	Amended	V. 20, p. 449
60-6-101	Amended	V. 19, p. 344
60-7-102	Amended	V. 20, p. 449
60-7-108	Amended	V. 20, p. 449
60-8-101	Amended	V. 20, p. 449
60-9-105	Amended	V. 20, p. 449
60-9-106	Amended	V. 20, p. 450
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
60-11-119	Amended	V. 20, p. 451
60-13-101	Amended	V. 20, p. 451

60-16-104	Amended	V. 20, p. 451
60-17-101		
through		
60-17-111	New	V. 19, p. 346-350

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-1-3	Amended	V. 19, p. 2024
63-1-4	Amended	V. 19, p. 2024
63-1-5	Amended	V. 19, p. 2025
63-1-6	Amended	V. 19, p. 2025
63-1-12	Amended	V. 19, p. 2025
63-2-7	Amended	V. 19, p. 2025
63-2-10	Amended	V. 19, p. 2026
63-2-11	Amended	V. 19, p. 2026
63-2-12	Amended	V. 19, p. 2026
63-3-17	Amended	V. 19, p. 2027
63-3-18	Amended	V. 19, p. 2027
63-3-20	Amended	V. 19, p. 2027
63-5-1	Amended	V. 19, p. 2028
63-6-1	Amended	V. 19, p. 2028
63-6-2	Amended	V. 19, p. 2028
63-6-3	Amended	V. 19, p. 2029
63-6-6	Amended	V. 19, p. 2029

**AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY**

Reg. No.	Action	Register
65-5-6	Amended	V. 19, p. 839

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-4	Amended	V. 20, p. 102
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
66-10-1	Amended	V. 20, p. 103
66-10-4	Amended	V. 20, p. 103
66-10-11	Amended	V. 20, p. 104
66-10-12	Amended	V. 20, p. 104
66-10-13	Amended	V. 20, p. 104
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
66-14-10	Amended	V. 20, p. 104

**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
68-5-1	Amended	V. 19, p. 501
68-7-11	Amended	V. 19, p. 501
68-7-14	Amended	V. 19, p. 502
68-7-18	Amended	V. 19, p. 503
68-14-8	Amended	V. 19, p. 1830

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-1-20	New	V. 19, p. 573
71-1-21	New	V. 19, p. 573
71-3-8	New	V. 19, p. 1336

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-1-2	Amended	V. 19, p. 1791
74-1-7	New	V. 19, p. 1792
74-2-1	Amended	V. 19, p. 1792
74-2-3	Amended	V. 19, p. 1792

(continued)



93-6-1 through 93-6-4 Amended V. 20, p. 452, 453

**AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES**

Reg. No.	Action	Register
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	V. 19, p. 241
100-7-1	Amended	V. 19, p. 1044
100-10a-1	Amended	V. 19, p. 241
100-10a-3	Amended	V. 19, p. 241
100-11-1	Amended	V. 19, p. 1190
100-22-3	New	V. 19, p. 571
100-27-1	New	V. 20, p. 773
100-28a-1 through 100-28a-16	New (T)	V. 20, p. 247-251
100-28a-1 through 100-28a-16	New	V. 20, p. 774-778
100-29-7	Amended	V. 19, p. 1547
100-49-4	Amended	V. 19, p. 1190
100-54-4	Amended	V. 19, p. 1547
100-55-1 through 100-55-9	Amended	V. 19, p. 1017-1020
100-55-4	Amended	V. 19, p. 1547
100-55-11	New	V. 19, p. 1020
100-60-1	Revoked (T)	V. 20, p. 251
100-60-1	Revoked	V. 20, p. 778
100-60-2	Revoked (T)	V. 20, p. 251
100-60-2	Revoked	V. 20, p. 778
100-60-4	Revoked (T)	V. 20, p. 251
100-60-4	Revoked	V. 20, p. 778
100-60-5	Revoked (T)	V. 20, p. 251
100-60-5	Revoked	V. 20, p. 778
100-60-6	Revoked (T)	V. 20, p. 251
100-60-6	Revoked	V. 20, p. 779
100-60-8 through 100-60-15	Revoked (T)	V. 20, p. 251
100-60-8 through 100-6-15	Revoked	V. 20, p. 779
100-60-10	Amended	V. 19, p. 571
100-60-13	Amended	V. 19, p. 572
100-69-5	Amended	V. 19, p. 1547

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-3	Revoked	V. 19, p. 1681
102-1-3a	New	V. 19, p. 1681
102-1-5	Revoked	V. 19, p. 1683
102-1-5a	New	V. 19, p. 1683
102-1-12	Amended	V. 19, p. 1684
102-1-15	Amended	V. 19, p. 1686
102-1-17	New	V. 19, p. 1687
102-1-18	New	V. 19, p. 1687
102-1-19	New	V. 20, p. 572
102-2-1a	Amended	V. 19, p. 1192

102-2-2a	Amended	V. 19, p. 1194
102-2-3	Amended	V. 19, p. 1194
102-2-4a	Amended	V. 19, p. 1195
102-2-5	Amended	V. 19, p. 1196
102-2-7	Amended	V. 19, p. 1196
102-2-8	Amended	V. 19, p. 1198
102-2-11	Amended	V. 19, p. 1200
102-2-12	Amended	V. 19, p. 1201
102-2-13	New	V. 19, p. 1202
102-2-14	New	V. 19, p. 1202
102-2-15	New	V. 20, p. 572
102-3-1a	Amended	V. 19, p. 1202
102-3-2	Amended	V. 19, p. 1204
102-3-5a	Amended	V. 19, p. 1205
102-3-7a	Amended	V. 19, p. 1206
102-3-14	New	V. 19, p. 1207
102-3-15	New	V. 19, p. 1207
102-3-16	New	V. 20, p. 572
102-4-1a	Amended	V. 19, p. 1208
102-4-2	Amended	V. 19, p. 1209
102-4-4a	Amended	V. 19, p. 1209
102-4-5a	Amended	V. 19, p. 1211
102-4-7a	Amended	V. 19, p. 1211
102-4-14	New	V. 19, p. 1212
102-4-15	New	V. 19, p. 1213
102-4-16	New	V. 20, p. 572
102-5-1	Amended	V. 19, p. 1213
102-5-2	Amended	V. 19, p. 1214
102-5-4a	Amended	V. 19, p. 1215
102-5-5	Amended	V. 19, p. 1216
102-5-7a	Amended	V. 19, p. 1216
102-5-13	New	V. 19, p. 1218
102-5-14	New	V. 19, p. 1218
102-5-15	New	V. 20, p. 572

**AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-1	Amended	V. 19, p. 2022
108-1-3	New	V. 19, p. 68

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-2-2	Amended	V. 19, p. 1949
109-5-1	Amended	V. 19, p. 1749
109-5-4	Amended	V. 19, p. 1750
109-6-2	Amended	V. 19, p. 1750
109-6-3	New	V. 19, p. 1751
109-7-1	Amended	V. 19, p. 1751
109-10-1	Amended	V. 19, p. 1751
109-11-6	Amended	V. 19, p. 1753
109-13-1	Amended	V. 19, p. 1754

**AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING**

Reg. No.	Action	Register
110-6-1	Amended	V. 20, p. 177
110-6-1a	Amended	V. 20, p. 178
110-6-2	Amended	V. 20, p. 178
110-6-3	Amended	V. 20, p. 178
110-6-4	Amended	V. 20, p. 179
110-6-5	Amended	V. 20, p. 180

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. The regulations listed below were published after December 31, 2000.

Reg. No.	Action	Register
111-2-119 through 111-2-124	New	V. 20, p. 416-419
111-2-125	New	V. 20, p. 573
111-2-126	New	V. 20, p. 573
111-2-127	New	V. 20, p. 574
111-3-12	Amended	V. 20, p. 40
111-3-35	Amended	V. 20, p. 574
111-4-1795 through 111-4-1813	New	V. 20, p. 40-47
111-4-1814 through 111-4-1823	New	V. 20, p. 419-427
111-4-1818	Amended	V. 20, p. 575
111-4-1824	New	V. 20, p. 575
111-5-23	Amended	V. 20, p. 428
111-5-24	Amended	V. 20, p. 428
111-5-27	Amended	V. 20, p. 429
111-7-123	Amended	V. 20, p. 48
111-7-134	Amended	V. 20, p. 429
111-7-152	Amended	V. 20, p. 49
111-7-158 through 111-7-162	New	V. 20, p. 577

**AGENCY 112: KANSAS RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-4-1	Amended	V. 20, p. 765
112-7-19	Amended	V. 20, p. 547
112-7-21	Amended	V. 19, p. 118
112-10-38	Amended	V. 19, p. 119
112-18-21	Amended	V. 19, p. 1308
112-18-22	Amended	V. 19, p. 119

**AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-2	Amended	V. 19, p. 1875
115-2-3	Amended	V. 19, p. 1875
115-3-1	Amended	V. 20, p. 766
115-3-2	Amended	V. 20, p. 767
115-4-1	Revoked	V. 20, p. 767
115-4-2	New	V. 20, p. 767
115-4-3	Revoked	V. 20, p. 768
115-4-4	New	V. 20, p. 768
115-4-5	Revoked	V. 20, p. 769
115-4-6	Amended	V. 19, p. 1140
115-4-7 through 115-4-10	Revoked	V. 20, p. 769
115-4-11	Amended	V. 20, p. 769
115-4-12	Revoked	V. 20, p. 770
115-4-13	Amended	V. 20, p. 770
115-7-1	Amended	V. 19, p. 1876
115-18-10	Amended	V. 19, p. 1474
115-18-13	Amended	V. 19, p. 1475
115-18-16	New	V. 19, p. 1475

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
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

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