

# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 16, No. 21    May 22, 1997    Pages 805-882

## In this issue . . .

Page

<b>Social and Rehabilitation Services</b>	
Notice of meetings.....	806
<b>Department of Health and Environment</b>	
Request for comments on WIC and CSFP state plan.....	806
Notice of hearing on proposed administrative regulations.....	808
Requests for comments on proposed air quality permits.....	809
Notice concerning Kansas water pollution control permits.....	815
<b>Pooled Money Investment Board</b>	
Notice of investment rates.....	807
<b>Department of Administration—Division of Architectural Services</b>	
Notice of commencement of negotiations for architectural/engineering services.....	807
<b>Board of Emergency Medical Services</b>	
Notice of meeting.....	807
<b>Leavenworth County</b>	
Notice to bidders.....	807
<b>SRS-Division of Services for the Blind Advisory Committee</b>	
Notice of meeting.....	808
<b>Legislative interim committee schedule.....</b>	810
<b>Department of Revenue—Division of Property Valuation</b>	
Notice of property valuation guides.....	810
<b>Sedgwick and Shawnee Counties</b>	
Notice of hearings on proposed bond issuance.....	810
<b>Department of Administration—Division of Purchases</b>	
Notice to bidders for state purchases.....	811
<b>Animal Health Department</b>	
Notice of hearing on proposed administrative regulations.....	812
<b>Department of Transportation</b>	
Notice of public auction.....	814
Request for proposals.....	815
<b>Kansas Court of Appeals</b>	
No oral argument docket.....	817
<b>Kansas Development Finance Authority</b>	
Notice of hearing.....	821
<b>Permanent Administrative Regulations</b>	
Secretary of State.....	821
Department of Health and Environment.....	823
Department of Wildlife and Parks.....	823
<b>New State Laws</b>	
Senate Bill 214, concerning law enforcement.....	830
House Bill 2230, concerning crimes and punishment; relating to pyramid promotional schemes.....	833
House Bill 2313, concerning crime victims.....	833
Senate Bill 363 (House Substitute for), concerning crimes, punishment, criminal procedure and corrections.....	834
Senate Bill 69 (House Substitute for), concerning juveniles.....	836
<b>Index to administrative regulations.....</b>	875

## State of Kansas

## Social and Rehabilitation Services

## Notice of Meetings

Public meetings will be conducted statewide to review the status of *Outcomes for the 21st Century*, the five-year strategic plan for services for persons with developmental disabilities. Particular attention will be paid to issues which may need to be reflected in the development of the FY 1999 budget for developmental disabilities services.

Meetings will be from 7 to 9 p.m. at the following locations:

Tuesday, May 27	Southwest Developmental Services, Inc. Recreational Center 803 W. Mary, Garden City
Wednesday, May 28	Holiday Inn Holidome, Room Cody B 3603 Vine (I-70 and Vine), Hays
Wednesday, June 4	Holiday Inn Holidome, Brazilian Room A 200 McDonald Drive, Lawrence
Wednesday, June 11	Mount Conference Center 710 S. 9th, Atchison
Wednesday, June 18	Red Coach Inn, Room Regency I 2529 W. Central, El Dorado

All meeting places are handicapped accessible. If special accommodations are needed, such as an interpreter, call Richard Delgado at (913) 266-6422 at least one week before the meeting is scheduled. A copy of *Outcomes for the 21st Century* is available by calling Elsie Bullock at (913) 296-3516.

Rochelle Chronister  
Secretary of Social and  
Rehabilitation Services

Doc. No. 019146

## State of Kansas

Department of Health  
and EnvironmentRequest for Comments on  
WIC and CSFP State Plan

The Kansas Department of Health and Environment is giving its annual notice to allow public input on the state plan of operations for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and the Commodity Supplemental Food Program (CSFP). These programs are designed to improve the nutritional status of pregnant and breastfeeding women, infants and children up to age six who would not otherwise have a balanced diet. WIC/CSFP provides supplemental food and nutrition education as a component to good health care during times of growth and development.

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

All interested parties are encouraged to provide input into the state plan of operations for WIC and CSFP by sending written comments to Martha Huizenga, WIC Administrator, WIC/CSF Programs, Bureau for Children, Youth and Families, Kansas Department of Health and Environment, Landon State Office Building, 10th Floor, 900 S.W. Jackson, Topeka, 66612-1290. Comments are due by 5 p.m. June 20.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019154

The Kansas Register (ISSN No. 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$70 (Kansas residents must include \$4.31 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Periodicals postage paid at Topeka, KS.

*Postmaster:* Send change of address form to Kansas Register, Secretary of State, State Capitol, 300 S.W. 10th Ave., Topeka, KS 66612-1594.

© Kansas Secretary of State 1997. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

**PUBLISHED BY**  
Ron Thornburgh  
Secretary of State  
2nd Floor, State Capitol  
300 S.W. 10th Ave.  
Topeka, KS 66612-1594  
(913) 296-4564



**Register Office:**  
Room 233-N, State Capitol  
(913) 296-3489  
Fax (913) 291-3051

State of Kansas

**Pooled Money Investment Board**

**Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 1996 Supp. 75-4210. These rates and their uses are defined in K.S.A. 1996 Supp. 12-1675(b)(c)(d), and K.S.A. 1996 Supp. 75-4201(l) and 75-4209(a)(1)(B).

**Effective 5-26-97 through 6-1-97**

Term	Rate
1-89 days	5.48%
3 months	5.48%
6 months	5.75%
9 months	5.90%
12 months	5.97%
18 months	6.15%
24 months	6.27%
36 months	6.41%
48 months	6.52%

William E. Lewis  
Chairman

Doc. No. 019132

State of Kansas

**Department of Administration  
Division of Architectural Services**

**Notice of Commencement of Negotiations  
for Architectural/Engineering Services**

Notice is hereby given of the commencement of negotiations for architectural/engineering services for a new Parking Facility No. 2 for the University of Kansas, Lawrence. The facility will be located near the intersection of 13th and Oread Avenue, north of the Kansas Union. The project will include the razing of existing structures located on the project site. A pedestrian plaza will be constructed between the new parking facility and the Kansas Union. The projected opening date of the facility is January 1, 2000. Estimated construction cost is \$10.025 million.

For information regarding the scope of services, contact Warren Corman, University Architect/Special Assistant to Chancellor, University of Kansas, (913) 864-4868.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367. 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 6.

Thaine Hoffman, AIA  
Director, Division of  
Architectural Services

Doc. No. 019140

State of Kansas

**Board of Emergency Medical Services**

**Notice of Meeting**

The Board of Emergency Medical Services will meet at 9 a.m. Friday, June 6, at the Pozez Education Center, Stormont-Vail Medical Center, 1500 S.W. 10th, Topeka. Agenda items include committee reports, action on a proposed board policy for requests for proposals, requests for proposals for training programs, and a staff report on the EMS/Trauma Policy Project.

All meetings of the board are open to the public. For more information, contact the administrator at 109 S.W. 6th, Topeka, (913) 296-7296.

Bob McDaneld  
Administrator

Doc. No. 019159

(Published in the Kansas Register May 22, 1997.)

**Leavenworth County, Kansas**

**Notice to Bidders**

Sealed bids will be received by the Board of County Commissioners of Leavenworth County, Kansas, at the county clerk's office, Courthouse, 300 Walnut, Leavenworth, KS 66048, until 8 a.m. Monday, June 16, for the following:

60'x75'x14' pre-engineered, clear-span, steel frame metal building, sheeting on two sides, erected.

The bidder will provide blueprints and specifications for building when submitting a bid. All designs must be approved by the Leavenworth County engineer.

The bidder shall submit a 5 percent bid bond with the bid.

Preliminary plans and specifications are available in the county engineer's office and the Leavenworth County Solid Waste Division offices.

Notice to proceed with construction may be given as late as mid-October 1997.

The bids will be publicly opened in the county clerk's office at 8 a.m. and read aloud at the commissioners' meeting at 9 a.m. Monday, June 16. The bid will be awarded at the commissioners' meeting at 9 a.m. Thursday, June 19.

Leavenworth County reserves the right to reject any or all bids, including, without limitation, the right to reject any or all nonconforming or conditional bids, and to reject the bid of any bidder if Leavenworth County believes that it would not be in the best interest of the county to make an award to that bidder.

Additional information may be obtained by contacting David Mahoney, Leavenworth County Public Works Director, at (913) 684-0467.

David Mahoney  
Public Works Director

Doc. No. 019139

## State of Kansas

**Social and Rehabilitation Services  
Division of Services for the Blind  
Advisory Committee**

**Notice of Meeting**

The Division of Services for the Blind Advisory Committee will meet from 9 a.m. to 3 p.m. Friday, June 13, in the Rehabilitation Center for the Blind conference room, 2516 S.W. 6th Ave., Topeka.

S.A. Erhart  
Director

Doc. No. 019133

## State of Kansas

**Department of Health  
and Environment**

**Notice of Hearing on Proposed  
Administrative Regulations**

The Kansas Department of Health and Environment, Division of Health, Office of Epidemiologic Services, will conduct a public hearing at 10 a.m. Wednesday, July 23, in Room 1051-South, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed amended K.A.R. 28-1-6 and the revocation of K.A.R. 28-1-8, disease control. A summary of the proposed changes in the regulations and their economic impact follow.

Changes to K.A.R. 28-1-6 (requirements for isolation and quarantine of specific infectious and contagious diseases) are intended to update the regulation to correspond to current scientific and public health practices as follows:

**Epidemic diarrhea of the newborn in hospitals:** This section is changed to incorporate recommendations on reporting an outbreak under the existing disease reporting regulation K.A.R. 28-1-2 and identifies the process for control measures.

**Salmonellosis (non-typhoidal):** The requirement that a food handler or health care worker cannot return to work until having two negative stool cultures is removed. The proposed change excludes persons infected with non-typhoidal salmonellosis if they have diarrhea, but allows convalescing or asymptomatic infected individuals to return to work at the discretion of the local health officer or KDHE.

**Typhoid fever:** This section is being updated to correspond to current scientific information in terms of follow-up and treatment protocols for *Salmonella-typhi* infections. Restrictions related to *S. typhi* carriers are incorporated into this section.

**Viral hepatitis type A (infectious):** This section is being updated to correspond to current scientific information with regard to persons employed in sensitive occupations such as a food handler, day care worker, and personnel caring for the elderly. (The existing regulation does not contain specific restrictions for employees in sensitive occupations.) Food handlers have been known to transmit

hepatitis A, and costs incurred for patrons needing immune globulin for post-exposure prophylaxis can be substantial. The same is true for infected day care workers and workers who care for the elderly.

Revocation of K.A.R. 28-1-8: Typhoid carriers; release; concurrent disinfection; employment restrictions; immunization of household contacts: submission of specimens to public health laboratory. This regulation is proposed for revocation, as it is out-of-date. Pertinent sections, with recommended changes, are added to 28-1-6 in the section on typhoid fever. Routine immunization of household or other close contacts of a typhoid carrier is felt to be of limited value and is not supported in the proposed changes.

**Economic impact:** In general, there will be no added costs to KDHE, other governmental agencies, private businesses or individuals. For non-typhoidal salmonellosis, the proposed change is slightly less restrictive than the old regulation in allowing asymptomatic or convalescing infected individuals in sensitive occupations to return to work at the discretion of a local or state health authority rather than needing two negative stool cultures. Other proposed changes in the isolation and quarantine regulations update recommendations to conform to current scientific standards, and are not more costly than what is currently being done for disease control purposes. With regard to hepatitis A, the update will add little measurable cost to persons restricted from work. Employers can reassign staff, who are recovering, to other duties.

The time between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulatory action. All interested parties may submit written comments prior to the hearing to Corinne Miller, Office of Epidemiologic Services, Landon State Office Building, Room 1051-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1290. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action during the hearings. To give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

Copies of the proposed amendments and the economic impact statement may be obtained from the Kansas Department of Health and Environment, Office of Epidemiologic Services, (913) 296-1113. Questions pertaining to these proposed amendments should be directed to Corinne Miller, (913) 296-6215.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amendments and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Corinne Miller.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019150

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding issuance of authorizations to operate under the general Class I air quality operating permit for natural gas compressor stations. Authorizations to operate under the general Class I operating permit have been issued in accordance with the provisions of K.A.R. 28-19-400 et seq.

A copy of each permit application, authorization, and all supporting documentation is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka. Information also is available at the KDHE district office indicated for each facility. To obtain or review the permit, authorization and supporting documentation, contact Connie Carreno, (913) 296-6422, at the KDHE central office, or the indicated district representative. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding an authorization to Connie Carreno, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620.

A list of all major sources within the state which are authorized to operate under the terms of the general Class I operating permit will be maintained at the Topeka offices of KDHE.

## Authorizations issued during the week of May 5, 1997:

## Company:

## Compressor Station:

## Source ID No.:

## Location:

## KDHE District Rep.:

## Rep. Location:

Enron  
Macksville Station  
1450016  
S12, T23S, R15W, Pawnee County  
Wayne Neese, (316) 225-3731  
Southwest District Office, Dodge City

Enron  
Stevens Co. #1 Station  
1890009  
S3, T33S, R37W, Stevens County  
Wayne Neese, (316) 225-3731  
Southwest District Office, Dodge City

Enron  
Stevens Co. #7 Station  
1890054  
S32, T32S, R37W, Stevens County  
Wayne Neese, (316) 225-3731  
Southwest District Office, Dodge City

Enron  
Tescott Station  
1430001  
S34, T11S, R5W, Ottawa County

Beth Rowlands, (913) 827-9639  
North Central District Office, Salina

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019148

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Anadarko Gathering Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install a natural gas compressor engine. Emissions of nitrogen oxides were evaluated during the permit review process.

Anadarko Gathering Company, Liberal, owns and operates the stationary source located at Section 25, Township 32S, Range 38W, Stevens County, at which the engine installation is to be conducted.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southwest district office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Shawn A. Howell, (913) 296-1993, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Shawn A. Howell, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business June 23 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business June 23 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019149

## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of May 19 through June 8:

Date	Room	Time	Committee	Agenda
May 27	Chambers	10:00 a.m.		Sine Die
May 27	123-S	10:30 a.m.	Legislative Coordinating Council	Legislative matters.
June 2	313-S	9:00 a.m.	Retail Wheeling Task Force	Agenda not available.
June 3	313-S	9:00 a.m.		

Emil Lutz  
Director of Legislative  
Administrative Services

Doc. No. 019151

## State of Kansas

(Published in the Kansas Register May 22, 1997.)

Department of Revenue  
Division of Property Valuation

## Notice of Property Valuation Guides

The Division of Property Valuation has adopted the following guides for the 1997 tax year:

## I. P.V.D. Developed Guides:

1. Kansas Reappraisal Manual
2. Manufactured Housing Appraisal Guide
3. Guidelines for Real Estate Sales Validation
4. 1997 Personal Property Guide  
(Formerly the Motor Vehicle Reference Guide and the Miscellaneous Property Guide)
5. Oil & Gas Appraisal Guide
6. Crude Oil Price Schedule: 1997 Tax Year

## II. Copyrighted Guides:

1. N.A.D.A. *Official Used Car Guide* 1997 Edition (Jan.)
2. N.A.D.A. *Official Older Used Car Guide* 1997 Edition (Jan.)
3. N.A.D.A. *Motorcycle/ATV/Personal Watercraft Appraisal Guide* 1997 Edition (Jan. - Apr.)
4. *Truck Blue Book* 1997 Edition (Jan. - Mar.)
5. N.A.D.A. *Recreation Vehicle Appraisal Guide*
6. *Intertec Recreation Vehicle Trade-in Guide* 1994 Edition
7. *Aircraft Bluebook - Price Digest* Winter 1994-1995 Edition
8. *ABOS Marine Blue Book* 1997 Edition

These guides are available for public inspection during regular office hours at the Division of Property Valuation, 4th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Any person aggrieved by the promulgation of these guides may appeal pursuant to K.S.A. 74-2438.

Mark S. Beck, Director  
Division of Property Valuation

Doc. No. 019152

Sedgwick County, Kansas  
Shawnee County, Kansas

## Notice of Hearings on Proposed Bond Issuance

Public notice is hereby given that Sedgwick County, Kansas (the issuer), will conduct public hearings with respect to the proposed issuance by Sedgwick County, Kansas, and Shawnee County, Kansas (jointly, the issuers), of not to exceed \$50,000,000 of single family mortgage revenue bonds. The hearings will be conducted at the following times and locations:

Date: May 28  
Time: 9 a.m.  
Location: Sedgwick County Courthouse  
Commission Meeting Room, 3rd Floor  
525 N. Main, Wichita

Date: May 29  
Time: 9 a.m.  
Location: Shawnee County Courthouse  
200 E. 7th, Topeka

The proceeds of such bonds will be utilized to refund a portion of certain previously issued single family mortgage revenue bonds and to purchase securities which are backed by qualified home mortgage loans made to persons and families of low and moderate income (first-time homebuyers) residing within the unincorporated areas of Sedgwick County, Kansas, and Shawnee County, Kansas, and within the corporate limits of certain cities and the unincorporated areas of certain counties in Kansas which enter into cooperation agreements with one or more of the issuers.

All interested persons will be given an opportunity to be heard at the times and places specified above. Written comments also may be submitted to the issuers, c/o Sedgwick County Clerk, County Courthouse, 525 N. Main, Wichita, KS 67203; or Shawnee County Clerk, County Courthouse, 200 E. 7th, Topeka, KS 66603.

Dated May 12, 1997.

Sedgwick County, Kansas  
Shawnee County, Kansas

Doc. No. 019135

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, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Monday, June 2, 1997

- 32488  
University of Kansas—Xerox copier maintenance
- 32499  
Statewide—Anti-freeze
- 32500  
Department of Transportation—Cleaner/degreaser, statewide
- 5974  
Pittsburg State University—Audio visual/video equipment

Tuesday, June 3, 1997

- 32460  
University of Kansas—Modular premise distribution system
- 32497  
Pittsburg State University—Computer laboratory furniture
- 5973  
Kansas State University—Soybean meal, Hi-Pro
- 5975  
Kansas State University—Scannable form

Wednesday, June 4, 1997

- 32508  
Animal Health Department—Animal tags
- 32515  
Kansas State University—Metal library cabinets
- 5947  
Kansas Neurological Institute—Custom wheelchair seating systems
- 5948  
Wichita State University—Cardio pulmonary test/exercise unit
- 5979  
University of Kansas, Medical Center—Furnish and set up digital imaging system
- 5980  
Kansas State University—Data/video LCD projection system

Thursday, June 5, 1997

- A-8261  
University of Kansas—Parking lot improvements, various lots
- 32505  
University of Kansas Medical Center—Property insurance
- 32511  
Department of Administration, Division of Facilities Management—Pest control services

- 32512  
Statewide—Dairy products
- Friday, June 6, 1997
- 5957  
University of Kansas—Copiers for the libraries
- 5958  
University of Kansas—High volume duplicator
- 5959  
University of Kansas—High volume duplicator
- 5960  
Department of Transportation—Movable library shelving units
- 5961  
Department of Corrections—AS/400 Model 40S servicers (Axis)
- 5962  
Department of Transportation—Multiprotocol print
- 5963  
State Corporation Commission—Unix fileserver (digital PB78B-FG)
- 5964  
Department of Transportation—Metal cutting bandsaws, various locations
- 5966  
Kansas State University—UPS
- 5967  
Rainbow Mental Health Facility—Callware system
- 5968  
Adjutant General's Department—Furnish and install radio antenna upgrade
- 5969  
University of Kansas—Telecommunications equipment
- 5970  
University of Kansas—Network analyzer
- 5971  
Youth Center at Topeka—Pickup truck
- 5972  
Larned State Hospital—Electric fork truck
- 5976  
Fort Hays State University—Light fixtures
- 5977  
University of Kansas—Workstation (Alpha 500/500)
- 5978  
University of Kansas—Asphalt paving
- Monday June 9, 1997
- 5949  
Department of Social and Rehabilitation Services—Moving services
- Tuesday, June 10, 1997
- 5944  
Hutchinson Correctional Facility—Stone belt and split faced veneer
- 5945  
Kansas State University—Fire alarm system (materials only)
- 5946  
Kansas State University—All labor and materials for acoustical reverberation reduction

(continued)

Thursday, June 12, 1997

A-7948

Kansas State School for the Deaf—Repair of utility tunnels

Thursday, June 19, 1997

A-7951

Kansas Soldiers' Home—New heating plant

\*\*\*\*\*

**Request for Proposals**

Monday, June 2, 1997

32509

Telecommunications maintenance services for Pittsburg State University

Friday, June 6, 1997

32510

Statewide indirect cost allocation plan for the Department of Administration, Division of Accounts and Reports

Friday, June 27, 1997

5965

Furnish and install voice mail and auto attendant system for El Dorado Correctional Facility

John T. Houlihan  
Director of Purchases

Doc. No. 019155

State of Kansas

**Animal Health Department**

**Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Thursday, July 24, in Room 313-S, State Capitol, 300 S.W. 10th Ave., Topeka, to consider the adoption of proposed permanent rules and regulations of the Animal Health Department.

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 to George Teagarden, Livestock Commissioner, Suite 4-B, 712 S. Kansas Ave., Topeka, 66603. 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 each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed 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 George Teagarden at (913) 296-2326.

A summary of the proposed regulations and their economic impact follows.

**Article 2—Bovine Brucellosis**

**K.A.R. 9-2-1. Official vaccinate.** The amendment to K.A.R. 9-2-1 strikes "strain 19" as the official bovine brucellosis vaccine in the State of Kansas and allows the use of any approved brucellosis vaccine. The use of strain 19 is no longer advocated by the USDA since the vaccine itself can appear as a false titer. New vaccines are more reliable and do not have the false positives of strain 19. Other changes to the regulation are technical in nature. The proposed amendment is not expected to have an economic impact on the department, the public or other state agencies.

**K.A.R. 9-2-32. Uniform methods and rules.** The proposed amendment updates the regulation which adopts by reference the uniform methods and rules (UM&R) for brucellosis eradication. These methods and rules are the most current version of minimum standards adopted by the United States Animal Health Association, in 1992, for the Cooperative State-Federal Brucellosis Eradication Program. This UM&R contains minimum standards for certifying herds, classifying states and areas, and detecting, controlling and eradicating brucellosis, as well as minimum brucellosis requirements for the intrastate and interstate movement of cattle and bison. The proposed amendment is not expected to have an economic impact on the department, the public or other state agencies.

**Article 7—Movement of Livestock Into  
or Through Kansas**

**K.A.R. 9-7-3. Livestock permits required.** This regulation primarily addresses animals brought into the state for livestock shows. Most livestock may be brought in with a health paper showing the animal has met importation requirements for that particular species. The amendment excludes rodeo stock from this regulation since rodeo stock, which move constantly between states, have more stringent entry requirements. The proposed amendment is not expected to have an economic impact on the department, the public or other state agencies.

**K.A.R. 9-7-12. Buffalo or bison.** The amendment to K.A.R. 9-7-12 expands the regulation governing the importation of buffalo or bison into the State of Kansas. The amendment clarifies the existing brucellosis testing requirements for buffalo or bison, prohibits the entry of buffalo or bison originating from free-roaming herds located in the greater Yellowstone area and requires a permit, further testing and quarantine of any owned buffalo or bison originating from the greater Yellowstone area. Producers bringing buffalo into the state from the greater Yellowstone area will be subject to a quarantine and a re-test. No bison or buffalo have been shipped into Kansas from the greater Yellowstone area in the last three years. The proposed amendment is not anticipated to have an economic impact on the department or other state agencies. Only the producer shipping the animal will have an economic impact. Cost of re-test is expected to be minimal.

**K.A.R. 9-7-14. Equidae.** This regulation used to require all horses entering the State of Kansas to be accompanied by an official health certificate. The amendment deletes the word "horse" and requires all equidae

(horses, asses, zebras and hybrids) entering the State of Kansas to be accompanied by a USDA form as well as an official health certificate, be individually identified on the health paper and test negative for equine infectious anemia (EIA) within 12 months prior to entry into the state. The change in the regulation is necessary to protect Kansas equidae from the importation of equidae infected with EIA, a contagious and often fatal disease of horses, asses and zebra for which there is no current vaccine. Individuals wishing to enter the State of Kansas with their horses will bear the cost of testing the animal. A Coggins test, the most common test for EIA, costs approximately \$20. The proposed amendment is not expected to have an economic impact on the department, Kansas citizens or other state agencies.

**K.A.R. 9-7-15. Ratites.** This regulation establishes identification and importation requirements for ratites. Ratites (ostriches, emus and rheas) are, by statute, live-stock. Currently, all ratites entering the State of Kansas may do so on a health certificate. This regulation provides exemptions to the necessity of obtaining a health certificate for some producers. Citizens wishing to move ratites into the State of Kansas for breeding or exhibition purposes will bear the cost of micro-chipping the animals, if they are not already micro-chipped. The agency is unable to estimate the cost to out-of-state producers. The proposed amendment is not expected to have an economic impact on the department, Kansas citizens or other state agencies.

**K.A.R. 9-7-16. Cervidae.** This regulation establishes importation requirements for live, owned cervidae (deer, moose, elk and caribou). Rules pertaining to the importation of domesticated deer (deer intended for sale or for breeding) are set out in K.A.R. 9-29-4, 9-29-5 and 9-29-6. This regulation is intended to ensure that all live, owned cervidae meet the same importation requirements, without regard to the intended use of the animal. The proposed amendment is not expected to have an economic impact on the department or other state agencies. Private citizens bringing cervidae into the State of Kansas, or changing ownership of cervidae within the state, will incur the cost of brucellosis and tuberculosis testing.

**K.A.R. 9-7-17. Camelidae.** This regulation establishes importation requirements for camels and llamas. These animals are exotic, i.e., they have not been designated as livestock in the state of Kansas. They are, however, subject to the same diseases, such as brucellosis and tuberculosis, that afflict livestock. This regulation codifies current agency policy, which requires brucellosis and tuberculosis testing for camelidae imported into the state. The proposed amendment is not expected to have an economic impact on the department, citizens or other state agencies, since testing is currently required.

**K.A.R. 9-7-18. Rodeo stock.** This regulation establishes importation requirements for animals used in rodeos. The regulation requires a permit for the importation of rodeo stock, requires bulls to have a negative brucellosis test and horses to have a negative EIA test. This regulation codifies the current policy of the department. Although rodeo stock is usually in the state a short time, these animals are moved around a great deal and consequently

have been exposed to a large number of animals in different states. The regulation is intended to allow the Animal Health Department to keep track of the movements of these animals and to ensure that they do not bring infectious and contagious disease into the state. There is no additional cost to the department, the public or other state agencies, as all rodeo stock entering the State of Kansas must currently meet these requirements.

#### Article 11—Tuberculosis

**K.A.R. 9-11-10. Tuberculosis.** The amendment adopts by reference the uniform methods and rules (UM&R). These methods and rules are the most current version of the minimum standards adopted by the United States Animal Health Association in 1988 for the establishment and maintenance of tuberculosis-free accredited herds of cattle, bison and dairy goats, modified accredited states, and states accredited free of bovine tuberculosis in the domestic bovine and in bison raised under agricultural conditions. This regulation has been in place since 1985. There is no additional cost to the department, the public or other state agencies as a result of the proposed amendment.

#### Article 27—Reportable Diseases

**K.A.R. 9-27-1. Designation of infectious or contagious diseases.** K.S.A. 47-622 requires the owner, or person in charge, of a domestic animal infected with any contagious or infectious disease to immediately make a report of such disease to the livestock commissioner. K.A.R. 9-27-1 is intended to notify the public as to which diseases are considered reportable by the livestock commissioner. Only those diseases which may be a hazard to humans or other animals are on the reportable list. The proposed regulation is not expected to have an economic impact on the department, the public or other state agencies.

#### Article 28—Brucella Ovis

**K.A.R. 9-28-1 and 9-28-2. Definitions and Brucella Ovis tests.** These proposed regulations establish a program to certify a flock of sheep as a Brucella Ovis-free flock. K.A.R. 9-28-1 sets out the applicable definitions. K.A.R. 9-28-2 explains the criteria an owner of a flock of sheep must meet to obtain Brucella Ovis-free flock status. These regulations were promulgated at the request of the sheep producers of Kansas. A flock owner having Brucella Ovis-free status will be able to advertise that fact and will be exempt from testing requirements in some states when moving sheep across state lines. The proposed regulation is not expected to have an economic impact on the department, the public or other state agencies. Sheep producers participating in the program will pay for testing their animals. Cost will vary depending on veterinarian charges and the number of sheep in the flock. Program participation is voluntary.

#### Article 29—Cervidae

**K.A.R. 9-29-1 through 9-29-11. Definitions, fees, records, health certificates and importation permits, brucellosis, tuberculosis, confinement, handling, hus-**  
*(continued)*

bandry, health, recovery or destruction of escaped domesticated deer, public sales and auction, handling, care, treatment, transportation, and tuberculosis. These regulations implement K.S.A. 47-2101(c), which requires the livestock commissioner to adopt rules and regulations necessary to enforce K.S.A. 47-2101 *et seq.* K.A.R. 9-29-1 through K.A.R. 9-29-11 establish guidelines for ownership, confinement, records, sale, purchase and importation of domesticated deer. The regulations require importation and change of ownership testing for brucellosis and tuberculosis. Surveillance for these two infectious and contagious diseases is necessary for the protection of Kansas citizens as well as Kansas livestock, domesticated deer and wildlife. The regulations also address the procedure for handling facility inspections based on written complaint.

As of January 3, 1997, the Kansas Animal Health Department had information pertaining to approximately 54 individuals who may require licensing under this law. Cost to the agency will be less than \$1,000 for clerical time and for field inspections. As field inspections are permissible only when the agency receives a signed, written complaint, only one or two inspections are anticipated each year. Permit fees will offset agency cost of regulating domesticated deer.

Private citizens breeding domesticated deer will incur costs ranging from \$25 to \$100 annually for license fees. For some citizens, an initial cost may be involved in creating a proper confinement area. The majority of the domesticated deer breeders, however, already have an adequate confinement area in place. There is no economic impact for other state agencies.

**Article 30—Equine Infectious Anemia**

**K.A.R. 9-30-1 through 9-30-3. Notification, testing positive for equine infectious anemia, infected equidae moving to another state.** These regulations concern equine infectious anemia (EIA), an acute or chronic virus, transmitted by the bite of bloodsucking insects, which afflicts horses and other equidae. Proposed K.A.R. 9-30-1 requires testing laboratories to notify the livestock commissioner, within 48 hours, of positive results for equidae bled within the State of Kansas. K.A.R. 9-30-2 requires a quarantine of any positive animal and requires a positive animal to be confined not less than 200 yards from other equidae, confined in a screened stall, slaughtered or euthanized. The regulation requires written notification by the owner of the location of each quarantined equidae, and requires branding of any kept equidae testing positive for EIA. K.A.R. 9-30-3 requires any EIA positive equidae which is to be moved to another state to be branded and to be accompanied by a USDA veterinary services form 1-27. The regulation is intended to detect, control and eradicate EIA within the State of Kansas. These proposed regulations have been the policy within the state for many years. The regulations are not anticipated to have any economic impact on the department or other state agencies.

Private citizens will bear the cost of the regulation. It is up to each owner of an equidae to make the decision to confine, slaughter or euthanize the animal. Any financial loss or cost of testing will be borne by the owner of the equidae.

George Teagarden  
Kansas Livestock Commissioner

Doc. No. 019143

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale and removal at public auction June 25 the following improvements located in Shawnee County, Kansas, described as follows:

9 a.m., Tr. 14—4610 N.W. Pottawatomie, Topeka (located west of Highway 75 on N.W. 46th to Pottawatomie)—1,509 sq. ft. house with LR, DR/Kit, Fam RM, 3 BR, 2 baths, and attached garage.

1 p.m., Tr. 1—1215 S.E. Rice Road, Topeka (located east on 21st Street to Rice Road then north 1/8 mile on the west side of Rice Road)—1,551 sq. ft. 1-1/2 story house with LR, Kit, 3 BR, and 1 bath; 1,387 sq. ft. wood frame barn with tin siding; and detached garage

An inspection of property will be June 17 from 9 to 10 a.m. for Tr. 14 and from 1 to 2 p.m. for Tr. 1, and 30 minutes prior to each sale.

Performance Bonds:	House .....	\$2,500
	Barn .....	\$500
	Detached garage .....	\$500

The successful bidders will be required to remove the structures from the right of way on or before October 24, 1997. A performance bond equal to the amount specified above for each sale must be posted on the day of the sale as guarantee of removal of the structures. Any item not removed from the right of way on or before the specified date shall revert to and become the property of the Kansas Department of Transportation. The purchasers shall have no right, title, interest or claim to or lien upon said remaining items or part thereof, nor any claim against the Department of Transportation for the sale price paid after said date.

Purchasers shall not permit use or occupancy of said structures pending removal from highway right of way. If applicable, the purchaser shall, during interim period of moving the improvement and filling in the basement, mark the area with tape, ribbon or fencing warning the public of the opening.

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.

**Terms of the Sale**

Money order, certified check or cashier's check for full price on the day of sale, payable to "Kansas Department of Transportation." Purchasers will receive a bill of sale.

The seller reserves the right to reject any and all bids and is not responsible for accidents. For additional information, contact Rodney Miller or Vicky Harth, Bureau of Right of Way, (913) 296-3501.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 019153

## State of Kansas

## Department of Transportation

## Request for Proposals

The Kansas Department of Transportation is seeking to use its right-of-way for the building of a fiber optic infrastructure, providing KDOT with means for meeting current and future Intelligent Transportation System (ITS) needs. The goal of the project is to obtain a fiber optic infrastructure that can be used to support the various aspects of ITS deployments within the state.

KDOT is offering access controlled right-of-way to interested companies with the intention of allowing these companies to install and operate fiber optic networks along the right-of-way in exchange for dedicated channel capacity, fiber optic services and infrastructure components to support ITS deployment.

A copy of KDOT's Fiber Optic Infrastructure System proposal will be available May 22 and may be requested via mail, fax or phone to the KDOT Bureau of Construction and Maintenance, 8th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (913) 296-3576, fax (913) 296-6944. Please refer to the Fiber Optic Proposal when making your request. Bids are due July 17.

For further information contact Mick Halter, KDOT Kansas City Metro Engineer, at (913) 677-5963, or Matthew Volz, KDOT ITS Coordinator, at (913) 296-6356.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 019116

## State of Kansas

Department of Health  
and EnvironmentNotice Concerning Kansas  
Water Pollution Control Permits

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

## Public Notice No. KS-AG-97-116/125

Name and Address of Applicant	Legal Description	Receiving Water
Mark Noll Route 1, Box 156 Reserve, KS 66529	SW/4 of Sec. 14, T1S, R16E, Brown County	Missouri River Basin

Kansas Permit No. A-MOBR-S007

This is an existing facility for 1,448 head (407 animal units) of swine.

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

**Compliance Schedule:** The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.0 acre inch per acre per year.

Name and Address of Applicant	Legal Description	Receiving Water
Sink Farms c/o John Sink 2047 Sandcreek Road Ottawa, KS 66067	S/2 of Sec. 17, T16S, R19E, Franklin County	Marais des Cygnes River Basin

Kansas Permit No. A-MCFR-S028

This is an expansion of an existing facility for 1,440 head (400 animal units) of swine.

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

**Compliance Schedule:** None.

Name and Address of Applicant	Legal Description	Receiving Water
Ron Suther 11415 Davis Road Blaine, KS 66549	NE/4 of Sec. 6, SE/4 of Sec. 31, T7S, R93, Pottawatomie County	Big Blue River Basin

Kansas Permit No. A-BBPT-S008

This is a new facility for 846 head (138 animal units) of swine.

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

**Compliance Schedule:** None.

Name and Address of Applicant	Legal Description	Receiving Water
Caprock Industries Feedlot #3 P.O. Box 938 Leoti, KS 67861	W/2 of Sec. 12, E/2 of Sec. 11, T17S, R38W, Wichita County	Smoky Hill River Basin

Kansas Permit No. A-SHWH-C003 Federal Permit No. KS-0038679

This is an existing facility for 105,000 head (105,000 animal units) of beef cattle.

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

**Compliance Schedule:** None.

Name and Address of Applicant	Legal Description	Receiving Water
Empire Feeders, L.C. Route 2, Box 49 Satanta, KS 67870	E/2 of Sec. 33, T30S, R34W, Haskell County	Cimarron River Basin

Kansas Permit No. A-CIHS-C010 Federal Permit No. KS-0093611

This is an expansion of an existing facility. The proposed capacity of the facility is 32,000 head (32,000 animal units) of beef cattle.

**Wastewater Control Facilities:** Wastewater will be impounded with required storage capacity maintained by evaporation. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** None.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Mark and Randy Goeckel 2773 20th Road Hanover, KS 66945	SE/4 of Sec. 21, T2S, R5E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-S042

This is a new facility for 800 head (320 animal units) of swine.

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

**Compliance Schedule:** The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than .5 acre inch per acre per year.

Name and Address of Applicant	Legal Description	Receiving Water
Meier Dairy, Inc. Duane Meier 1537 3rd Road Palmer, KS 66962	SE/4 of Sec. 16, T5S, R3E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-D001 Federal Permit No. KS-0093815

This is a new facility for 720 head (1,008 animal units) of dairy cows.

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

**Compliance Schedule:** A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, identification of adequate rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department by June 1, 1998. The approved plan will become part of this permit.

Prior to construction of the proposed future phase(s), engineering design data must be submitted to the department for approval to verify that adequate waste capacity in the system exists for the proposed future expansion. A new permit and public notice would then be processed for the expansion.

Name and Address of Applicant	Legal Description	Receiving Water
Mark Pfizenmaier 1296 Hackberry Road Clay Center, KS 67432	NW/4 of Sec. 5, T9S, R2E, Clay County	Republican River Basin

Kansas Permit No. A-LRCY-S049

This is a new facility for 66 head (26.4 animal units) of swine.

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

**Compliance Schedule:** The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 10,870 gallons per acre.

Dewatering equipment shall be obtained within three months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 14,675 gallons per day and dispersing the wastewater over 14 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Hildebrand Farms, Inc. Alan Hildebrand 5226 W. Rucker Road Junction City, KS 66441	SW/4 of Sec. 31, T11S, R5E, Geary County	Republican River Basin

Kansas Permit No. A-LRGE-M001

This is an expansion of an existing facility for 200 head (280 animal units) of dairy cows.

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

**Compliance Schedule:** The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.0 acre inch per acre per year and solids shall be applied at not greater than 10 ton per acre.

Dewatering equipment shall be obtained within three months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 130 gallons per minute and dispersing the wastewater over 30 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Phillip Poppe Route 1, Box 117 Chester, NE 68327	SW/4 of Sec. 13, T1S, R3W, Republic County	Big Blue River Basin

Kansas Permit No. A-BBRP-B001

This is a new facility for 400 head (300 animal units) of cow-calf.

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

**Compliance Schedule:** None.

Written comments on the draft permits must be submitted to the attention of Dorothy Geisler for agricultural permits or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments post-marked or received on or before June 21 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-97-116/125) and the name of applicant as listed when preparing comments.

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

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 5 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019147

State of Kansas

**Office of Judicial Administration  
Court of Appeals  
No Oral Argument Docket**

(The following cases have been submitted to a panel of  
judges and an opinion will be forthcoming.)

**Before Rulon, P.J.; Lewis and Pierron, JJ.**

**June 3-4, 1997**

Case No.	Case Name	Attorneys	County
75,899	State of Kansas, Appellee, v. Eric L. Waggoner, Appellant.	Attorney General Lori Reyes Seifert, Asst. D.A. Jessica R. Kunen Edward G. Collister, Jr.	Shawnee
77,945	In the Interest of M.R.E., dob: 06/08/92, Minor Child Under 18 Yrs. of Age.	Roger Batt Kevin B. Johnson	Sedgwick
73,834	Stacy A. Munsell, Appellant, v. State of Kansas, Appellee.	Karlin Gould Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
76,406	Michael T. Keller, Appellant, v. Kansas Dept. of Revenue, Appellee.	John M. Lindner James G. Keller	Finney
75,950	State of Kansas, Appellee, v.	Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
75,951	Orlando Brown, Appellant.	Jessica R. Kunen	
75,952		Thomas Jacquinet	
75,953			
77,182	Digilink, L.L.C., Appellee, v. Kansas Corp. Comm., Appellant.	David S. Ladwig Michael C. Cavell Martha Cooper	Shawnee

**Before Lewis, P.J.; Pierron and Royse, JJ.**

**June 3-4, 1997**

Case No.	Case Name	Attorneys	County
74,867	State of Kansas, Appellee, v. Michael L. Bradshaw, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen Elizabeth Seale Cateforis	Sedgwick
73,749	State of Kansas, Appellee, v. Johnyette Sloan, a/k/a Johnyette Olander, a/k/a Johnyette Campbell, Appellant.	Attorney General Athena E. Andaya, Asst. D.A. Jessica R. Kunen Edward G. Collister, Jr.	Shawnee
74,865	State of Kansas, Appellee, v. Leonard D. Brockman, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen	Sedgwick
75,773	State of Kansas, Appellee, v. Robert Wayne Helms, Appellant.	Attorney General Robert Forer, C.A. Jessica R. Kunen Rhoad Keylon Levinson	Labette
77,366	In the Interest of S.K., dob: 11/24/93; and C.O., dob: 04/28/95.	Patrick E. D'Arcy Shawn E. DeGraff John B. Knudsen, Asst. D.A. Gary P. Kessler	Wyandotte
76,525	Marvin Farris, Appellant, v. David R. McKune, et al., Appellees.	Marvin Farris Lawrence Logback, Asst. A.G.	Leavenworth

(continued)

## Before Pierron, P.J.; Rulon and Royse, J.J.

June 3-4, 1997

Case No.	Case Name	Attorneys	County
75,805	State of Kansas, Appellee, v. Robert L. Jackson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen Thomas Jacquinet	Sedgwick
75,692	State of Kansas, Appellee, v. David O. Stephens, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen Thomas Jacquinet	Sedgwick
75,955	State of Kansas, Appellee, v. Kenneth D. Jackson, Appellant.	Attorney General Dianne M. Scherff, Asst. D.A. Jessica R. Kunen Wendy L. Rhyne Slayton	Wyandotte
75,977 75,978 75,979 75,980 75,981 75,982 75,983	State of Kansas, Appellee, v. Leonard D. Harvey, a/k/a Leonard D. Mack, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen Alice A. Craig	Sedgwick
78,082	State of Kansas, Appellant, v. Jason J. Kirkham, Appellee.	Attorney General Michael Ireland, C.A. Steven D. Rosel	Jackson

## Before Royse, P.J.; Rulon and Lewis, JJ.

June 3-4, 1997

Case No.	Case Name	Attorneys	County
75,267	Marvin Farris, Appellant, v. William Irons, et al., Appellees.	Marvin Farris Linden G. Appel	Leavenworth
76,292	State of Kansas, Appellee, v. Theopolus D. Davis, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Mark T. Schoenhofer	Sedgwick
77,113	Glenn Charles Graham, Jr., Appellant, v. DCCA, M. Woods, et al., Appellees.	Glen Charles Graham, Jr. Jon D. Graves Theresa Marcel Nuckholls John M. Knox	Reno

## Before Brazil, C.J.; Gernon and Green, JJ.

June 3-4, 1997

Case No.	Case Name	Attorneys	County
75,859	State of Kansas, Appellee, v. Wesley R. Barr, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen Rhoda Keylon Levinson	Johnson
76,491	State of Kansas, Appellee, v. Franklin Allen Taylor, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen Janine Cox	Sedgwick
76,272	State of Kansas, Appellee, v. Mario Q. Inchauriga, Appellant.	Attorney General Keith E. Schroeder, Asst. C.A. Jessica R. Kunen Reid T. Nelson	Reno
75,967	In the Matter of the Marriage of Coleen J. Craig, Appellee, and Howard L. Craig, Appellant.	Loren H. Houk Terry L. Malone	Sedgwick

75,898	Joby O. Love, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Lisa Nathanson Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
76,017	State of Kansas, Appellee, v. William Eric Lorensen, Appellant.	Attorney General Thomas R. Stanton, Asst. C.A. Jessica R. Kunen Julie A. Gorenc	Saline
75,780	State of Kansas, Appellee, v. Ira Dean McKay, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen Lisa Nathanson	Sedgwick
75,646	State of Kansas, Appellee, v. Steven Mebane, Appellant.	Attorney General Terra D. Morehead, Asst. D.A. Jessica R. Kunen Mary D. Prewitt	Wyandotte
76,332	State of Kansas, Appellee, v. Tracy Hemsley, Appellant.	Attorney General District Attorney Jessica R. Kunen Edward G. Collister, Jr.	Johnson
75,464	State of Kansas, Appellee, v. Rickey L. McElroy, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessic R. Kunen Edward G. Collister, Jr.	Johnson
74,634	State of Kansas, Appellee, v. Anthony L. Jordan, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen Wendy L. Rhyne Slayton	Sedgwick
75,975	State of Kansas, Appellee, v. Hilbert Large, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Carl E. Cornwell	Johnson
74,204	State of Kansas, Appellee, v. Dwight E. Vontress, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen James F. Vano	Sedgwick
75,889	Donald M. Gansert and Myra Lynn Gansert, Appellee, v. C.A. Koehler Contracting, Inc., Appellant.	Donald & Myra Gansert Ronald S. Reuter	Johnson
75,733	Douglass Kirt Keesee, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Steven R. Zinn Attorney General District Attorney	Wyandotte

Before Elliott, P.J.; Marquardt and Knudson, JJ.

June 3-4, 1997

Case No.	Case Name	Attorneys	County
75,061	In the Matter of the Marriage of Joyce Ann Lambeth, Appellee, and Danny Gene Lambeth, Appellant.	Thomas E. Gleason, Jr. Ronald W. Nelson	Franklin
75,744	State of Kansas, Appellee, v. Yu Jen Tseng, a/k/a Sam Tseng, Appellant.	Attorney General Joe E. Lee, Asst. C.A. Jessica R. Kunen Mary D. Prewitt	Lyon
76,572	State of Kansas, Appellee, v. Troy Donald Wright, Appellant.	Attorney General Gary L. Folles, Asst. C.A. Jessica R. Kunen Janine Cox	Lyon

(continued)

76,442	State of Kansas, Appellee, v. Charles C. Hodge, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen	Sedgwick
76,547	Don Wood, d/b/a Show Me Family Pets, Appellant, v. Russell Stover and Marge Stover, Purr Luv R & M Cattery, Appellees.	J. David Farris Judith A. Jones	Brown
76,029	Soloma (Sally) Gregg, Appellee, v. Ela, Inc., Appellant.	M. John Carpenter Jerry M. Ward	Barton
76,533	State of Kansas, Appellee, v. Milton D. Rutledge, Appellant.	Attorney General Kerwin L. Spencer, C.A. Jessica R. Kunen Edward G. Collister, Jr.	Sumner
75,809	State of Kansas, Appellee, v. Kelly D. Seals, Appellant.	Attorney General John Wilcox, Jr., Asst. D.A. Jessica R. Kunen Lisa Nathanson	Douglas
75,590	Stephen Q. Reichenberger, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Wendy L. Rhyne Slayton Debra S. Peterson, Asst. D.A.	Sedgwick
76,128	Frederick Martin, Appellant, v. Kathy Honn-Brown, et al., Appellees.	Frederick Martin Linden G. Appel	Leavenworth
75,854	David Peck, Appellee, v. David O. King, D.O., Appellant.	Gerard C. Scott Randy J. Troutt	Allen
75,974	State of Kansas, Appellee, v. Raymond Sanchez, Jr., Appellant.	Attorney General John Shirley, C.A. Leroy C. Rose	Scott
75,224	State of Kansas, Appellee, v. Nolan M. Stutler, Appellant.	Attorney General Russ Roe, Asst. C.A. Jessica R. Kunen Michael J. Helvey	Geary
76,535	In the Matter of the Appeal of Haley, Thelma L., Estate, from an Order of the Director of Taxation on Assessment of Inheritance Tax.	Ronald H. Grant Hillery McVey	Tax Appeal
76,249	State of Kansas, Appellee, v. Charles Callaway, Appellant.	Attorney General Clinton B. Peterson, Asst. C.A. Jessica R. Kunen Julie A. Gorenc	Seward

Carol G. Green  
Clerk of the Appellate Courts

## State of Kansas

## Kansas Development Finance Authority

## Notice of Hearing

A public hearing will be conducted at 10 a.m. Friday, June 6, in the Senate Room of Jayhawk Tower, first floor, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bonds for the projects numbered below, in the respective maximum principal amount. Each bond will be issued to assist the respective borrower named below (who will be the owner and operator of the respective project) to finance the cost in the amount of the bond of acquiring the respective projects or for the purpose of refunding a bond previously issued to finance the respective project. Each project shall be located as shown:

**Project No. 000308, Maximum Principal Amount: \$22,400.** Owner/Operator: Neil Polok. Description: Acquisition of 80 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. Location: Section 9, Hope Township, Dickinson County, Kansas; approximately 1½ miles from Hope on Oat Road and 1 mile west on 500 Avenue.

**Project No. 000340, Maximum Principal Amount: \$43,654.** Owner/Operator: Jed Keeten. Description: Acquisition of 68 cows to be used by the owner/operator for farming purposes. Location: Section 24, Phillipsburg Township, Phillips County, Kansas; approximately 1 mile north and ½ mile east of Phillipsburg.

**Project No. 000341, Maximum Principal Amount: \$43,000.** Owner/Operator: Calvin Schultz. Description: Acquisition of 130 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. Location: Section 7, Starr Township, Cloud County, Kansas; approximately ½ mile north and 1 mile west on Highway 24 from Miltonvale.

**Project No. 000342, Maximum Principal Amount: \$162,436.** Owner/Operator: Christopher Cox. Description: Acquisition of 320 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. Location: Sections 25 and 36, Aldine Township, Norton County, Kansas; approximately 6 miles north and 1½ miles east of Norton on Highway 283.

Each bond, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will it be an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. Each bond will be payable solely and only from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on each bond as and when it shall become due.

All individuals appearing at the hearing will be given an opportunity to express their views for or against the proposal to issue any specific bond for the purpose of financing the respective project, and all written comments previously filed with the Authority at its offices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding any of the projects may be obtained by contacting the Authority.

Any individual affected by any of the above described projects may, at or prior to the hearing, file a written request with the Authority that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Wm. F. Caton  
President

Doc. No. 019158

## State of Kansas

## Secretary of State

Permanent Administrative  
Regulations

## Article 19.—ELECTRONIC FILING

**7-19-1. Electronic filing, definitions.** (a) "Electronically filed document" means any document filed by electronic means with the secretary of state according to these rules and regulations. "Electronically filed document" shall include any document filed pursuant to chapter 17 or 56 of the Kansas statutes annotated, or a financing statement, amendment, continuation statement, termination statement, release, or assignment filed pursuant to K.S.A. 84-9-402, K.S.A. 84-9-403, K.S.A. 84-9-404, K.S.A. 84-9-405, or K.S.A. 84-9-406.

(b) "Electronic filing" means the authorized electronic transmission of information pursuant to these rules and regulations and in accordance with one of the following:

(1) the uniform commercial code when the filing party transmits to the secretary of state a financing statement, amendment, continuation statement, termination statement, release, or assignment pursuant to K.S.A. 84-9-402, K.S.A. 84-9-403, K.S.A. 84-9-404, K.S.A. 84-9-405, or K.S.A. 84-9-406; or

(2) chapter 17 or 56 of the Kansas statutes annotated.

(c) "Filing party" means one of the following:

(1) the secured party or the secured party's representative authorized to make electronic filings when filing pursuant to K.S.A. 84-9-402 et seq.; or

(2) any person authorized by chapter 17 or 56 to file documents when making electronic filings pursuant to those sections. (Authorized by and implementing K.S.A. 1995 Supp. 84-9-402, and L. 1996, ch. 157, § 1; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994; amended June 6, 1997.)

**7-19-2. Electronic filing, authorized user.** Any filing party may be authorized to use electronic filing pursuant to the following requirements:

(continued)

(a) An authorization for electronic filing shall be issued to a filing party by the secretary of state and the information network of Kansas (INK) if the following conditions are met:

- (1) the filing party has an account with INK; and
- (2) the secretary of state and INK determine, after appropriate testing, that the secretary of state is capable of receiving, indexing, and retrieving the data transmitted by the filing party.

(b) If a filing party requests authorization to use the ANSI electronic data interchange standard for electronic filing, an authorization shall be issued by the secretary of state if the following conditions are met:

- (1) the secretary of state determines, after appropriate testing, that the secretary of state is capable of receiving, indexing, and retrieving the data transmitted by the filing party;

(2) the filing party has executed and submitted a trading partner agreement as prescribed by the secretary of state and INK; and

(3) the electronically filed document is the type that may be filed pursuant to the "electronic data interchange standard," ASC X12, version 3, release 5, published December 1994, transaction set id 154, promulgated by the American national standards institute (ANSI) and the secretary of state's "implementation guide," published January 3, 1997, which are hereby adopted by reference.

(c) The authorization for electronic filing may be suspended or revoked by the secretary of state when the secretary of state determines that a filing party's transmissions are incompatible with the electronic filing system, or upon notification from INK that the filing party is delinquent in payment on its account.

(d) Each request to be authorized for electronic filing shall be sent to INK. Upon receipt of a request for authorization, INK shall notify the secretary of state. INK shall provide the requesting party with necessary information and software or specifications to test the filing party's electronic filing capabilities.

(e) If the filing party is authorized for electronic filing, INK shall assign an identification number to the filing party. If the filing party will act as a representative for a secured party, the filing party shall submit to INK a sworn statement attesting to such authorization signed by the secured party, and INK shall assign an identification number to the secured party. If the secured party terminates its relationship with the filing party, the secured party shall notify INK in writing and its identification number shall be invalidated. (Authorized by and implementing K.S.A. 1995 Supp. 84-9-402, and L. 1996, ch. 157, § 1; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994; amended June 6, 1997.)

**7-19-3. Electronic filing, contents of transmission.**

(a) Each transmission of an electronically filed document shall meet the applicable requirements of chapter 17 or 56 of the Kansas statutes annotated or K.S.A. 84-9-402 et seq., and shall identify the filing party in a form approved by the secretary of state and INK.

(b) An electronically filed document that requires identification of a debtor shall contain the federal tax identification number or social security number of the

debtor and shall indicate whether the debtor is an individual or another entity.

(c) When a request is made for a paper copy of an electronically filed document, the copy printed by the secretary of state shall include a notation stating that the document is an electronically filed document. (Authorized by and implementing K.S.A. 1995 Supp. 84-9-402, and L. 1996, ch. 157, § 1; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994; amended June 6, 1997.)

**7-19-4. Electronic filing, signature of debtor, signature of secured party, signature of filing parties.** (a) Each electronically filed document filed pursuant to K.S.A. 84-9-402, K.S.A. 84-9-403, K.S.A. 84-9-404, K.S.A. 84-9-405, or K.S.A. 84-9-406 shall contain the signature of the debtor or secured party as required by those sections.

(1) The secured party shall maintain an original writing signed by the debtor in which the debtor adopts the contents of the debtor signature field with the intent to authenticate the electronically filed document. The original writing shall provide the following information:

- (A) the type of document filed;
- (B) a description of the collateral if required by K.S.A. 84-9-402, et seq.;
- (C) the date the writing is signed; and
- (D) the following statement: "My signature on this document indicates my adoption of my electronically represented signature for the purpose of authenticating this document."

(2) For the signature of the secured party, a symbol designated as the secured party's signature shall be transmitted in the secured party signature field. The transmission of the symbol in the secured party signature field shall indicate that the secured party maintains a writing signed by the secured party in which the secured party adopts the symbol with the intent to authenticate the electronically filed document.

(b) Any electronically filed document filed pursuant to chapter 17 or 56 of the Kansas statutes annotated shall contain the signatures as required by statute.

(c) When the Kansas statutes annotated require a signature to be notarized, the signature block shall be in the form prescribed by K.S.A. 53-601. (Authorized by and implementing K.S.A. 1995 Supp. 84-9-402, and L. 1996, ch. 157, § 1; effective, T-7-7-1-94, July 1, 1994; effective Oct. 24, 1994; amended Sept. 8, 1995; amended June 6, 1997.)

**7-19-7. Electronic filing, ANSI standards.** Any document filed pursuant to K.A.R. 7-19-1(b)(1) may also be electronically filed according to the "electronic data interchange standard," ASC X12, version 3, release 5, published December 1994, transaction set id 154, promulgated by the American national standards institute (ANSI) and the secretary of state's "implementation guide," published January 3, 1997, which are hereby adopted by reference. (Authorized by and implementing K.S.A. 84-9-402; effective June 6, 1997.)

Ron Thornburgh  
Secretary of State

Doc. No. 019136

## State of Kansas

Department of Health  
and EnvironmentPermanent Administrative  
RegulationsArticle 19.—AMBIENT AIR QUALITY AND  
AIR POLLUTION CONTROL

**28-19-720.** New source performance standards. (a) 40 CFR part 60, and its appendices, revised as of July 1, 1996, are adopted by reference except for the following:

- (1) 40 CFR 60.4;
- (2) 40 CFR 60.9;
- (3) 40 CFR 60.10; and
- (4) 40 CFR 60.16.

(b) Unless the context clearly indicates otherwise, the following meanings shall be given to these terms as they appear in 40 CFR part 60.

(1) The term "administrator" shall mean the secretary or the secretary's authorized representative.

(2) The term "United States environmental protection agency" or any term referring to the United States environmental protection agency shall mean the department.

(3) The term "state" shall mean the state of Kansas. (Authorized by K.S.A. 1996 Supp. 65-3005; implementing K.S.A. 1996 Supp. 65-3008; effective Jan. 23, 1995; amended June 6, 1997.)

**28-19-735.** National emission standards for hazardous air pollutants. (a) 40 CFR part 61, and its appendices, revised as of July 1, 1996, are adopted by reference except for the following:

- (1) 40 CFR 61.04;
- (2) 40 CFR 61.16;
- (3) 40 CFR 61.17;
- (4) 40 CFR 61 subpart H;
- (5) 40 CFR 61 subpart I; and
- (6) 40 CFR 61 subpart K.

(b) Unless the context clearly indicates otherwise, the following meanings shall be given to these terms as they appear in 40 CFR part 61.

(1) The term "administrator" shall mean the secretary or the secretary's authorized representative.

(2) The term "United States environmental protection agency" or any term referring to the United States environmental protection agency shall mean the department.

(3) The term "state" shall mean the state of Kansas. (Authorized by K.S.A. 1996 Supp. 65-3005; implementing K.S.A. 1996 Supp. 65-3008; effective Jan. 23, 1995; amended June 6, 1997.)

**28-19-750.** Hazardous air pollutants; maximum achievable control technology. 40 CFR part 63 and its appendices, revised as of July 1, 1996, are adopted by reference, except for the following:

- (a) 40 CFR 63.12;
- (b) 40 CFR 63.13;
- (c) 40 CFR 63.15; and
- (d) 40 CFR Part 63, subpart E. (Authorized by K.S.A. 1996 Supp. 65-3005; implementing K.S.A. 1996 Supp. 65-3008; effective Jan. 23, 1995; amended June 6, 1997.)

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019142

## State of Kansas

## Department of Wildlife and Parks

Permanent Administrative  
Regulations

## Article 4.—BIG GAME

**115-4-1.** Turkey; legal equipment, taking methods, reports, tags, and general provisions. (a) Hunting equipment for the taking of turkey during an archery turkey season shall consist of bows and arrows that meet all of the following requirements.

- (1) No bow shall be less than 45 pounds draw weight.
- (2) Each bow shall be hand drawn.
- (3) No bow shall have a mechanical device that locks the bow at full or partial draw.
- (4) Each bow shall be designed to shoot only one arrow at a time.

(5) No bow shall have any electronic or chemical device attached to the bow or arrow, with the exception of lighted pin, dot, or holographic sights that may be attached to the front of the bow.

(6) Each arrow used for hunting shall be equipped with a non-barbed broadhead point with all-metal cutting edges.

(7) Each arrow used for hunting shall be at least 20 inches in length.

(8) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light may be used.

(9) Range-finding devices may be used or attached to the bow, as long as the system does not project visible light toward the target.

(b) Hunting equipment for the taking of turkey during a firearm turkey season shall consist of the following:

- (1) equipment as authorized in subsection (a);
- (2) shotgun and muzzleloading shotgun using only size two shot through size nine shot and that are not less than 20 gauge;

(3) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(4) range-finding devices, as long as the system does not project visible light toward the target.

(c) Nonelectric calls, lures, and decoys, except live decoys, shall be legal.

(d) Each individual may use blinds and stands while hunting turkey.

(e) Each individual hunting turkey shall shoot or attempt to shoot a turkey only while the turkey is on the ground or in flight.

(f) General provisions.

(1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. The carcass tag shall remain attached to the carcass until the turkey is processed for consumption. The permittee shall retain the carcass tag until the turkey is consumed, given to another, or otherwise disposed of.

(continued)

(2) Any legally acquired turkey meat may be given to and possessed by another, if a dated written notice that includes the donor's printed name, signature, address, and permit number accompanies the meat. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of.

(3) Unless otherwise authorized by rules and regulations, an individual shall not submit more than one application for a permit and one application for a second turkey game tag for a turkey season.

(4) Unless otherwise authorized by rules and regulations, an individual shall not obtain more than one permit and one game tag for a second turkey for a turkey season.

(5) Any applicant unsuccessful in obtaining a permit through a drawing may apply for any left-over permit remaining after the drawing, and may apply for any permit that is not limited.

(6) Only turkey permit holders shall be eligible to apply for turkey game tags.

(7) A permit or turkey game tag shall be nontransferable.

(8) In addition to other penalties prescribed by law, each permit or turkey game tag shall be invalid from the date of issuance if obtained by an individual under any of these conditions:

(A) through false representation;

(B) through misrepresentation; or

(C) in excess of the number of permits or turkey game tags authorized by rules and regulations.

(9) In awarding turkey permits, the first priority shall be given to those individuals who did not receive a permit in the previous year. All other applicants shall be given equal priority.

(10) Landowner-tenants who received a permit to hunt turkey on their own land during the previous year shall not be considered as having a turkey permit during that year for purposes of the permit priority system. (Authorized by K.S.A. 32-807 and K.S.A. 1996 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 1996 Supp. 32-937, K.S.A. 32-1001 and K.S.A. 32-1002; effective Jan. 22, 1990; amended May 27, 1991; amended June 1, 1993; amended May 10, 1996; amended June 6, 1997.)

**115-4-3. Antelope; legal equipment, taking methods, and general provisions.** (a) Hunting equipment for the taking of antelope during an archery antelope season shall consist of the following.

(1) Bows and arrows.

(A) No bow shall be less than 45 pounds draw weight.

(B) Each bow shall be hand drawn.

(C) No bow shall have a mechanical device that locks the bow at full or partial draw.

(D) Each bow shall be designed to shoot only one arrow at a time.

(E) No bow shall have any electronic or chemical device attached to the bow or arrow, with the exception of lighted pin, dot, or holographic sights which may be attached to the front of the bow.

(F) Each arrow used for hunting shall be equipped with a non-barbed broadhead point with all-metal cutting edges.

(G) Each arrow used for hunting shall be 20 inches in length.

(H) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light may be used.

(I) Range-finding devices may be used or attached to the bow, as long as the system does not project visible light toward the target.

(2) Crossbows as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of antelope during a firearm antelope season shall consist of the following:

(1) equipment as authorized in subsection (a);

(2) centerfire rifles using only soft point, hollow point, or other expanding bullets, and that fire a bullet larger than .23 inches in diameter and that are not fully automatic;

(3) muzzleloading rifles and muskets that fire a bullet of .39 inches in diameter or larger and can be loaded only through the front of the firing chamber with separate components;

(4) muzzleloading pistols, .45 caliber or larger, with a barrel length of 10 inches or greater and that can be loaded only through the front of the barrel with separate components. Only conical lead or sabot bullets weighing 210 grains or greater shall be used with muzzleloading pistols;

(5) shotguns, 20 gauge or larger, using only slugs;

(6) centerfire handguns using only soft point, hollow point, or other expanding bullets, and that fire a bullet greater than .23 inches in diameter, use a cartridge case 1.280 inches or more in length and that are not fully automatic;

(7) optical scope or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(8) range-finding devices, as long as the system does not project visible light toward the target.

(c) Hunting equipment for the taking of antelope during a muzzleloader-only firearm season shall consist of the following:

(1) single barrel, muzzleloading rifles and muskets with iron or peep sights, that fire a bullet of .39 inches in diameter or larger and can be loaded only through the front of the firing chamber with separate components; and

(2) single barrel muzzleloading pistols with iron or peep sights, .45 caliber or larger, with a barrel length of 10 inches or greater and that can be loaded only through the front of the barrel with separate components. Only conical lead or sabot bullets weighing 210 grains or greater shall be used with muzzleloading pistols.

(d) Nonelectric calls, lures, and decoys, except live decoys, shall be legal.

(e) Each individual may use blinds and tree stands while hunting antelope.

(f) General provisions.

(1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. Except for an antelope taken under an "any antelope" permit, the head shall accompany the carcass while in transit from the site of the kill

to the permittee's residence or to a place of processing or preservation. The carcass tag shall remain attached to the carcass until the antelope is processed for consumption. The permittee shall retain the carcass tag until the antelope is consumed, given to another, or otherwise disposed of.

(2) Any legally acquired antelope meat may be given to and possessed by another, if a dated written notice that includes the donor's printed name, signature, address, and permit number accompanies the meat. The person receiving the antelope meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of.

(3) Archery-only antelope permittees shall not possess a firearm while hunting antelope.

(4) Muzzleloader-only antelope permittees shall not possess a rimfire or centerfire firearm while hunting antelope.

(5) A permit shall not be transferable.

(6) In addition to other penalties prescribed by law, each permit shall be invalid from the date of issuance if obtained by an individual under any of these conditions:

(A) through false representation;

(B) through misrepresentation; or

(C) in excess of the number of permits authorized by rules and regulations.

(7) Except as provided in subsection (f)(8), no applicant shall do either of the following in the same calendar year:

(A) submit more than one application for an antelope permit; or

(B) apply for an archery antelope and firearms antelope permit.

(8) Any applicant unsuccessful in obtaining a permit through a drawing may apply for any leftover permits or any other permits that are available on an unlimited basis.

(9) In awarding firearm antelope permits, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows.

(A) One point shall be awarded to an individual for each year the individual is unsuccessful, beginning with the 1991 permit season.

(B) If the individual fails to make at least one application within a period of five consecutive years, all earned points shall be lost.

(C) Once an applicant obtains a permit, either firearm or archery, all earned points shall be lost.

(D) If the number of applicants with the highest preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(10) Landowner-tenants who received a permit to hunt antelope on their own land shall not be considered to have had an antelope permit for purposes of the preference point priority system. (Authorized by K.S.A. 32-807 and K.S.A. 1996 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 1996 Supp. 32-937, K.S.A. 32-1001 and K.S.A. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992; amended June 1, 1993; amended May 30, 1995; amended May 10, 1996; amended June 6, 1997.)

**115-4-5. Deer; legal equipment, taking methods, and general provisions.** (a) Hunting equipment for the taking of deer during an archery deer season shall consist of the following:

(1) Bows and arrows.

(A) No bow shall be less than 45 pounds draw weight.

(B) Each bow shall be handdrawn.

(C) No bow shall have a mechanical device that locks the bow at full or partial draw.

(D) Each bow shall be designed to shoot only one arrow at a time.

(E) No bow shall have any electronic or chemical device attached to the bow or arrow with the exception of lighted pin, dot, or holographic sights attached to the front of the bow.

(F) Each arrow used for hunting shall be equipped with a non-barbed broadhead point with all-metal cutting edges.

(G) Each arrow used for hunting shall be at least 20 inches in length.

(H) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light may be used.

(I) Range-finding devices may be used or attached to the bow, as long as the system does not project visible light toward the target.

(2) Crossbows as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of deer during a firearm deer season shall consist of the following:

(1) equipment as authorized in subsection (a);

(2) centerfire rifles using only soft point, hollow point, or other expanding bullets, and that fire a bullet larger than .23 inches in diameter and that are not fully automatic;

(3) muzzleloading rifles and muskets that fire a bullet of .39 inches in diameter or larger and that can be loaded only through the front of the firing chamber with separate components;

(4) muzzleloading pistols, .45 caliber or larger, with a barrel length of 10 inches or greater that can be loaded only through the front of the barrel with separate components. Only conical lead or sabot bullets weighing 210 grains or greater shall be used with muzzleloading pistols;

(5) shotguns, 20 gauge or larger, using only slugs;

(6) centerfire handguns using only soft point, hollow point, or other expanding bullets, and that fire a bullet greater than .23 inches in diameter and use a cartridge case 1.280 inches or more in length and that are not fully automatic;

(7) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(8) range-finding devices, as long as the system does not project visible light towards the target.

(c) Hunting equipment for the taking of deer during a muzzleloader-only firearm season shall consist of the following:

(1) single barrel, muzzleloading rifles and muskets with iron or peep sights, that fire a bullet of .39 inches in diameter or larger and can be loaded only through the

(continued)

front of the firing chamber with separate components; and

(2) single barrel, muzzleloading pistols with iron or peep sights, .45 caliber or larger, with a barrel length of 10 inches or greater that can be loaded only through the front of the barrel with separate components. Only conical lead or sabot bullets weighing 210 grains or greater shall be used with muzzleloading pistols.

(d) Nonelectric calls, lures, and decoys, except live decoys, shall be legal.

(e) Each individual may use blinds and stands while hunting deer.

(f) General provisions.

(1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. Except for a deer taken under an "any deer" permit, the head shall accompany the carcass while in transit from the site of the kill to the permittee's residence or to a place of processing or preservation. The carcass tag shall remain attached to the carcass until the deer is processed for consumption. The permittee shall retain the carcass tag until the deer is consumed, given to another, or otherwise disposed of.

(2) Any legally acquired deer meat may be given to and possessed by another, if a dated written notice that includes the donor's printed name, signature, address, and permit number accompanies the meat. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of.

(3) Archery-only deer permittees shall not possess a firearm while hunting deer.

(4) Muzzleloader-only deer permittees shall not possess a rimfire or centerfire firearm while hunting deer.

(5) A permit or game tag shall not be transferable.

(6) In addition to other penalties prescribed by law, each permit or game tag shall be invalid from the date of issuance if obtained by an individual under any of these conditions:

(A) through false representation;

(B) through misrepresentation; or

(C) in excess of the number of permits or game tags authorized by rules and regulations.

(7) Any individual may apply for special season permits and special season game tags.

(8) In awarding firearm deer permits, the first priority shall be given to those applicants who did not receive a firearm deer permit the previous year. All other firearm deer permit applicants shall be given equal priority.

(9) Landowner-tenants who received a permit to hunt deer on their own land during the previous year, permittees who received a firearm "antlerless only" permit or a deer game tag during the previous regular firearm season, or permittees who received a firearm deer permit or deer game tag for a special deer season shall not be considered to have had a firearm deer permit during that year for purposes of the permit priority system. (Authorized by K.S.A. 32-807 and K.S.A. 1996 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 1996 Supp. 32-937, K.S.A. 32-1001 and K.S.A. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992;

amended June 1, 1993; amended May 30, 1995; amended May 10, 1996; amended June 6, 1997.)

**115-4-6. Deer; management units.** (a) High Plains; unit 1: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-283 to its junction with interstate highway I-70, then west on interstate highway I-70 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-283, except federal and state sanctuaries.

(b) Smoky Hill; unit 2: that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with state highway K-147, then south on state highway K-147 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-83, then south on federal highway US-83 to its junction with state highway K-96, then west on state highway K-96 to its junction with the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with interstate highway I-70, except federal and state sanctuaries.

(c) Kirwin-Webster; unit 3: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on state highway K-8 to its junction with federal highway US-36, then east on federal highway US-36 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with state highway K-8, except federal and state sanctuaries.

(d) Kanopolis; unit 4: that part of Kansas bounded by a line from the interstate highway I-70 and state highway K-147 junction, then east on interstate highway I-70 to its junction with federal highway US-81, then south on federal highway US-81 to its junction with state highway K-4, then west on state highway K-4 to its junction with state highway K-147, then north on state highway K-147 to its junction with interstate highway I-70, except federal and state sanctuaries.

Smoky Hill Air National Guard Range; subunit 4a: the following described area shall be designated a subunit of unit 4, and, with approval of air national guard command, the area shall be open for the taking of deer during the firearm season: United States government land lying entirely within the boundaries of the Smoky Hill Air National Guard Range. Persons hunting in this subunit during the firearm deer season are required to be in possession of a subunit 4a permit and any permits and licenses required by the air national guard.

(e) Pawnee; unit 5: that part of Kansas bounded by a line from the state highway K-4 and state highway K-14 junction, then south on state highway K-14 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with federal highway US-183, then northeast and north on federal highway US-183 to its junction with federal highway US-156, then west on

federal highway US-156 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with state highway K-4, then east on state highway K-4 to its junction with state highway K-14, except federal and state sanctuaries.

(f) Middle Arkansas; unit 6: that part of Kansas bounded by a line from the state highway K-4 and federal highway US-77 junction, then south on federal highway US-77 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with state highway K-14, then north on state highway K-14 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-77, except federal and state sanctuaries.

(g) Solomon; unit 7: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-36, then west on federal highway US-36 to its junction with state highway K-8, then north on state highway K-8 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries.

(h) Republican; unit 8: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-77 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-81, then north on federal highway US-81 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-77, except federal and state sanctuaries.

Fort Riley; subunit 8a: the following described area shall be designated a subunit of unit 8 and unit 9, and, with approval of Fort Riley command, the area shall be open for the taking of deer during the firearm deer season: United States government land lying entirely within the boundaries of the Fort Riley military reservation. Persons hunting in this subunit during the firearm deer season are required to be in possession of a subunit 8a permit and any permits and licenses required by Fort Riley.

(i) Tuttle Creek; unit 9: that part of Kansas bounded by a line from the Nebraska-Kansas state line, south on federal highway US-75 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-75, except federal and state sanctuaries.

(j) Kaw; unit 10: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-75 to its junction with interstate highway I-35, then northeasterly on interstate highway I-35 to its junction with state highway K-150, then east on state highway K-150 to the Missouri-Kansas state line, then north along the Missouri-Kansas state line to its junction with the Nebraska-Kansas state line, then west along the

Nebraska-Kansas state line to its junction with federal highway US-75, except federal and state sanctuaries.

Fort Leavenworth; subunit 10a: the following described area shall be designated a subunit of unit 10, and, with approval of Fort Leavenworth command, the area shall be open for the taking of deer during the firearm deer season: United States government land lying entirely within the boundaries of the Fort Leavenworth military reservation. Persons hunting in this subunit during the firearm deer season are required to be in possession of a subunit 10a permit and any permits and licenses required by Fort Leavenworth.

(k) Osage Prairie; unit 11: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-169 to its junction with federal highway US-400, then west on federal highway US-400 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with interstate highway I-35, then northeasterly on interstate highway I-35 to its junction with state highway K-150, then east on state highway K-150 to its junction with the Missouri-Kansas state line, then south along the Missouri-Kansas state line to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with federal highway US-169, except federal and state sanctuaries.

(l) Chautauqua Hills; unit 12: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-169 to its junction with federal highway US-400, then west on federal highway US-400 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with state highway K-15, then east and south on state highway K-15 to its junction with the Oklahoma-Kansas state line, then east along the Oklahoma-Kansas state line to its junction with federal highway US-169, except federal and state sanctuaries.

Game Tag Subunit; subunit 12a: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-169 to its junction with federal highway US-400, then west on federal highway US-400 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with state highway K-39, then west on state highway K-39 to its junction with state highway K-96, then west on state highway K-96 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with state highway K-15, then east and south on state highway K-15 to its junction with the Oklahoma-Kansas state line, then east along the Oklahoma-Kansas state line to its junction with federal highway US-169, except federal and state sanctuaries.

(m) Lower Arkansas; unit 13: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-81 to its junction with state highway K-53, then east on state highway K-53 to its junc-

(continued)

tion with state highway K-15, then southeasterly on state highway K-15 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries.

(n) Flint Hills; unit 14: that part of Kansas bounded by a line from the junction of interstate highway I-70 and federal highway US-75, then south on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with interstate highway I-70, then east on interstate highway I-70 to its junction with federal highway US-75, except federal and state sanctuaries.

(o) Ninescaw; unit 15: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on state highway K-179 to its junction with state highway K-14, then continuing north on state highway K-14 to its junction with state highway K-42, then west on state highway K-42 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with federal highway US-77, then south on federal highway US-77 to its junction with state highway K-15, then west and northwest on state highway K-15 to its junction with state highway K-53, then west on state highway K-53 to its junction with federal highway US-81, then south on federal highway US-81 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with state highway K-179, except federal and state sanctuaries.

(p) Red Hills; unit 16: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-283 to its junction with federal highway US-54, then east on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with state highway K-42, then east on state highway K-42 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-179, then south on state highway K-179 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with federal highway US-283, except federal and state sanctuaries.

(q) West Arkansas; unit 17: that part of Kansas bounded by a line from the Colorado-Kansas state line east on state highway K-96 to its junction with federal highway US-83, then north on federal highway US-83 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with federal highway US-156, then east on federal highway US-156 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with fed-

eral highway US-56, then southwest on federal highway US-56 to its junction with state highway K-144, then west on state highway K-144 to its junction with federal highway US-160, then continuing west on federal highway US-160 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with state highway K-96, except federal and state sanctuaries.

(r) Cimarron; unit 18: that part of Kansas bounded by a line from the Colorado-Kansas state line east on federal highway US-160 to its junction with state highway K-144, then east on state highway K-144 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with federal highway US-160, except federal and state sanctuaries. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 1996 Supp. 32-937; effective April 30, 1990; amended June 8, 1992; amended June 1, 1993; amended June 13, 1994; amended May 30, 1995; amended June 6, 1997.)

**115-4-7. Elk; legal equipment, taking methods, and general provisions.** (a) Hunting equipment for the taking of elk during an archery elk season shall consist of bows and arrows meeting the following requirements.

- (1) No bow shall be less than 50 pounds draw weight.
- (2) Each bow shall be handdrawn.
- (3) No bow shall have a mechanical device that locks the bow at full or partial draw.
- (4) Each bow shall be designed to shoot only one arrow at a time.
- (5) No bow shall have any electronic or chemical device attached to the bow or arrow with the exception of lighted pin, dot, or holographic sights which may be attached to the front of the bow.
- (6) Each arrow used for hunting shall be equipped with a non-barbed broadhead point with all-metal cutting edges.
- (7) Each arrow used for hunting shall be at least 20 inches in length.
- (8) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light may be used.
- (9) Range-finding devices may be used or attached to the bow, as long as the system does not project visible light toward the target.

(b) Hunting equipment for the taking of elk during a firearm elk season shall consist of the following:

- (1) equipment as authorized in subsection (a);
- (2) centerfire rifles using only soft point, hollow point, or other expanding bullets, and that fire a bullet larger than .25 inches in diameter, use a cartridge greater than 2.5 inches in length, and that are not fully automatic;
- (3) muzzleloading rifles and muskets that fire a bullet of .49 inches in diameter or larger and can be loaded only through the front of the barrel with separate components;
- (4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(5) range-finding devices, as long as the system does not project visible light towards the target.

(c) Hunting equipment for the taking of elk during a muzzleloader-only firearm season shall be single barrel, muzzleloading rifles and muskets with iron or peep sights, that fire a bullet of .49 inches in diameter or larger and that can be loaded only through the front of the barrel with separate components.

(d) Nonelectric calls, lures, and decoys, except live decoys, shall be legal.

(e) Each individual may use blinds and stands while hunting elk.

(f) General provisions.

(1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. Except for an elk taken under an "any elk" permit, the head shall accompany the carcass while in transit from the site of the kill to the permittee's residence or to a place of processing or preservation. The carcass tag shall remain attached to the carcass until the elk is processed for consumption. The permittee shall retain the carcass tag until the elk is consumed, given to another, or otherwise disposed of.

(2) Any legally acquired elk meat may be given to and possessed by another, if a dated written notice that includes the donor's printed name, signature, address, and permit number accompanies the meat. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of.

(3) Archery-only elk permittees shall not possess a firearm while hunting elk.

(4) Muzzleloader-only elk permittees shall not possess a rimfire or centerfire firearm while hunting elk.

(5) A permit shall not be transferable.

(6) In addition to other penalties prescribed by law, each permit shall be invalid from the date of issuance if obtained by an individual under any of these conditions:

(A) through false representation;

(B) through misrepresentation; or

(C) in excess of the number of permits authorized by rules and regulations.

(7) Each applicant may apply for or obtain either an archery elk permit or a firearm elk permit, but not both, in the same calendar year.

(8) An individual receiving an elk hunting permit shall not be eligible to apply for or receive an elk hunting permit in subsequent seasons with the following exceptions.

(A) Any individual receiving an any elk or a bull-only elk hunting permit may apply for and be eligible to receive an antlerless-only elk permit in subsequent seasons; and

(B) Any individual receiving an antlerless-only elk hunting permit shall not be eligible to apply for or receive an antlerless-only elk hunting permit for a five-year period thereafter. However, such an individual may apply for and shall be eligible to receive an any elk or bull-only elk hunting permit without a waiting period. (Authorized by K.S.A. 32-807 and K.S.A. 1996 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 1996 Supp. 32-937, K.S.A. 32-1001 and K.S.A. 32-1002; effective April 30, 1990;

amended May 27, 1991; amended June 8, 1992; amended June 1, 1993; amended June 13, 1994; amended May 30, 1995; amended May 10, 1996; amended June 6, 1997.)

**115-4-13. Deer permits; descriptions and restrictions.** Except as otherwise specified or further restricted by law or regulation, the following deer permit descriptions, provisions, and restrictions shall be in effect.

(a) Primary deer permits.

(1) Statewide archery deer permit. This permit shall be valid for the statewide hunting of deer during the established archery deer season using equipment that is legal during the archery deer season.

(2) Firearm deer permit. This permit shall be valid for the hunting of deer during the established firearms deer season within a prescribed management unit, using equipment that is legal during the firearms deer season.

(3) Muzzleloader deer permit. This permit shall be valid for the hunting of deer during the established muzzleloader and firearms deer seasons within a prescribed management unit, using muzzleloader equipment that is legal during the muzzleloader or firearms deer season.

(4) Hunt-on-your-own-land (HOYL) deer permit. This permit shall be available to resident individuals who qualify as landowners or as tenants or as family members domiciled with the landowner or with the tenant. This permit shall be valid during the muzzleloader, archery, and firearms deer seasons, using equipment that is legal during the established season. It shall be valid only on lands owned or operated by the landowner or tenant.

(5) Special hunt-on-your-own-land (SHOYL) deer permit. This permit is available to resident individuals who qualify as landowners or as tenants or as family members domiciled with the landowner or with the tenant. This permit shall be valid during the muzzleloader, archery, and firearms deer seasons, using equipment that is legal during the established season. This permit shall be valid only on lands owned or operated by the landowner or tenant. This permit shall be transferable to family members who are lineal or collateral ascendants or descendants of the landowner or of the tenant. Such family members shall include the spouses of lineal or collateral ascendants or descendants of the landowner or of the tenant.

(b) Nonresident deer permits.

(1) Nonresident archery deer permit. This permit shall be valid for the hunting of deer during the established archery deer season within a prescribed management unit, using equipment that is legal during the archery deer season.

(2) Nonresident firearm deer permit. This permit shall be valid for the hunting of deer during the established firearms deer season within a prescribed management unit, using equipment that is legal during the firearms deer season.

(3) Nonresident muzzleloader deer permit. This permit shall be valid for the hunting of deer during the established muzzleloader and firearms deer seasons within a prescribed management unit, using muzzleloader equipment that is legal during the muzzleloader or firearms deer season.

(continued)

(Published in the Kansas Register May 22, 1997.)

## SENATE BILL No. 214

AN ACT concerning law enforcement; relating to training center; sheriffs; qualifications and officer training requirements; conservation officers; amending K.S.A. 19-801b, 32-808, 32-1048 and 74-5617 and K.S.A. 1996 Supp. 74-5602, 74-5605, 74-5608a and 74-5616 and repealing the existing sections; also repealing K.S.A. 1996 Supp. 74-5602a.

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

Section 1. K.S.A. 19-801b is hereby amended to read as follows: 19-801b. (a) No person shall be eligible for nomination, election or appointment to the office of sheriff unless such person:

- (1) Is a citizen of the United States and a qualified elector of the county;
- (2) possesses a high-school education or its recognized equivalent; and
- (3) has never been convicted of or pleaded guilty or entered a plea of *nolo contendere* to any felony charge, a *misdemeanor crime of domestic violence as defined in K.S.A. 74-5602 and amendments thereto* or to any violation of any federal or state laws or city ordinances relating to gambling, liquor or narcotics.

(b) Every person elected to the office of sheriff for the first time, or anyone reelected or appointed to the office after having been out of the office for two five years or more shall be required to attend the law enforcement training academy center as established by K.S.A. 74-5601 *et seq.*, and amendments thereto, and satisfactorily complete the required training course of not less than 320 hours, unless such person has satisfactorily completed such training course within the two five years prior to election or appointment, *passes a written competency test and firearms proficiency qualification course developed and administered by the Kansas law enforcement training center* or unless the director, as defined in subsection (d) of K.S.A. 74-5602, and amendments thereto, waives the requirements of this subsection as provided in K.S.A. 74-5608a and amendments thereto. Unless the requirements are waived, any person elected or appointed to the office of sheriff who has not attended the law enforcement training academy center shall hold office on a provisional basis, and such person shall attend the next scheduled training program at the law enforcement training academy center and satisfactorily complete such training program or the one subsequent to it, or shall forfeit such office.

(c) Each newly elected sheriff of each county who is required to attend the law enforcement training academy center shall be hired as a deputy sheriff and shall be paid a salary as deputy sheriff while attending the law enforcement training center and. The tuition, board, room and travel expense for the sheriff-elect at the law enforcement training center shall be paid by the county.

Sec. 2. K.S.A. 1996 Supp. 74-5602 is hereby amended to read as follows: 74-5602. As used in the Kansas law enforcement training act:

- (a) "Training center" means the law enforcement training center within the division of continuing education of the university of Kansas, created by K.S.A. 74-5603 and amendments thereto.
- (b) "Commission" means the Kansas law enforcement training commission, created by K.S.A. 74-5606 and amendments thereto.
- (c) "Dean" means the dean of the division of continuing education of the university of Kansas.
- (d) "Director," as created in K.S.A. 74-5603 and amendments thereto, means the director of police training at the law enforcement training center.

(e) "Police officer" or "law enforcement officer" means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof. Such terms shall include, but not be limited to, the sheriff, undersheriff and full-time or part-time salaried deputies in the sheriff's office in each county; *deputy sheriffs deputized pursuant to K.S.A. 19-2858 and amendments thereto*; conservation officers of the Kansas department of wildlife and parks; campus police officers at all state educational institutions or a municipal university; law enforcement agents of the director of alcoholic beverage control; law enforcement agents of the Kansas lottery; law enforcement agents of the Kansas racing commission; deputies and assistants of the state fire marshal having law enforcement authority; capitol area security guards, existing under the authority of K.S.A. 75-4503 and amendments thereto. Such terms shall also include railroad policemen appointed pursuant to K.S.A. 66-524 and amendments thereto; and school security officers designated as school law enforcement

(4) Nonresident hunt-on-your-own-land (NHOYL) deer permit. This permit shall be available to nonresident individuals who qualify as Kansas landowners. This permit shall be valid during the muzzleloader, archery, and firearms deer seasons, using equipment that is legal during the established season. This permit shall be valid only on lands owned by the nonresident landowner.

(c) Secondary deer permits.

(1) Unit archery deer permit. This permit shall be valid for the hunting of deer during the established archery deer season within a prescribed management unit, using equipment that is legal during the archery deer season.

(2) Leftover firearm deer permit. Left-over firearm deer permits are those firearm permits that remain unissued after the first drawing process is completed. This permit shall be valid for the hunting of deer within a prescribed management unit during the archery, muzzleloader, or firearms deer season, using equipment that is legal during the established season.

(3) Leftover muzzleloader deer permit. Leftover muzzleloader deer permits are those muzzleloader permits that remain unissued after the first drawing process is completed. This permit shall be valid for the hunting of deer within a prescribed management unit during the archery, muzzleloader, or firearms deer seasons, using equipment that is legal during the established season.

(4) Bonus deer permit. This permit shall be valid for the hunting of deer within a prescribed management unit during the archery and firearms deer seasons, using equipment that is legal during the established season.

(d) Special deer season permit. This permit retains distinctions as specified in subsections (a), (b), and (c) of this regulation and shall be valid within a prescribed management unit during a special deer season.

(e) Legal equipment shall be as established under K.A.R. 115-4-5. (Authorized by K.S.A. 32-807 and K.S.A. 1996 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 1996 Supp. 32-937; effective Jan. 30, 1995; amended June 6, 1997.)

Steven A. Williams  
Secretary of Wildlife  
and Parks

Doc. No. 019145

State of Kansas

Secretary of State

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.

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

Ron Thornburgh  
Secretary of State

officers pursuant to K.S.A. 72-8222 and amendments thereto. Such terms shall not include any elected official, other than a sheriff, serving in the capacity of a law enforcement or police officer solely by virtue of such officer's elected position; any attorney-at-law having responsibility for law enforcement and discharging such responsibility solely in the capacity of an attorney; any employee of the secretary of corrections or the secretary of social and rehabilitation services; any deputy conservation officer of the Kansas department of wildlife and parks; or any employee of a city or county who is employed solely to perform correctional duties related to jail inmates and the administration and operation of a jail; or any full-time or part-time salaried officer or employee whose duties include the issuance of a citation or notice to appear provided such officer or employee is not vested by law with the authority to make an arrest for violation of the laws of this state or any municipality thereof, and is not authorized to carry firearms when discharging the duties of such person's office or employment. Such term shall include any officer appointed or elected on a provisional basis.

(f) "Full-time" means employment requiring at least 1,000 hours of work per year.

(g) "Part-time" means employment on a regular schedule or employment which requires a minimum number of hours each payroll period, but in any case requiring less than 1,000 hours of work per year.

(h) "Misdemeanor crime of domestic violence" means a violation of domestic battery as defined by subsection (c)(4) of K.S.A. 21-3412 and amendments thereto, or any other misdemeanor under federal, municipal or state law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

(i) "Auxiliary personnel" means members of organized nonsalaried groups which operate as an adjunct to a police or sheriff's department, including reserve officers, posses and search and rescue groups.

Sec. 3. K.S.A. 1996 Supp. 74-5605 is hereby amended to read as follows: 74-5605. Every applicant for admission to a course for police officers or law enforcement officers conducted by the training center shall be an employee of a state, county or city law enforcement agency, a municipal university police officer, a railroad policeman appointed pursuant to K.S.A. 66-524, and amendments thereto; an employee of the tribal law enforcement agency of an Indian nation that has entered into a tribal-state gaming compact with this state; or a school security officer designated as a school law enforcement officer pursuant to K.S.A. 72-8222, and amendments thereto. Prior to admission to a course conducted at the training center or at a certified state or local law enforcement agency, the applicant shall furnish to the director a statement from the applicant's appointing authority or agency head certifying the applicant's fulfillment of the following requirements. The applicant:

(a) Is a United States citizen;

(b) has been fingerprinted and a search of local, state and national fingerprint files has been made to determine whether the applicant has a criminal record;

(c) has not been convicted, does not have an expunged conviction, and on and after the effective date of this act July 1, 1995, has not been placed on diversion by any state or the federal government for a crime which is a felony or its equivalent under the uniform code of military justice;

(d) has not been convicted, does not have an expunged conviction, has not been placed on diversion by any state or the federal government for a misdemeanor crime of domestic violence or its equivalent under the uniform code of military justice, when such misdemeanor crime of domestic violence was committed on or after the effective date of this act;

(e) is the holder of a high-school diploma or furnishes evidence of successful completion of an examination indicating an equivalent achievement;

(f) is of good moral character;

(g) has completed a psychological test approved by the commission;

(h) is free of any physical or mental condition which might adversely affect the applicant's performance of a police officer's or law enforcement officer's duties; and

(i) is at least 21 years of age.

Sec. 4. K.S.A. 1996 Supp. 74-5608a is hereby amended to read as follows: 74-5608a. (a) The director may, in the exercise of discretion, award a certificate attesting to the satisfactory completion of a basic course of instruction to any person who has been duly certified under the laws of another state or territory if, in the opinion of the director, the requirements for certification in such other jurisdiction equal or exceed the qualifications required to complete satisfactorily the basic course of instruction at the training center.

(b) The director may waive any number of the hours or courses required to complete the basic course of instruction at the training center, 80 hour part-time school, reciprocity school or for the hours required for annual continuing education for any person who, in the opinion of the director, has received sufficient training or experience that such hours of instruction at the training center would be, unless waived, unduly burdensome or duplicative.

Sec. 5. K.S.A. 1996 Supp. 74-5616 is hereby amended to read as follows: 74-5616. (a) To be eligible for permanent appointment as a police officer or law enforcement officer, a person must first be certified to perform the function of law enforcement by the Kansas law enforcement training commission. The commission's certification shall be awarded to persons who:

(1) Are at least 21 years of age, have successfully completed or satisfied the training requirements specified by subsection (a) of K.S.A. 74-5607a and amendments thereto and meet the requirements of K.S.A. 74-5605 and amendments thereto; (2) received a permanent appointment as a police officer or law enforcement officer prior to July 1, 1969; or (3) hold a permanent appointment as a police officer or law enforcement officer on July 1, 1983.

(b) The commission may suspend, revoke or deny the certification of a police officer or law enforcement officer who fails to meet the requirements of K.S.A. 74-5605 or 74-5607a, and amendments thereto, or has met such requirements by falsifying documents or failing to disclose information required for certification.

(c) The commission shall immediately institute proceedings to revoke the certification of any police officer or law enforcement officer convicted of, or on or after the effective date of this act July 1, 1995, diverted for a felony under the laws of this state, another state or the United States or of its equivalent under the uniform code of military justice or convicted of or diverted for a misdemeanor crime of domestic violence under the laws of this state, another state or the United States or of its equivalent under the uniform code of military justice, when such misdemeanor crime of domestic violence was committed on or after the effective date of this act.

(d) The procedure for the public or private censure, reprimand, probation, suspension, revocation and denial of certification of a person as a police officer or law enforcement officer or an applicant for certification shall be in accordance with the Kansas administrative procedure act.

(e) Any action of the commission pursuant to subsection (d) is subject to review in accordance with the act for judicial review and civil enforcement of agency actions. The attorney general shall prosecute or defend any action for review on behalf of the state, but the county or district attorney of the county where the police or law enforcement officer has been employed as such shall appear and prosecute or defend such action upon request of the attorney general.

Sec. 6. K.S.A. 74-5617 is hereby amended to read as follows: 74-5617. (a) Every candidate for permanent appointment to a position as a police officer or law enforcement officer shall meet the minimum training criteria specified in K.S.A. 74-5605 and amendments thereto and shall have attained 21 years of age.

(b) For the purpose of determining the eligibility of an individual for certification under this act, the commission may require the submission of training and education records, and experience history, medical history, medical examination reports and records, and interview appraisal forms.

(c) Law enforcement agencies in Kansas shall be responsible for their agency's observance of the hiring requirements of this section.

(d) No law enforcement agency head or other appointing authority shall knowingly permit the hiring of any person in violation of the requirements of this act, or knowingly permit the continued employment of any person as a law enforcement officer after receiving written notice from the commission that the person has had such person's certification revoked as provided for under this act. No law enforcement agency head or

(continued)

other appointing authority shall knowingly permit any auxiliary personnel who have been convicted of a felony offense under the laws of Kansas or any other jurisdiction access to law enforcement records or communication systems that are restricted under state or federal law or appoint as a reserve officer any person who does not meet the requirements of K.S.A. 74-5605 and amendments thereto. Any violation of the requirements of this act shall be deemed to constitute misconduct in office and shall subject the agency head or appointing authority to:

(1) Removal from office pursuant to K.S.A. 60-1205 and amendments thereto; or (2) a civil penalty in a sum set by the court of not to exceed \$500 for each occurrence of noncompliance in an action brought in the district court by the attorney general or by the county or district attorney, which penalty shall be paid to the state treasurer for deposit in the state treasury and credit to the state general fund, if the action is brought by the attorney general, or paid to the county treasurer for deposit in the county treasury and credit to the county general fund, if the action is brought by the county or district attorney.

(e) Whenever in the judgment of the commission any person has engaged in any acts or practices which constitute a violation of this act, or any rules and regulations of the commission, the commission may make application to the district court, without giving bond, for civil enforcement of this act or rules and regulations in accordance with the act for judicial review and civil enforcement of agency actions. The district or county attorney of any county shall at the request of the commission render such legal assistance as necessary in carrying out the provisions of this act. Upon the request of the commission, the district or county attorney of the proper county shall institute in the name of the state or commission proceedings for appropriate relief, whether mandatory, injunctive or declaratory, preliminary or final, temporary or permanent, equitable or legal, against any person regarding whom a complaint has been made charging such person with the violation of any provision of this act.

(f) The commission shall make such inquiry as necessary to determine compliance with the requirements of this section and the rules and regulations adopted under it.

(g) It shall be the responsibility of the agency head to ensure that every police officer or law enforcement officer under their supervision has the opportunity to receive the mandatory training as prescribed in K.S.A. 74-5604a and amendments thereto.

New Sec. 7. (a) Certification by the commission will remain active for a period of five years after leaving employment as a law enforcement officer. Certification which has lapsed due to more than five years since employment as a law enforcement officer may be reinstated if the applicant, within one year of reappointment:

(1) Satisfactorily completes the current basic training required under K.S.A. 74-5607a and amendments thereto;

(2) passes a written competency test and firearms proficiency qualification course developed and administered by the Kansas law enforcement training center; or

(3) obtains from the director pursuant to subsection (b) of K.S.A. 74-5608a and amendments thereto, a waiver based on the training, experience and circumstances of the applicant.

(b) The provisions of this section shall be part of and supplemental to the Kansas law enforcement training act.

Sec. 8. K.S.A. 32-808 is hereby amended to read as follows: 32-808. (a) The secretary shall organize a wildlife and parks conservation service and employ conservation officers and other employees, regardless of title, to exercise law enforcement authority as provided in subsection (b), if such officers and other employees successfully complete the required course of instruction for law enforcement officers approved by the Kansas law enforcement training center pursuant to K.S.A. 74-5607a and amendments thereto, and employees appointed on a provisional or probationary basis for a period of not more than one year, except that such provisional or probationary employee shall meet at least the criteria on appointment specified in K.S.A. 74-5605 and amendments thereto, and shall not be issued a firearm until such employee has been instructed and trained in the use thereof by the department. An employee appointed on a provisional or probationary basis, who does not receive the certificate required under subsection (a) of K.S.A. 74-5607a and amendments thereto, within one year following the date of the person's original appointment shall not have authority to enforce the laws of the state as provided in subsection (b). The secretary may appoint permanent conservation officers and employees of the department, including appointment in the capacity as deputy conservation officers, and may appoint Kansas law enforcement of-

ficers temporarily assigned by their employer to the department pursuant to K.S.A. 74-5610 and amendments thereto, to assist the wildlife and parks conservation service in a manner determined by the secretary. All deputy conservation officer appointments shall be on a voluntary basis and shall expire on December 31 following the date of any such appointment.

(b) Conservation officers, deputy conservation officers and other employees who have completed the course of instruction as provided in subsection (a), provisional or probationary employees who have met the requirements of subsection (a) and any other Kansas law enforcement officers authorized to enforce the laws of the state of Kansas shall have the power and authority to:

(1) Enforce all the wildlife and parks laws and statutory provisions of chapter 32 of the Kansas Statutes Annotated or any rules and regulations promulgated thereunder, or any other laws of the state anywhere within the state, including but not limited to chapter 8 of the Kansas Statutes Annotated, and amendments thereto, and the rules and regulations of the secretary, except that nothing in this act shall grant conservation officers, deputy conservation officers and other employees authority that supersedes that of the local law enforcement authority having jurisdiction over the matter. The secretary shall establish a policy under which the department's officers and other employees primarily direct such officers' and employees' efforts toward the protection, conservation and management of natural resources of this state and the provision of safe and orderly lands controlled by the department. Such officers shall also have the powers of arrest set forth in K.S.A. 22-2401, and amendments thereto, and are empowered to make arrests, pursuant to K.S.A. 22-2307, and amendments thereto, as required by any policy adopted by the secretary. A conservation officer acting under authority of this subsection shall be considered an employee of the department and shall be subject to its direction, benefits and legal protection.

(2) Serve anywhere within the state warrants and subpoenas issued for the examination, investigation or trial of all offenses against the wildlife and parks laws and rules and regulations of the secretary and of violations of department controlled lands and waters, of any law and of any rule and regulation of the state of Kansas violations of all laws of the state as provided in subsection (b).

(3) Carry firearms or weapons, concealed or otherwise, in the performance of their duties but only if the officer or employee has completed the required course of instruction for law enforcement officers at the Kansas law enforcement training center, unless otherwise qualified pursuant to K.S.A. 74-5608a and amendments thereto or as to a provisional or probationary employee who has met the requirements of subsection (a).

Sec. 9. K.S.A. 32-1048 is hereby amended to read as follows: 32-1048. Conservation officers and deputy conservation officers in the wildlife and parks conservation service Any officer or other employee of the department who meets the criteria specified in subsection (a) of K.S.A. 32-808 and amendments thereto and any other Kansas law enforcement officer authorized to enforce the laws of this state shall have the power to arrest pursuant to the authority granted in subsection (b) of K.S.A. 32-808 and amendments thereto, at any place in the state of Kansas, any person or persons found violating any of the wildlife and parks laws of this state, or the rules and regulations adopted thereunder, without warrants, and with warrants where not found violating such laws of the state, and rules and regulations promulgated pursuant to chapter 32 of the Kansas Statutes Annotated, and amendments thereto, and to bring such persons forthwith immediately before the nearest proper judge of the district court of the county within which such violation took place for trial.

Sec. 10. K.S.A. 19-801b, 32-808, 32-1048 and 74-5617 and K.S.A. 1996 Supp. 74-5602, 74-5602a, 74-5605, 74-5608a and 74-5616 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 22, 1997.)

## HOUSE BILL No. 2230

AN ACT concerning crimes and punishment; relating to pyramid promotional schemes and providing penalties therefor.

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

Section 1. (a) As used in this section, "pyramid promotional scheme" means any plan or operation by which a participant gives consideration for the opportunity to receive compensation which is derived primarily from any person's introduction of other persons into participation in the plan or operation rather than from the sale of goods, services or intangible property by the participant or other persons introduced into the plan or operation.

(b) Establishing, operating, advertising or promoting a pyramid promotional scheme shall be a severity level 9, nonperson felony.

(c) A limitation as to the number of persons who may participate or the presence of additional conditions affecting eligibility for the opportunity to receive compensation under the plan or operation does not change the identity of the scheme as a pyramid promotional scheme nor is it a defense under this section that a participant, on giving consideration, obtains any goods, services or intangible property in addition to the right to receive compensation.

(d) The attorney general, or county attorney or district attorney, or both, may institute criminal action to prosecute this offense.

(e) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 22, 1997.)

## HOUSE BILL No. 2313

AN ACT concerning crime victims; amending K.S.A. 1996 Supp. 74-7301 and repealing the existing section.

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

Section 1. K.S.A. 1996 Supp. 74-7301 is hereby amended to read as follows: 74-7301. As used in this act:

(a) "Allowance expense" means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care. Such term includes a total charge not in excess of \$2,000 for expenses in any way related to funeral, cremation or burial; but such term shall not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semi-private accommodations, unless other accommodations are medically required.

(b) "Board" means the crime victims compensation board established under K.S.A. 74-7303 and amendments thereto.

(c) "Claimant" means any of the following persons claiming compensation under this act: A victim; a dependent of a deceased victim; a third person other than a collateral source; or an authorized person acting on behalf of any of them.

(d) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable under this act which the victim or claimant has received, or which is readily available to the victim or claimant, from:

- (1) The offender;
- (2) the government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this act;
- (3) social security, medicare and medicaid;
- (4) state-required temporary nonoccupational disability insurance;
- (5) workers' compensation;
- (6) wage continuation programs of any employer;
- (7) proceeds of a contract of insurance payable to the victim for loss which the victim sustained because of the criminally injurious conduct; or
- (8) a contract providing prepaid hospital and other health care services or benefits for disability.

(e) "Criminally injurious conduct" means conduct that: (1) (A) Occurs or is attempted in this state or occurs to a person whose domicile is in Kansas who is the victim of a violent crime which occurs in another state, possession, or territory of the United States of America may make an application for compensation if:

(A) (i) The crimes would be compensable had it occurred in the state of Kansas; and

(B) (ii) the places the crimes occurred are states, possessions or territories of the United States of America not having eligible crime victim compensation programs; (2)

(C) poses a substantial threat or personal injury or death; and (3) either is punishable by fine, imprisonment or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or

(2) is an act of terrorism, as defined in 18 U.S.C. 2331, committed outside of the United States against a person whose domicile is in Kansas.

Such term shall not include conduct arising out of the ownership, maintenance or use of a motor vehicle, except for violations of K.S.A. 8-1567 and amendments thereto, or violations of municipal ordinances prohibiting the acts prohibited by that statute, or violations of K.S.A. 8-1602, 21-3404, 21-3405 and 21-3414 and amendments thereto or when such conduct was intended to cause personal injury or death.

(f) "Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the victim's death.

(g) "Dependent's economic loss" means loss after decedent's death of contributions of things of economic value to the decedent's dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death.

(h) "Dependent's replacement services loss" means loss reasonably incurred by dependents after decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death and not subtracted in calculating dependent's economic loss.

(i) "Economic loss" means economic detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, dependent's economic loss and dependent's replacement service loss. Noneconomic detriment is not loss, but economic detriment is loss although caused by pain and suffering or physical impairment.

(j) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment and nonpecuniary damage.

(k) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of self or family, if such person had not been injured.

(l) "Work loss" means loss of income from work the injured person would have performed if such person had not been injured, and expenses reasonably incurred by such person in obtaining services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by such person or by income such person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.

(m) "Victim" means a person who suffers personal injury or death as a result of: (1) Criminally injurious conduct; (2) the good faith effort of any person to prevent criminally injurious conduct; or (3) the good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct; or (4) an act of terrorism, as defined in 18 U.S.C. 2331, committed outside of the United States.

Sec. 2. K.S.A. 1996 Supp. 74-7301 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 22, 1997.)

## HOUSE Substitute for SENATE BILL No. 363

AN ACT concerning crimes, punishment, criminal procedure and corrections; amending K.S.A. 21-3826, 21-3826, as amended by section 2 of this act, 22a-215, 65-904, 74-9102 and 75-5291 and K.S.A. 1996 Supp. 74-9101 and repealing the existing sections; also repealing K.S.A. 21-3826, as amended by section 26 of Chapter 229 of the 1996 Session Laws of Kansas.

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

New Section 1. (a) The joint committee on corrections and juvenile justice oversight shall develop and adopt a 10 year corrections master plan to guide the development and expansion of correctional programs and facilities.

(b) In order to assist the committee in the development of such master plan, the secretary of corrections, on or before September 1, 1997, shall draft a scope statement concerning the master plan to be presented to the committee. The secretary may retain such experts and consultants as are necessary to develop the scope statement.

(c) In developing the master plan, the committee may request assistance and expertise from the secretary of corrections as well as other state agencies.

(d) The master plan shall address or develop, or both:

(1) Enhanced or expanded community corrections programs. The plan shall address how such programs may slow the growth of the need for new prison beds or reduce the need for new prison beds. Review of community correction programs may include, but not be limited to, intensive supervision, short-term jail sentences, halfway houses and community-based work;

(2) any future expansion of state correctional facilities;

(3) other alternatives to incarceration consistent with public safety;

(4) allowing the court to revoke a defendant's probation, assignment to community corrections or conditional release, order the offender committed to the custody of the secretary of corrections and retain jurisdiction for 120 days to modify the sentence or order for revocation;

(5) a guide for community-based facilities;

(6) consolidation or centralization of field services;

(7) private expansion with specific recommendations on criteria to guide the determination of any program appropriate for privatization, to assist in determining the placement of any such facility and to guide in the selection of any private provider;

(8) specific programs to deal with specific populations within the existing state facilities that could be served in the community to ease capacity demands on the existing state institutions and the cost basis and effectiveness of such programs;

(9) contracts with profit or nonprofit corporations which would serve to reduce the demands on the state facilities;

(10) projected costs of any such plans developed or recommended; and

(11) identify any revenue source sufficient to appropriately fund any plans developed or recommended.

Sec. 2. K.S.A. 21-3826 is hereby amended to read as follows: 21-3826. (a) Traffic in contraband in a correctional institution is introducing or attempting to introduce into or upon the grounds of any correctional institution or taking, sending, attempting to take or attempting to send from any correctional institution or any unauthorized possession while in any correctional institution or distributing within any correctional institution, any item without the consent of the administrator of the correctional institution.

(b) For purposes of this section, "correctional institution" means any state correctional institution or facility, conservation camp, state security hospital, state youth center, community correction center or facility for detention or confinement, juvenile detention facility or jail.

(c) (1) Traffic in contraband in a correctional institution is a severity level 6, nonperson felony, of firearms, ammunition, explosives or a controlled substance which is defined in subsection (e) of K.S.A. 65-4101, and amendments thereto, is a severity level 5, nonperson felony.

(2) Traffic in any contraband, as defined by rules and regulations adopted by the secretary, in a correctional institution by an employee of a correctional institution is a severity level 5, nonperson felony.

(d) Except as provided in subsection (c), traffic in contraband in a correctional institution is a severity level 6, nonperson felony.

Sec. 3. On and after July 1, 1997, K.S.A. 21-3826, as amended by section 2 of this act, is hereby amended to read as follows: 21-3826. (a) Traffic in contraband in a correctional institution is introducing or at-

tempting to introduce into or upon the grounds of any correctional institution or taking, sending, attempting to take or attempting to send from any correctional institution or any unauthorized possession while in any correctional institution or distributing within any correctional institution, any item without the consent of the administrator of the correctional institution.

(b) For purposes of this section, "correctional institution" means any state correctional institution or facility, conservation camp, state security hospital, state youth center, juvenile correctional facility, community correction center or facility for detention or confinement, juvenile detention facility or jail.

(c) (1) Traffic in contraband in a correctional institution of firearms, ammunition, explosives or a controlled substance which is defined in subsection (e) of K.S.A. 65-4101, and amendments thereto, is a severity level 5, nonperson felony.

(2) Traffic in any contraband, as defined by rules and regulations adopted by the secretary, in a correctional institution by an employee of a correctional institution is a severity level 5, nonperson felony.

(d) Except as provided in subsection (c), traffic in contraband in a correctional institution is a severity level 6, nonperson felony.

Sec. 4. On and after July 1, 1997, K.S.A. 1996 Supp. 74-9101 is hereby amended to read as follows: 74-9101. (a) There is hereby established the Kansas sentencing commission.

(b) The commission shall:

(1) Develop a sentencing guideline model or grid based on fairness and equity and shall provide a mechanism for linking justice and corrections policies. The sentencing guideline model or grid shall establish rational and consistent sentencing standards which reduce sentence disparity, to include, but not be limited to, racial and regional biases which may exist under current sentencing practices. The guidelines shall specify the circumstances under which imprisonment of an offender is appropriate and a presumed sentence for offenders for whom imprisonment is appropriate, based on each appropriate combination of reasonable offense and offender characteristics. In developing its recommended sentencing guidelines, the commission shall take into substantial consideration current sentencing and release practices and correctional resources, including but not limited to the capacities of local and state correctional facilities. In its report, the commission shall make recommendations regarding whether there is a continued need for and what is the projected role of, if any, the Kansas parole board and whether the policy of allocating good time credits for the purpose of determining an inmate's eligibility for parole or conditional release should be continued;

(2) consult with and advise the legislature with reference to the implementation, management, monitoring, maintenance and operations of the sentencing guidelines system;

(3) direct implementation of the sentencing guidelines system;

(4) assist in the process of training judges, county and district attorneys, court services officers, state parole officers, correctional officers, law enforcement officials and other criminal justice groups. For these purposes, the sentencing commission shall develop an implementation policy and shall construct an implementation manual for use in its training activities;

(5) receive presentence reports and journal entries for all persons who are sentenced for crimes committed on or after July 1, 1993; to develop post-implementation monitoring procedures and reporting methods to evaluate guideline sentences. In developing the evaluative criteria, the commission shall take into consideration rational and consistent sentencing standards which reduce sentence disparity to include, but not be limited to, racial and regional biases;

(6) advise and consult with the secretary of corrections and members of the legislature in developing a mechanism to link guidelines sentence practices with correctional resources and policies, including but not limited to the capacities of local and state correctional facilities. Such linkage shall include a review and determination of the impact of the sentencing guidelines on the state's prison population, review of corrections programs and a study of ways to more effectively utilize correction dollars and to reduce prison population;

(7) make recommendations relating to modification to the sentencing guidelines as provided in K.S.A. 21-4725 and amendments thereto;

(8) prepare and submit fiscal impact and correctional resource statement as provided in K.S.A. 1996 Supp. 74-9106 and amendments thereto;

(9) make recommendations to those responsible for developing a working philosophy of sentencing guideline consistency and rationality;

(10) develop prosecuting standards and guidelines to govern the conduct of prosecutors when charging persons with crimes and when engaging in plea bargaining;

(11) analyze problems in criminal justice, identify alternative solutions and make recommendations for improvements in criminal law, prosecution, community and correctional placement, programs, release procedures and related matters including study and recommendations concerning the statutory definition of crimes and criminal penalties and review of proposed criminal law changes;

(12) perform such other criminal justice studies or tasks as may be assigned by the governor or specifically requested by the legislature, department of corrections, the chief justice or the attorney general;

(13) develop a program plan which includes involvement of business and industry in the public or other social or fraternal organizations for admitting back into the mainstream those offenders who demonstrate both the desire and ability to reconstruct their lives during their incarceration or during conditional release; and

(14) appoint a task force to make recommendations concerning the consolidation of probation, parole and community corrections services;

(15) produce official inmate population projections annually on or before six weeks following the date of receipt of the data from the department of corrections. When the commission's projections indicate that the inmate population will exceed available prison capacity within two years of the date of the projection, the commission shall identify and analyze the impact of specific options for (A) reducing the number of prison admissions; or (B) adjusting sentence lengths for specific groups of offenders. Options for reducing the number of prison admissions shall include, but not be limited to, possible modification of both sentencing grids to include presumptive intermediate dispositions for certain categories of offenders. Intermediate sanction dispositions shall include, but not be limited to: intensive supervision; short-term jail sentences; halfway houses; community-based work release; electronic monitoring and house arrest; substance abuse treatment; and pre-revocation incarceration. Intermediate sanction options shall include, but not be limited to, mechanisms to explicitly target offenders that would otherwise be placed in prison. Analysis of each option shall include an assessment of such options impact on the overall size of the prison population, the effect on public safety and costs. In preparing the assessment, the commission shall review the experience of other states and shall review available research regarding the effectiveness of such option. The commission's findings relative to each sentencing policy option shall be presented to the governor and the joint committee on corrections and juvenile justice oversight no later than November 1; and

(16) at the request of the governor or the joint committee on corrections and juvenile justice oversight, initiate and complete an analysis of other sentencing policy adjustments not otherwise evaluated by the commission.

Sec. 5. On and after July 1, 1997, K.S.A. 74-9102 is hereby amended to read as follows: 74-9102. (a) The Kansas sentencing commission shall consist of 13 members, as follows:

(1) The chief justice of the supreme court or the chief justice's designee;

(2) two district court judges appointed by the chief justice of the supreme court;

(3) the attorney general or the attorney general's designee;

(4) one public defender appointed by the governor;

(5) one private defense counsel appointed by the governor;

(6) one county attorney or district attorney appointed by the governor;

(7) the secretary of corrections or the secretary's designee;

(8) the chairperson of the Kansas parole board or such chairperson's designee;

(9) two members of the general public, at least one of whom shall be a member of a racial minority group, appointed by the governor;

(10) a director of a community corrections program appointed by the governor; and

(11) a court services officer appointed by the chief justice of the supreme court. Not more than three members of the commission appointed by the governor shall be of the same political party.

(b) In addition to the members appointed pursuant to subsection (a), four members of the legislature, of which one shall be appointed by the president of the senate, one shall be appointed by the minority leader of the senate, one shall be appointed by the speaker of the house of representatives, and one shall be appointed by the minority leader of the

house of representatives, shall serve as ~~ex officio~~ voting members of the commission. Such ~~ex officio~~ members of the commission shall be non-voting members.

(c) ~~The governor shall appoint a chairperson. The governor shall appoint a chairperson from the two district court judges appointed by the chief justice of the supreme court or the chief justice of the supreme court.~~ The members of the commission appointed pursuant to subsection (a) shall elect any additional officers from among its members necessary to discharge its duties.

(d) The commission shall meet upon call of its chairperson as necessary to carry out its duties under this act.

(e) Each appointed member of the commission shall be appointed for a term of two years and shall continue to serve during that time as long as the member occupies the position which made the member eligible for the appointment. Each member shall continue in office until a successor is appointed and qualifies. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term.

(f) Each member of the commission, including ex officio members appointed pursuant to subsection (b), shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto, except that the public members of the commission shall receive compensation in the amount provided for legislators pursuant to K.S.A. 75-3212, and amendments thereto, for each day or part thereof actually spent on commission activities.

Sec. 6. K.S.A. 75-5291 is hereby amended to read as follows: 75-5291. (a) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services including, but not limited to, restitution programs, victim services programs, preventive or diversionary correctional programs, community corrections centers and facilities for the detention or confinement, care or treatment of adults charged with or convicted of crime or of juveniles being detained or adjudged to be delinquent, miscreant or a juvenile offender except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127.

(b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert offenders from prison.

(2) The secretary shall appoint one member from the southeast community corrections association region, one member from the northeast community corrections association region and one member from the western community corrections association region. The deputy secretary of community corrections and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.

(3) Each member shall be appointed for a term of three years, except of the initial appointments, such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.

(4) The committee, in collaboration with the deputy secretary of community corrections and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:

(A) Efficiencies in the delivery of field supervision services;

(B) offender assignment decisions;

(C) effectiveness and enhancement of existing interventions; and

(D) identification of new interventions.

(5) The committee's report concerning enhanced or new interventions shall address:

(A) A target population;

(B) measurable goals and objectives;

(C) projected costs;

(D) the impact on public safety; and

(E) the evaluation process.

(6) The committee shall submit its report to the secretary annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget re-

(continued)

quest for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.

Sec. 7. K.S.A. 22a-215 is hereby amended to read as follows: 22a-215. The coroner shall cause the body of a deceased person to be delivered to the immediate family or the next of kin of the deceased in accordance with the provisions of K.S.A. 65-904, and amendments thereto. If there is no immediate family or next of kin the coroner shall report and make delivery in accordance with the provisions of article 9 of chapter 65 of Kansas Statutes Annotated. If no such delivery is required, the coroner shall cause the body of such deceased person to be decently buried, and the expenses to be paid from any property found with the body. If there is no property found with the body and if the deceased was eligible for assistance under the provisions of article 7 of chapter 39 of Kansas Statutes Annotated, burial expenses shall be paid in accordance with the provisions of K.S.A. 39-713d, and amendments thereto. Otherwise such burial expenses shall be paid from the county general fund *unless the deceased died in the custody of the secretary of corrections. Burial expenses for the unclaimed bodies of deceased inmates in the custody of the secretary of corrections shall be paid by the department of corrections.*

Any coroner who, over the protest of the immediate family or next of kin of the deceased, delivers or causes to be delivered the body of a deceased person for final disposition to a particular embalmer, funeral director or funeral establishment, shall be deemed guilty of a class B nonperson misdemeanor and upon conviction thereof shall forfeit the coroner's office.

Sec. 8. K.S.A. 65-904 is hereby amended to read as follows: 65-904. (a) ~~Except as provided by subsection (b), if the deceased person during his such person's last sickness of his own accord requests to be buried, or if his burial is provided for under article 3 of chapter 73 of the Kansas Statutes Annotated or acts amendatory thereof or supplemental thereto, the body shall not be surrendered, but shall be buried in the usual manner: Provided, That no body shall be delivered as provided in K.S.A. 65-902a and amendments thereto, if claimed by relatives or friends within seventy-two (72) 72 hours after death, nor shall a body be delivered as provided in K.S.A. 65-902a and amendments thereto unless the person or persons in charge of the deceased at the time of death shall have made diligent search by telegraph and otherwise for relatives or friends; and no response to such inquiry the search has been received within seventy-two (72) 96 hours after such notice: Provided further, the commencement of such search. No dead body received by the department of anatomy of the medical school of the university of Kansas under the provisions of this act shall be dissected prior to ninety (90) 60 days after date of receipt thereof. And provided also, That of the dead body. In case of the remains of any person so delivered and received shall be claimed within ninety (90) 60 days by any relative or friend, they shall be given up to such relative or friend for interment.~~

(b) *The unclaimed body of a deceased inmate in the custody of the secretary of corrections may be cremated at the expense of the department of corrections.*

Sec. 9. K.S.A. 21-3826, 22a-215, 65-904 and 75-5291 are hereby repealed.

Sec. 10. On and after July 1, 1997, K.S.A. 21-3826, as amended by section 2 of this act, 21-3826, as amended by section 26 of chapter 229 of the 1996 Session Laws of Kansas, 74-9102 and K.S.A. 1996 Supp. 74-9101 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 22, 1997.)

#### HOUSE SUBSTITUTE for SENATE BILL No. 69

AN ACT concerning juveniles; amending K.S.A. 20-1a11, 21-3612, as amended by section 25 of chapter 229 of the 1996 Session Laws of Kansas, 22-4701, as amended by section 27 of chapter 229 of the 1996 Session Laws of Kansas, 38-1604, as amended by section 42 of chapter 229 of the 1996 Session Laws of Kansas, 38-1604, as amended by section 46 of this act, 38-1610, as amended by section 50 of chapter 229 of the 1996 Session Laws of Kansas, 38-1618, as amended by section 59 of chapter 229 of the 1996 Session Laws of Kansas, 38-1632, as amended by section 64 of chapter 229 of the 1996 Session Laws of Kansas, 38-1633, as amended by section 65 of chapter 229 of the 1996 Session Laws of Kansas, 38-1636, as amended by section 67 of chapter 229 of the 1996 Session Laws of Kansas, 38-1636, as amended by section 57 of this act, 38-1661, as amended by section 79 of chapter 229 of the 1996 Session Laws of Kansas, 38-1662, as amended by section 80 of chapter 229 of the 1996 Session Laws of Kansas, 38-1674, as amended by section 89 of chapter 229 of the 1996 Session Laws of Kansas, 38-1674, as amended by section 68 of this act, 38-1681, as amended by section 93 of chapter 229 of the 1996 session laws of Kansas, 38-1681, as amended by section 73 of this act, 38-1691, as amended by section 95 of chapter 229 of the 1996 Session Laws of Kansas, 38-16,111, as amended by section 97 of chapter 229 of the 1996 session laws of Kansas, 38-16,111, as amended by section 77 of this act, 72-978, as amended by section 120 of chapter 229 of the 1996 Session Laws of Kansas, 75-5291, 76-2101, as amended by section 140 of chapter 229 of the 1996 Session Laws of Kansas, 76-2101a, as amended by section 141 of chapter 229 of the 1996 Session Laws of Kansas, 76-2101b, as amended by section 142 of chapter 229 of the 1996 Session Laws of Kansas, 76-2125, as amended by section 145 of chapter 229 of the 1996 Session Laws of Kansas, 76-2128, as amended by section 146 of chapter 229 of the 1996 Session Laws of Kansas, 76-2201, as amended by section 147 of chapter 229 of the 1996 Session Laws of Kansas, 76-2201a, as amended by section 148 of chapter 229 of the 1996 Session Laws of Kansas, and 76-2219, as amended by section 149 of chapter 229 of the 1996 Session Laws of Kansas, K.S.A. 1995 Supp. 38-1602, as amended by section 41 of chapter 229 of the 1996 Session Laws of Kansas, 38-1602, as amended by section 44 of this act, 38-1608, as amended by section 48 of chapter 229 of the 1996 Session Laws of Kansas, 38-1611, as amended by section 51 of chapter 229 of the 1996 Session Laws of Kansas, 38-1635, as amended by section 66 of chapter 229 of the 1996 Session Laws of Kansas, 38-1663, as amended by section 81 of chapter 229 of the 1996 Session Laws of Kansas, 38-1652, as amended by section 73 of chapter 229 of the 1996 Session Laws of Kansas, 38-1663, as amended by section 63 of this act, 38-1668, as amended by section 85 of chapter 229 of the 1996 Session Laws of Kansas, 38-1671, as amended by section 86 of chapter 229 of the 1996 Session Laws of Kansas, 38-1673, as amended by section 88 of chapter 229 of the 1996 Session Laws of Kansas, 38-1675, as amended by section 90 of chapter 229 of the 1996 Session Laws of Kansas, 38-1675, as amended by section 70 of this act, 38-1676, as amended by section 91 of chapter 229 of the 1996 Session Laws of Kansas, and 74-9501, as amended by section 127 of chapter 229 of the 1996 Session Laws of Kansas, and K.S.A. 1996 Supp. 21-2511, 21-3413, 28-170, 38-1507, 38-1508, 38-1522, 38-1613, 38-1614, 38-1640, 38-1692, 38-16,126, 38-16,128, 38-1808, 40-1909, 40-19e09, 72-89a02, 74-8810, 75-2935, 75-2935b, 75-6102, 75-6104, 75-6801, 75-7007, 75-7008, 75-7009, 75-7021, 75-7023, 75-7024, 75-7025, 75-7026, 75-7028, 76-6b04, 76-3201 and 79-4803 and repealing the existing sections; also repealing K.S.A. 21-2511, as amended by section 22 of chapter 229 of the 1996 Session Laws of Kansas, 21-3413, as amended by section 23 of chapter 229 of the 1996 Session Laws of Kansas, 21-3611, as amended by section 24 of chapter 229 of the 1996 Session Laws of Kansas, 28-170, as amended by section 28 of chapter 229 of the 1996 Session Laws of Kansas, 38-1613, as amended by section 52 of chapter 229 of the 1996 Session Laws of Kansas, 38-1614, as amended by section 53 of chapter 229 of the 1996 Session Laws of Kansas, 38-1640, as amended by section 71 of chapter 229 of the 1996 Session Laws of Kansas, 38-1672, as amended by section 87 of chapter 229 of the 1996 Session Laws of Kansas, 38-1801, 38-1802, 38-1803, 38-1805, 38-1806, 38-1809, 38-1810, 38-1811, 40-1909, as amended by section 110 of chapter 229 of the 1996 Session Laws of Kansas, and 74-5363, as amended by section 124 of chapter 229 of the 1996 Session Laws of Kansas, K.S.A. 1995 Supp. 38-1692, as amended by section 96 of chapter 229 of the 1996 Session Laws of Kansas, 40-19e09, as amended by section 113 of chapter 229 of the 1996 Session Laws of Kansas, and 74-8810, as amended by section 126 of chapter 229 of the 1996 Session Laws of Kansas and K.S.A. 1996 Supp. 38-1804, 38-1807 and 75-7010.

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

New Section 1. On and after July 1, 1997:

(a) In order to provide technical assistance to communities, help facilitate community collaboration and assist in coordinating a statewide system of community based service providers, pursuant to K.S.A. 75-7024, and amendments thereto, the commissioner of juvenile justice shall appoint a community planning team convener and a community planning team facilitator in each judicial district. The commissioner may appoint a convener and facilitator for a multiple district planning team, if, in the commissioner's opinion, such multiple district planning team best furthers the purposes of the juvenile justice reform act. The convener and facilitator may be compensated by the grant funds. Upon request of the board of county commissioners of any county, the commissioner of juvenile justice may authorize such county to cooperate as a member of a community planning team in a judicial district other than the judicial district in which such county is located. If the corporate limits of a city extend into more than one judicial district and upon request of the board of county commissioners of any county in which such city is located, the commissioner of juvenile justice may authorize such city to participate as

a member of a community planning team of and be included in the plan for the judicial district in which the majority of the population of such city is located.

(b) The community planning team convener shall invite representatives from the following groups and agencies to be a part of the community planning team: The courts, court services, public education, juvenile community correctional services, the county or district attorney, the public defender's office or private defense counsel, law enforcement, juvenile detention, prevention services, health care professionals, mental health services, juvenile intake and assessment, municipal officials, county officials, private service providers, the department of social and rehabilitation services, the business community, the religious community, youth and such other representatives as the convener and commissioner deem necessary. The community planning team convener may invite the entire membership of the corrections advisory board, as established in K.S.A. 75-5297, and amendments thereto, and the juvenile corrections advisory board, as established by section 13, and amendments thereto, to be a part of the community planning team.

(c) The commissioner, or the commissioner's designee shall serve as an ex officio member of each community planning team.

(d) All proceedings of the community planning team and any committee or subcommittee of the team shall be open to the public in accordance with and subject to the provisions of K.S.A. 75-4317 to 75-4320, inclusive, and amendments thereto. The records of the community planning team shall be open to public inspection at all reasonable times.

(e) Between July 1, 1997, and June 30, 1999, the community planning team shall engage in strategic planning to develop programs, services and placement options as are necessary and appropriate for each judicial district's juvenile justice program consistent with planning guidelines developed by the commissioner. The commissioner shall design the planning process to empower communities to develop community-based programs, services and placements sufficient to address juvenile crime and to appropriately provide programs and services to prevent juvenile crime. The commissioner shall develop an action plan to guide implementation of community planning. The action plan shall establish a schedule for the planning process and shall clearly state desired outcomes of the planning process. Before implementation of the community planning process, the commissioner shall submit the proposed action plan to the joint committee on corrections and juvenile justice oversight for review. The commissioner shall also provide such committee with regular progress reports on the status of the planning process. The primary purposes of the community planning process shall be to:

(1) Foster collaboration among stakeholders in the juvenile justice system;

(2) accurately assess community risk factors affecting juveniles;

(3) determine community priorities to respond to juvenile crime and the risk factors affecting juveniles;

(4) develop programs, services and placements, with sufficient capacity, to appropriately hold juvenile offenders in the community accountable for behavior which violates the law;

(5) provide communities with assistance in developing juvenile justice programs which respond to community needs and priorities and which are capable of achieving desired outcomes, and in identifying resources necessary to provide such programs;

(6) encourage the staffing of juvenile justice programs with appropriately trained personnel; and

(7) provide communities with technical assistance, as needed, to achieve desired planning outcomes.

(f) The commissioner shall provide training and expertise for communities during the strategic planning process of the community planning team.

(g) On July 1, 1999, each judicial district, multiple judicial district or judicial districts and cities and counties cooperating pursuant to subsection (a) shall have developed and be prepared to implement a juvenile justice program. On or before June 30, 1999, such program shall be accredited by the commissioner pursuant to rules and regulations adopted by the commissioner.

(h) Each juvenile justice program shall include, but not be limited to, local prevention services, juvenile intake and assessment, juvenile detention and attendant care, immediate intervention programs, aftercare services, graduated sanctions programs, probation programs, conditional release programs, sanctions for violations of probation terms or programs,

sanctions for violations of conditional release programs and out-of-home placements.

(i) Each juvenile justice program shall demonstrate that in the judicial district is a continuum of community based placement options with sufficient capacity to accommodate community needs.

(j) Each juvenile justice program shall participate in the juvenile justice information system, intake and assessment system and the utilization of a standardized risk assessment data.

(k) (1) There is hereby created in the state treasury a juvenile justice community planning fund. Money credited to the fund shall be used solely for the purpose of making grants to community planning teams, as established in this section, to assist with the community planning process of determining juvenile justice programs for the judicial district.

(2) All expenditures from the juvenile justice community planning fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of juvenile justice or by a person or persons designated by the commissioner.

(3) The commissioner of juvenile justice may apply for, receive and accept money from any source for the purposes for which money in the juvenile justice community planning fund may be expended. Upon receipt of any such money, the commissioner shall remit the entire amount at least monthly to the state treasurer, who shall deposit it in the state treasury and credit it to the juvenile justice community planning fund.

(4) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the juvenile justice community planning fund interest earnings based on:

(A) The average daily balance of moneys in the juvenile justice community planning fund for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

(l) (1) There is hereby created in the state treasury a juvenile justice community initiative fund. Money credited to the fund shall be used solely for the purpose of making grants to communities to assist in supporting field services, case management services and juvenile justice programs, services and placements in the judicial district.

(2) All expenditures from the juvenile justice community initiative fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of juvenile justice or by a person or persons designated by the commissioner.

(3) The commissioner of juvenile justice may apply for, receive and accept money from any source for the purposes for which money in the juvenile justice community initiative fund may be expended. Upon receipt of any such money, the commissioner shall remit the entire amount at least monthly to the state treasurer, who shall deposit it in the state treasury and credit it to the juvenile justice community initiative fund.

(4) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the juvenile justice community initiative fund interest earnings based on:

(A) The average daily balance of moneys in the juvenile justice community initiative fund for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

New Sec. 2. On and after July 1, 1997:

(a) The supreme court may establish a supervision fee schedule to be charged a juvenile offender, or the parent or guardian of such juvenile offender, if the juvenile offender is under the age of 18, for services rendered the juvenile who is:

(1) Placed on probation;

(2) placed in juvenile community correctional services;

(3) placed in a community placement;

(4) placed on conditional release pursuant to K.S.A. 38-1673, and amendments thereto; or

(5) using any other juvenile justice program available in the judicial district.

(b) The supervision fee established by this section shall be charged and collected by the clerk of the district court.

(c) All moneys collected by this section shall be paid into the county general fund and used to fund community juvenile justice programs.

(d) The juvenile offender shall not be eligible for early release from supervision unless the supervision fee has been paid.

(continued)

(e) An annual report shall be filed with the commissioner of juvenile justice from every judicial district concerning the supervision fees. The report shall include figures concerning: (1) The amount of supervision fees ordered to be paid; (2) the amount of supervision fees actually paid; and (3) the amount of expenditures and to whom such expenditures were paid.

(f) The court may waive all or part of the supervision fee established by this section upon a showing that such fee will result in an undue hardship to such juvenile offender or the parent or guardian of such juvenile offender.

**New Sec. 3.** On and after July 1, 1997:

(a) Except as otherwise provided by sections 3 through 6, and amendments thereto, all of the powers, duties and functions of the department of corrections and the secretary of corrections concerning juvenile community correctional services are hereby transferred to and conferred and imposed upon the juvenile justice authority and the commissioner of juvenile justice established by K.S.A. 1996 Supp. 75-7001, and amendments thereto.

(b) Except as otherwise provided by sections 3 through 6, and amendments thereto, the juvenile justice authority and the commissioner of juvenile justice shall be the successor in every way to the powers, duties and functions of the department of corrections and the secretary of corrections concerning juvenile community correctional services in which the same were vested prior to the effective date of this section. Every act performed in the exercise of such powers, duties and functions by or under the authority of the juvenile justice authority or the commissioner of juvenile justice concerning juvenile community correctional services established by sections 3 through 6, and amendments thereto, shall be deemed to have the same force and effect as if performed by the department of corrections or the secretary of corrections, respectively, in which such powers, duties and functions were vested prior to the effective date of this section.

(c) Except as otherwise provided by sections 3 through 6, and amendments thereto, whenever the department of corrections, or words of like effect concerning juvenile community correctional services, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the juvenile justice authority.

(d) Except as otherwise provided by sections 3 through 6, and amendments thereto, whenever the secretary of corrections, or words of like effect concerning juvenile community correctional services, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the commissioner of juvenile justice.

(e) All rules and regulations of the department of corrections or the secretary of corrections concerning juvenile community correctional services in existence on the effective date of this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the commissioner of juvenile justice until revised, amended, revoked or nullified pursuant to law.

(f) All orders and directives of the department of corrections or the secretary of corrections concerning juvenile community correctional services in existence on the effective date of this section shall continue to be effective and shall be deemed to be orders and directives of the juvenile justice authority until revised, amended or nullified pursuant to law.

(g) On the effective date of this section, the juvenile justice authority shall succeed to whatever right, title or interest the department of corrections has acquired in any real property concerning juvenile community correctional services in this state, and the authority shall hold the same for and in the name of the state of Kansas. On and after the effective date of this section, whenever any statute, contract, deed or other document concerns the power or authority of the department of corrections or the secretary of corrections concerning juvenile community correctional services to acquire, hold or dispose of real property or any interest therein, the juvenile justice authority shall succeed to such power or authority.

(h) The juvenile justice authority and the commissioner of juvenile justice shall be continuations of the department of corrections and the secretary of corrections concerning juvenile community correctional services.

**New Sec. 4.** On and after July 1, 1997:

(a) When any conflict arises as to the disposition of any power, function or duty or the unexpended balance of any appropriation as a result of any abolition, transfer, attachment or change made by or under au-

thority of sections 3 through 6, and amendments thereto, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The juvenile justice authority shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions transferred to the juvenile justice authority. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer or attachment of any state agency, or all or part of the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

**New Sec. 5.** On and after July 1, 1997:

(a) The juvenile justice authority shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the department of corrections concerning juvenile community correctional services and any agency or office transferred thereto under sections 3 through 6, and amendments thereto.

(b) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency mentioned in sections 3 through 6, and amendments thereto, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of sections 3 through 6, and amendments thereto. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(c) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of sections 3 through 6, and amendments thereto.

**New Sec. 6.** (a) On and after July 1, 1997, the balance of all funds appropriated and reappropriated to the department of corrections concerning juvenile community correctional services is hereby transferred to the juvenile justice authority and shall be used only for the purpose for which the appropriation was originally made.

(b) On and after July 1, 1997, the liability for all accrued compensation or salaries of officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the department of corrections concerning juvenile community correctional services, or who become a part of the juvenile justice authority, or the powers, duties and functions of which are transferred to the juvenile justice authority provided for by sections 3 through 6, and amendments thereto, shall be assumed and paid by the juvenile justice authority.

**New Sec. 7.** On and after July 1, 1997, the commissioner of juvenile justice may make grants from the juvenile justice community initiative fund, created in section 1, and amendments thereto, to counties for the development, implementation, operation and improvement of juvenile community correctional services including, but not limited to, restitution programs, victim services programs, balanced and restorative justice programs, preventive or diversionary correctional programs, community juvenile corrections centers and facilities for the detention or confinement, care or treatment of juveniles being detained or adjudged to be a juvenile offender.

**New Sec. 8.** On and after July 1, 1997:

(a) Subject to the other provisions of sections 7 through 22, and amendments thereto, each county may qualify to receive grants under sections 7 through 22, and amendments thereto, by complying with the provisions of section 21, and amendments thereto.

(b) Subject to the requirements of centralized administration and control of correctional services under section 21, and amendments thereto, and the provisions of agreements between cooperating counties under subsection (c), the respective board of county commissioners shall retain all authority for the expenditure of moneys, including grants received under sections 7 through 22, and amendments thereto, and for the implementation of and the operations under the comprehensive plan approved by the commissioner of juvenile justice. The comprehensive plan shall be reviewed and approved by the board of county commissioners of each county to which the plan pertains prior to submission to the commissioner of juvenile justice for approval.

(c) The boards of county commissioners of all counties cooperating together to establish a juvenile corrections advisory board and to adopt a comprehensive plan pursuant to sections 7 through 22, and amendments thereto, may enter into cooperative agreements to qualify their respective counties for grants under sections 7 through 22, and amendments thereto.

Such counties shall cooperate and enter into such agreements for all purposes of sections 7 through 22, and amendments thereto, in the manner prescribed by K.S.A. 12-2901 through 12-2907, and amendments thereto, to the extent that those statutes do not conflict with the provisions of sections 7 through 22, and amendments thereto.

**New Sec. 9.** On and after July 1, 1997, in order to assist a county or group of cooperating counties which has established a juvenile corrections advisory board but which does not have a comprehensive plan which has been approved by the commissioner of juvenile justice and which requires financial aid to defray all or part of the expenses incurred by juvenile corrections advisory board members in discharging their official duties pursuant to section 16, and amendments thereto, the commissioner of juvenile justice, upon receipt of resolutions by the board or boards of county commissioners, or the administrative authority established by cooperating counties, certifying the need for and inability to pay such expenses, shall pay monthly to the county or counties an amount determined by the commissioner based on existing experience of other juvenile corrections advisory boards.

**New Sec. 10.** On and after July 1, 1997:

(a) In accordance with K.S.A. 77-415 et seq., and amendments thereto, the commissioner of juvenile justice shall adopt rules and regulations necessary for the implementation and administration of sections 7 through 22, and amendments thereto, and as prescribed by those sections. The commissioner of juvenile justice shall provide consultation and technical assistance to counties and juvenile corrections advisory boards to aid them in the development of comprehensive plans under sections 7 through 22, and amendments thereto.

(b) Sections 7 through 22, and amendments thereto, shall be administered by the commissioner of juvenile justice or by officers and employees of the juvenile justice authority designated by the commissioner to the extent that authority to do so is delegated by the commissioner, except that the authority to adopt rules and regulations under sections 7 through 22, and amendments thereto, shall not be delegated.

**New Sec. 11.** On and after July 1, 1997, for the purposes of sections 7 through 22, and amendments thereto, and to provide for the correctional services described in section 7, and amendments thereto, a county or group of cooperating counties, through their boards of county commissioners, or administrative bodies established by cooperating counties, may:

(a) Acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and equipment necessary and incidental to such purposes;

(b) enter into contracts, which are necessary and incidental to such purposes;

(c) determine and establish the administrative structure best suited to the efficient administration and delivery of such correctional services;

(d) employ a director and such other officers, employees, and agents as deemed necessary to carry out the provisions of sections 7 through 22, and amendments thereto;

(e) make grants in accordance with the comprehensive plan of funds provided by grant payments under section 19, and amendments thereto, to corporations organized not for profit, for development, operation and improvement of such correctional services; and

(f) use unexpended funds, accept gifts, grants and subsidies from any lawful source, and apply for, accept and expend federal funds.

**New Sec. 12.** On and after July 1, 1997:

(a) Except as provided in section 9, and amendments thereto, no county shall be qualified to receive grants under sections 7 through 22, and amendments thereto, unless and until the comprehensive plan for such county, or the group of counties with which such county is cooperating, is approved by the commissioner of juvenile justice.

(b) The commissioner of juvenile justice shall adopt rules and regulations establishing additional requirements for receipt of grants under sections 7 through 22, and amendments thereto, standards for the operation of the correctional services described in section 7, and amendments thereto, and standards for performance evaluation of the correctional services described in section 7, and amendments thereto. In order to remain eligible for grants the county or group of cooperating counties shall substantially comply with the operating standards established by the commissioner of juvenile justice.

(c) The commissioner of juvenile justice shall review annually the comprehensive plans submitted by a county or group of cooperating

counties and the facilities and programs operated under such plans. The commissioner of juvenile justice is authorized to examine books, records, facilities and programs for purposes of recommending needed changes or improvements.

(d) In reviewing the comprehensive plan or any annual recommendations or revisions thereto, the commissioner of juvenile justice shall limit the scope of the review of the juvenile corrections advisory board's statement of priorities, needs, budget, policies and procedures, to the determination that such statement does not directly conflict with rules and regulations and operating standards adopted pursuant to subsection (b) and sections 7 through 22, and amendments thereto.

(e) When the commissioner of juvenile justice determines that there are reasonable grounds to believe that a county or group of cooperating counties is not in substantial compliance with the minimum operating standards adopted pursuant to this section, at least 30 days' notice shall be given the county or to each county in the group of cooperating counties and a hearing shall be held in accordance with the provisions of the Kansas administrative procedure act to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. If the commissioner of juvenile justice determines at such hearing that there is not substantial compliance or satisfactory progress being made toward compliance, the commissioner of juvenile justice may suspend all or a portion of any grant under sections 7 through 22, and amendments thereto, until the required standards of operation have been met.

**New Sec. 13.** On and after July 1, 1997:

(a) Subject to the other provisions of this section, each juvenile corrections advisory board established under sections 7 through 22, and amendments thereto, shall consist of 12 or more members who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services and the general public and shall be appointed as follows:

(1) The law enforcement representatives shall be:

(A) The sheriff or, if two or more counties are cooperating, the sheriff selected by the sheriffs of those counties, or the designee of that sheriff; and

(B) the chief of police of the city with the largest population at the time the board is established or, if two or more counties are cooperating, the chief of police selected by the chiefs of police of each city with the largest population in each county at the time the board is established, or the designee of that chief of police, except that for purposes of this paragraph in the case of a county having consolidated law enforcement and not having a sheriff or any chiefs of police, "sheriff" means the law enforcement director and "chief of police of the city with the largest population" or "chief of police" means a law enforcement officer, other than the law enforcement director, appointed by the county law enforcement agency for the purposes of this section;

(2) the prosecution representative shall be the county or district attorney or, if two or more counties are cooperating, a county or district attorney selected by the county and district attorneys of those counties, or the designee of that county or district attorney;

(3) the judiciary representative shall be the judge of the district court of the judicial district, who is assigned the juvenile court docket or the judge who is assigned most juvenile court cases, or if there is more than one judge in the judicial district who is assigned the juvenile court docket, the administrative judge of such judicial district shall appoint one of the judges who is assigned the juvenile court docket, containing the county or group of counties or, if two or more counties in two or more judicial districts are cooperating, the judge of each such judicial district, who is assigned the juvenile court docket or the judge who is assigned most juvenile court cases, or if there is more than one judge in the judicial district who is assigned the juvenile court docket, the administrative judge of such judicial district shall appoint one of the judges who is assigned the juvenile court docket;

(4) the education representative shall be an educational professional appointed by the board of county commissioners of the county or, if two or more counties are cooperating, by the boards of county commissioners of those counties;

(5) a court services officer designated by the judge of the district court of the judicial district, who is assigned the juvenile court docket or the judge who is assigned most juvenile court cases, or if there is more than one judge in the judicial district who is assigned the juvenile court docket, the administrative judge of such judicial district shall appoint one

(continued)

of the judges who is assigned the juvenile court docket, containing the county or group of counties or, if counties in two or more judicial districts are cooperating, a court services officer designated by the judges of those judicial districts, who are assigned the juvenile court docket or the judges who are assigned most juvenile court cases;

(6) an executive director of the community mental health center or such director's designee or in the absence of such position, the board of county commissioners of the county shall appoint or, if two or more counties are cooperating, the boards of county commissioners of those counties shall together appoint a representative of mental health service providers for juveniles in such county or counties;

(7) the board of county commissioners of the county shall appoint or, if two or more counties are cooperating, the boards of county commissioners of those counties shall together appoint three additional members of the juvenile corrections advisory board or, if necessary, additional members so that each county which is not otherwise represented on the board is represented by at least one member of such board; and

(8) three members of the juvenile corrections advisory board shall be appointed by cities located within the county or group of cooperating counties as follows:

(A) If there are three or more cities of the first class, the governing body of each of the three cities of the first class having the largest populations shall each appoint one member;

(B) if there are two cities of the first class, the governing body of the larger city of the first class shall appoint two members and the governing body of the smaller city of the first class shall appoint one member;

(C) if there is only one city of the first class, the governing body of such city shall appoint all three members; and

(D) if there are no cities of the first class, the governing body of each of the three cities having the largest populations shall each appoint one member.

(b) If possible, of the members appointed by the boards of county commissioners in accordance with subsection (a)(6) and by the governing bodies of cities in accordance with subsection (a)(7), members shall be representative of one or more of the following:

- (1) Public or private social service agencies;
- (2) ex-offenders;
- (3) the health care professions; and
- (4) the general public.

(c) At least two members of each juvenile corrections advisory board shall be representative of ethnic minorities and no more than  $\frac{3}{5}$  of the members of each board shall be members of the same gender.

(d) In lieu of the provisions of subsections (a) through (c), a group of cooperating counties as provided in subsection (a)(2) of section 21, and amendments thereto, may establish a juvenile corrections advisory board which such board's membership shall be determined by such group of counties through cooperative action pursuant to the provisions of K.S.A. 12-2901 through 12-2907, and amendments thereto, to the extent that those statutes do not conflict with the provisions of sections 7 through 22, and amendments thereto, except that if two or more counties in two or more judicial districts are cooperating, the administrative judge of each such judicial district, or a judge of the district court designated by each such administrative judge shall be a member of such board. In determining the membership of the juvenile corrections advisory board pursuant to this subsection, such group of counties shall appoint members who are representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services and the general public. Any juvenile corrections advisory board established and the membership determined pursuant to this subsection shall be subject to the approval of the commissioner of juvenile justice.

(e) In lieu of the provisions of subsections (a) through (d) and subject to the approval of the commissioner of juvenile justice, any county may designate the corrections advisory board, as established in K.S.A. 75-5297, and amendments thereto, as such county's juvenile corrections advisory board. For the purposes of sections 7 through 22, and amendments thereto, if a county designates the corrections advisory board as provided by this subsection, membership on such board shall be expanded to comply with the requirements of subsection (a).

**New Sec. 14.** On and after July 1, 1997:

(a) Members of a juvenile corrections advisory board initially appointed pursuant to subsections (a)(1) through (a)(4) of section 13, and amendments thereto, shall serve for terms expiring on June 30, 2000. Members of a juvenile corrections advisory board initially appointed pur-

suant to subsections (a)(5) and (a)(7) of section 13, and amendments thereto, shall serve for terms expiring on June 30, 1999. Members of a juvenile corrections advisory board initially appointed pursuant to subsections (a)(6) and (a)(8) of section 13, and amendments thereto, of shall serve for terms expiring on June 30, 1998. After such initial appointments, members shall serve for terms of three years and until their successors are appointed and qualified. All vacancies in a juvenile corrections advisory board shall be filled for the unexpired term in the manner that the position was originally filled. Each juvenile corrections advisory board shall elect its own officers.

(b) All proceedings of the juvenile corrections advisory board and any committee or subcommittee of the board shall be open to the public in accordance with and subject to the provisions of K.S.A. 75-4317 to 75-4320, inclusive, and amendments thereto. All votes of members of the juvenile corrections advisory board shall be recorded and shall become matters of public record.

(c) The juvenile corrections advisory board shall promulgate and implement rules concerning the conduct of proceedings and attendance of members at board meetings.

**New Sec. 15.** On and after July 1, 1997, juvenile corrections advisory boards established under the provisions of sections 7 through 22, and amendments thereto, shall actively participate in the formulation of the comprehensive plan for the development, implementation and operation of the juvenile correctional services described in section 7, and amendments thereto, in the county or group of cooperating counties, and shall make a formal recommendation to the board or boards of county commissioners at least annually concerning the comprehensive plan and its implementation and operation during the ensuing year.

**New Sec. 16.** On and after July 1, 1997, any comprehensive plan submitted pursuant to sections 7 through 22, and amendments thereto, may include the purchase of selected juvenile correctional services by contract, including the purchase of services for the temporary detention and confinement of juvenile offenders. The commissioner of juvenile justice shall annually determine the costs of the purchase of services under this section and deduct them from the grant payable to the county or, in the case of cooperating counties, the grants payable to the counties. In no case shall the charges for juvenile correctional services under such contract with the state exceed in cost the amount of the grant the county is eligible for or, in the case of cooperating counties, the total amount of the grants the counties are eligible to receive under sections 7 through 22, and amendments thereto.

**New Sec. 17.** On and after July 1, 1997:

(a) The comprehensive plan submitted to the commissioner of juvenile justice for approval shall include those items prescribed by rules and regulations adopted by the commissioner, which may require the inclusion of the following:

- (1) A program for the detention, supervision and treatment of persons under pretrial detention or under commitment;
- (2) delivery of other correctional services defined in section 7, and amendments thereto; and
- (3) proposals for new facilities, programs and services, which proposals must include a statement of the need, purposes and objectives of the proposal and the administrative structure, staffing pattern, staff training, financing, degree of community involvement and client participation which are planned for the proposal.

(b) In addition to the foregoing requirements made by this section, each county or group of counties shall be required to develop and implement a procedure for the review by the juvenile corrections advisory board and the board or boards of county commissioners of new program applications and other matters proposed to be included under the comprehensive plan and for the manner in which juvenile corrections advisory board action shall be taken thereon. A description of this procedure shall be made available to members of the public upon request.

**New Sec. 18.** On and after July 1, 1997:

(a) Except as provided in section 9, and amendments thereto, each grant under sections 7 through 22, and amendments thereto, shall be expended by the county receiving it for juvenile community correctional services as described in section 7, and amendments thereto, in addition to the amount required to be expended by such county under this section. Each calendar year in which a county receives grant payments under section 19, and amendments thereto, the county shall make expenditures for correctional services as described in section 7, and amendments

thereto, from any funds other than from grants under sections 7 through 22, and amendments thereto, in an amount equal to or exceeding the amount of base year juvenile corrections expenditures as determined by the commissioner of juvenile justice.

(b) The commissioner of juvenile justice shall audit and determine the amount of the expenditures for juvenile correctional services as described in section 7, and amendments thereto, of each county applying for a grant as provided in section 22, and amendments thereto.

(c) In any case where a county receiving a grant does not make expenditures for juvenile correctional services from funds other than from grants under sections 7 through 22, and amendments thereto, as required by this section, the grant to such county for the next ensuing calendar year shall be reduced by an amount equal to the amount by which such county failed to make such required amount of expenditures.

(d) The commissioner of juvenile justice may provide, by rules and regulations, procedures for the following, as determined by the commissioner to further the purposes of sections 7 through 22, and amendments thereto:

(1) The transfer, to one or more other counties, of any portion of a county's annual grant which is not included in such county's program budget for the current program year; and

(2) the transfer, to one or more other counties, of any portion of a county's annual grant which remains unused at the end of such county's program year and is not included in such county's program budget for the ensuing program year.

(e) Except as otherwise provided pursuant to subsection (d), if a county does not expend the full amount of the grant received for any one year under the provisions of sections 7 through 22, and amendments thereto, the county shall retain the unexpended amount of the grant for expenditure for juvenile correctional services as described in section 7, and amendments thereto, during any ensuing calendar year. The commissioner of juvenile justice shall reduce the grant for the ensuing calendar year by an amount equal to the amount of the previous year's grant which was not expended and was retained by the county, unless the commissioner finds that the amount so retained is needed for and will be expended during the ensuing calendar year for expenditures under the applicable comprehensive plan.

New Sec. 19. On and after July 1, 1997:

(a) Upon compliance by a county or group of counties with the requirements for receipt of the grants authorized by sections 7 through 22, and amendments thereto, and approval of the comprehensive plan by the commissioner of juvenile justice and the Kansas advisory group on juvenile justice and delinquency prevention, the commissioner shall determine the amount of the annual grant to each such county and, commencing on the next ensuing January 1 or July 1 after approval of the comprehensive plan, shall proceed to pay such grant in equal semiannual payments in accordance with and subject to sections 7 through 22, and amendments thereto, applicable rules and regulations, and the provisions of appropriation acts.

(b) Within 10 days after the end of each calendar quarter, each county receiving semiannual grant payments under sections 7 through 22, and amendments thereto, shall submit to the commissioner of juvenile justice certified statements detailing the amounts expended and costs incurred for the juvenile correctional services described in section 7, and amendments thereto. Upon receipt of such certified statements, the commissioner shall determine whether each such county is in compliance with the expenditure and operation standards prescribed under sections 7 through 22, and amendments thereto, for such services and shall determine the semiannual payment amount each such county is entitled to receive after making any adjustments for reductions or charges as required by or in accordance with sections 7 through 22, and amendments thereto, and applicable rules and regulations.

(c) Semiannual grant payments for counties entitled thereto under sections 7 through 22, and amendments thereto, shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of juvenile justice or by a person or persons designated by the commissioner to the county treasurers of such counties.

New Sec. 20. On and after July 1, 1997:

(a) The commissioner of juvenile justice may contract for any juvenile correctional services described in section 7, and amendments thereto, from any county or group of cooperating counties which are receiving grants under sections 7 through 22, and amendments thereto.

(b) Any county may contract for any juvenile correctional services described in section 7, and amendments thereto, from any county or group of cooperating counties which are receiving grants under sections 7 through 22, and amendments thereto, regardless of whether such county or group of counties is in the same judicial district as the county contracting for such services.

New Sec. 21. On and after July 1, 1997:

(a) Before July 1, 1999, each county in this state, based on the recommendation from the administrative judge of the judicial district in which each such county is located as provided in subsection (b), shall have:

(1) Established a juvenile corrections advisory board in accordance with section 13, and amendments thereto, and adopted a comprehensive plan for the development, implementation, operation and improvement of the juvenile correctional services described in section 7, and amendments thereto which has been approved by the commissioner of juvenile justice and which, in addition to such matters as are prescribed by rules and regulations of the commissioner, provides for centralized administration and control of the juvenile correctional services under such plan;

(2) entered into an agreement with a group of cooperating counties to establish a regional or multi-county community juvenile correctional services program; established a juvenile corrections advisory board in accordance with section 13, and amendments thereto; and adopted a comprehensive plan for the development, implementation, operation and improvement of the juvenile correctional services described in section 7, and amendments thereto, which has been approved by the commissioner of juvenile justice and which, in addition to such matters as are prescribed by rules and regulations of the commissioner, provides for centralized administration and control of the juvenile correctional services under such plan. Such group of counties may comply with the provisions of this subsection through cooperative action pursuant to the provisions of K.S.A. 12-2901 through 12-2907, and amendments thereto, to the extent that those statutes do not conflict with the provisions of sections 7 through 22, and amendments thereto; or

(3) contracted for juvenile correctional services described in section 7, and amendments thereto, from any county or group of cooperating counties, as provided in section 20, and amendments thereto, which are receiving grants under sections 7 through 22, and amendments thereto.

(b) Before September 15, 1998, the administrative judge in each judicial district shall make a recommendation to the board of county commissioners in each county in such judicial district which has not established a program to provide for the juvenile correctional services described in section 7, and amendments thereto, as to which option provided in subsection (a) each such county in such judicial district should choose to comply with the provisions of sections 7 through 22, and amendments thereto.

New Sec. 22. On and after July 1, 1997:

(a) On or before each March 15, each county or group of counties applying to receive a grant shall submit a budget request to the commissioner. On or before each July 1, the commissioner of juvenile justice and the Kansas advisory group on juvenile justice and delinquency prevention shall determine annually the amount of the grant for the ensuing fiscal year for each county or group of counties which has qualified to receive grants as provided in this section.

(b) The determination of the grant of a county or group of counties by the commissioner shall consider, but not be limited to, the following criteria based on measurable performances: staffing levels justified by active cases under supervision; one-time expenditures such as renovation or construction costs, major equipment purchases or capital acquisitions; administrative costs; funded contracts for services; client numbers; case-load projections; travel costs outside the program area; and existing experience of similar programs.

New Sec. 23. On and after July 1, 1999: (a) For the purpose of sentencing juvenile offenders, the following placements may be applied by the judge in felony or misdemeanor cases for offenses committed on or after July 1, 1999. If used, the court shall establish a specific term of commitment.

(1) *Violent Offenders.* (A) The violent offender I is defined as an offender adjudicated as a juvenile offender if the offense, if committed by an adult, would be an off-grid felony. Offenders in this category may

(continued)

be committed to a juvenile correctional facility for a minimum term of 60 months and up to a maximum term of the offender reaching the age of 22 years, six months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of the offender reaching the age of 23 years.

(B) The violent offender II is defined as an offender adjudicated as a juvenile offender if the offense, if committed by an adult, would be a nondrug level 1, 2 or 3 person felony. Offenders in this category may be committed to a juvenile correctional facility for a minimum term of 24 months and up to a maximum term of the offender reaching the age 22 years, six months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of the offender reaching the age 23 years.

(2) *Serious Offenders.* (A) The serious offender I is defined as an offender adjudicated as a juvenile offender if the offense, if committed by an adult, would be a nondrug severity level 4, 5 or 6 person felony or a severity level 1 or 2 drug felony. Offenders in this category may be committed to a juvenile correctional facility for a minimum term of 18 months and up to a maximum term of 36 months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of 24 months.

(B) The serious offender II is defined as an offender adjudicated as a juvenile offender if the offense, if committed by an adult, would be a nondrug severity level 7, 8, 9 or 10 person felony with one prior felony adjudication. Offenders in this category may be committed to a juvenile correctional facility for a minimum term of nine months and up to a maximum term of 18 months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of 24 months.

(3) *Chronic Offenders.* (A) The chronic offender I, chronic felon is defined as an offender adjudicated as a juvenile offender if the offense, if committed by an adult, would be a:

- (i) One present nonperson felony adjudication and two prior felony adjudications; or
- (ii) one present severity level 3 drug felony adjudication and two prior felony adjudications.

Offenders in this category may be committed to a juvenile correctional facility for a minimum term of six months and up to a maximum term of 18 months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of 12 months.

(B) The chronic offender II, escalating felon is defined as an offender adjudicated as a juvenile offender if the offense, if committed by an adult, would be a:

- (i) One present felony adjudication and two prior misdemeanor adjudications;
- (ii) one present felony adjudication and two prior severity level 4 drug adjudications;
- (iii) one present severity level 3 drug felony adjudication and two prior misdemeanor adjudications; or
- (iv) one present severity level 3, drug felony adjudication and two prior severity level 4 drug adjudications.

Offenders in this category may be committed to a juvenile correctional facility for a minimum term of six months and up to a maximum term of 18 months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of 12 months.

(C) The chronic offender III, escalating misdemeanor is defined as an offender adjudicated as a juvenile offender if the offense, if committed by an adult, would be a:

- (i) One present misdemeanor adjudication and two prior misdemeanor adjudications and two out-of-home placement failures;
- (ii) one present misdemeanor adjudication and two prior severity level 4 drug felony adjudications and two out-of-home placement failures;
- (iii) one present severity level 4 drug felony adjudication and two prior misdemeanor adjudications and two out-of-home placement failures; or
- (iv) one present severity level 4 drug felony adjudication and two prior severity level 4 felony adjudications and two out-of-home placement failures.

Offenders in this category may be committed to a juvenile correctional facility for a minimum term of three months and up to a maximum term of six months. The aftercare term for this offender is set at a minimum term of three months and up to a maximum term of six months.

(4) *Conditional Release Violators.* Conditional release violators may be committed for a minimum term of three months and up to a maximum

term of six months. The aftercare term for this offender is set at a minimum term of two months and up to a maximum term of six months, or the maximum term of the original aftercare term, whichever is longer.

(b) As used in this section: (1) "Placement failure" means a juvenile offender has been placed out-of-home on probation in a community placement accredited by the commissioner in a juvenile offender case and the offender has significantly violated the terms of probation in that case.

(2) "Adjudication" includes out-of-state juvenile adjudications. An out-of-state offense which if done by an adult would constitute the commission of a felony or misdemeanor shall be classified as either a felony or a misdemeanor according to the adjudicating jurisdiction. If an offense which if done by an adult would constitute the commission of a felony is a felony in another state, it will be counted as a felony in Kansas. The state of Kansas shall classify the offense, which if done by an adult would constitute the commission of a felony or misdemeanor, as person or non-person. In designating such offense as person or nonperson, comparable offenses shall be referred to. If the state of Kansas does not have a comparable offense, the out-of-state adjudication shall be classified as a non-person offense.

(c) All appropriate community placement options shall have been exhausted before such juvenile offender shall be placed in a juvenile correctional facility. A court finding shall be made acknowledging that appropriate community placement options have been pursued and no such option is appropriate.

(d) The commissioner shall work with the community to provide ongoing support and incentives for the development of additional community placements to ensure that the chronic offender III, escalating misdemeanor sentencing category is not frequently utilized.

New Sec. 24. On and after July 1, 1999:

(a) For purposes of determining release of a juvenile offender for an offense committed on or after July 1, 1999, a system shall be developed whereby good behavior by juvenile offenders is the expected norm and negative behavior will be punished.

(b) The commissioner of juvenile justice is hereby authorized to adopt rules and regulations to carry out the provisions of this section regarding good time calculations. Such rules and regulations shall provide circumstances upon which a juvenile offender may earn good time credits through participation in programs which may include, but not be limited to, education programs, work participation, treatment programs, vocational programs, activities and behavior modification. Such good time credits may also include the juvenile offender's willingness to examine and confront the past behavior patterns that resulted in the commission of the juvenile's offense.

(c) If the placement sentence established in section 23, and amendments thereto, is used by the court, the juvenile offender shall serve no less than the minimum term authorized under the specific category of such placement sentence.

New Sec. 25. On and after July 1, 1999:

(a) The commissioner of juvenile justice may petition the court to modify the placement sentence established in section 23, and amendments thereto, after a juvenile offender has served the minimum term indicated by the placement sentence, based upon program completion, positive behavior modification and progress made.

(b) If the court grants the modification, the sentence shall be shortened, and the term of aftercare that was pronounced at sentencing shall commence.

(c) If the court does not grant the modification, the juvenile's attorney may petition for modification and a formal hearing shall be granted.

(d) The aftercare supervisor may petition the court for early discharge, extension or revocation from conditional release or aftercare.

New Sec. 26. On and after July 1, 1997, the name of the youth center at Larned is hereby changed to the Larned juvenile correctional facility. On and after July 1, 1997, any reference to the youth center at Larned, or words of like effect, in any statutes, contract or other document shall be deemed to apply to the Larned juvenile correctional facility. The Larned juvenile correctional facility shall be under the supervision and control of the commissioner of juvenile justice in accordance with K.S.A. 1996 Supp. 76-3203, and amendments thereto. All juvenile offenders placed in the Larned juvenile correctional facility shall be subject to the laws applicable to any other juvenile correctional facility, as defined by K.S.A. 38-1602, and amendments thereto.

New Sec. 27. On July 1, 1997, the corporation for change established by K.S.A. 38-1803 is hereby abolished.

New Sec. 28. On and after July 1, 1997:

(a) Whenever the corporation for change, or words of like effect, is referred to or designated by a statute, contract or other document, and such reference relates to the family and children trust account of the family and children investment fund, such reference or designation shall be deemed to apply to the department of social and rehabilitation services.

(b) Whenever the executive director or the chairperson of the board of directors of the corporation for change, or words of like effect, is referred to or designated by a statute, contract or other document, and such reference relates to the family and children trust account of the family and children investment fund, such reference or designation shall be deemed to apply to the secretary of social and rehabilitation services.

(c) All orders and directives of the corporation for change or of the executive director or the chairperson of the board of directors of the corporation for change which are in existence on the effective date of this act and which relate to the family and children trust account of the family and children investment fund, shall continue to be effective and shall be deemed to be orders and directives of the department of social and rehabilitation services until revised, amended or nullified pursuant to law.

(d) The department of social and rehabilitation services shall succeed to whatever right, title or interest the corporation for change has acquired in any real property in this state with moneys from the family and children trust account of the family and children investment fund, and the department of social and rehabilitation services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this act, whenever any statute, contract, deed or other document concerns the power or authority of the corporation for change or of the executive director or the chairperson of the board of directors of the corporation for change to acquire, hold or dispose of real property or any interest therein and such power or authority relates to the children and family trust account of the family and children investment fund or to real property or any interest therein acquired with moneys from such account prior to the effective date of this act, the department of social and rehabilitation services shall succeed to such power or authority.

New Sec. 29. On and after July 1, 1997:

(a) Whenever the corporation for change, or words of like effect, is referred to or designated by a statute, contract or other document and such reference or designation relates to the permanent families account of the family and children investment fund, such reference or designation shall be deemed to apply to the judicial administrator of the courts.

(b) Whenever the executive director or the chairperson of the board of directors of the corporation for change, or words of like effect, is referred to or designated by a statute, contract or other document and such reference or designation refers to the permanent families account of the children and families investment fund, such reference or designation shall be deemed to apply to the judicial administrator of the courts.

(c) All orders and directives of the corporation for change or of the executive director or the chairperson of the board of directors of the corporation for change in existence on the effective date of this act which refer to the permanent families account of the children and families investment fund shall continue to be effective and shall be deemed to be orders and directives of the judicial administrator of the courts until revised, amended or nullified pursuant to law.

(d) The judicial administrator of the courts shall succeed to whatever right, title or interest the corporation for change has acquired in any real property in this state acquired with moneys from the permanent families account of the family and children investment fund prior to the effective date of this act, and the judicial administrator of the courts shall hold the same for and in the name of the state of Kansas. On and after the effective date of this act, whenever any statute, contract, deed or other document concerns the power or authority of the corporation for change or of the executive director or the chairperson of the board of directors of the corporation for change to acquire, hold or dispose of real property or any interest therein, and such power or authority relates to the permanent families account of the family and children investment fund or to real property or any interest therein acquired with moneys from such account prior to the effective date of this act, the judicial administrator of the courts shall succeed to such power or authority.

New Sec. 30. On and after July 1, 1997:

(a) Except as otherwise provided in this act, officers and employees

who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the corporation for change, which relate to the family and children trust account of the family and children investment fund prior to the effective date of this act and which are transferred to the department of social and rehabilitation services, and who, in the opinion of the secretary of social and rehabilitation services, are necessary to perform the powers, duties and functions of the department of social and rehabilitation services, shall be transferred to and shall become officers and employees of the department of social and rehabilitation services. 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 section. 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.

(b) Except as otherwise provided in this act, officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the corporation for change, which relate to the permanent families account of the family and children investment fund prior to the effective date of this act and which are transferred by this act to the judicial administrator of the courts, and who, in the opinion of the judicial administrator of the courts, are necessary to perform the powers, duties and functions of the office of judicial administration under this act, shall be transferred to, and shall become officers and employees of the office of judicial administration. 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 section. 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.

New Sec. 31. On and after July 1, 1997:

(a) When any conflict arises as to the disposition of any power, function or duty or the unexpended balance of any appropriation as a result of any abolition, transfer, attachment or change made by or under authority of this act, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The department of social and rehabilitation services shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions transferred to the department of social and rehabilitation services by this act. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer or attachment of any state agency, or all or part of the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

(c) The judicial administrator of the courts shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions transferred to the judicial administrator of the courts. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer or attachment of any state agency, or all or part of the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

New Sec. 32. On and after July 1, 1997:

(a) The department of social and rehabilitation services shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the corporation for change which relates to the family and children trust account of the family and children investment fund transferred to the department of social and rehabilitation services under this act.

(b) The judicial administrator of the courts shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the corporation for change which relates to the permanent families account of the family and children investment fund transferred to the judicial administrator of the courts under this act.

(c) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency mentioned in this act, or by or against any officer of the

(continued)

state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(d) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

New Sec. 33. On and after July 1, 1997:

(a) The balance of all funds received by the corporation for change and maintained in interest-bearing accounts in Kansas banks or Kansas savings and loan associations pursuant to K.S.A. 38-1809, prior to its repeal, shall be transferred to and deposited in the state treasury and credited to the family and children investment fund.

(b) The liability for all accrued compensation or salaries of officers and employees who are transferred to the department of social and rehabilitation services as provided for by this act and who become a part of the department of social and rehabilitation services, shall be assumed and paid by the department of social and rehabilitation services.

(c) The liability for all accrued compensation or salaries of officers and employees who are transferred to the office of judicial administration as provided for by this act and who become part of the office of judicial administration, shall be assumed and paid by the judicial administrator of the courts.

New Sec. 34. On and after July 1, 1997:

(a) The advisory committee on children and families is hereby created.

(b) The advisory committee on children and families shall consist of nine members as follows: (1) The secretary of health and environment; (2) the secretary of social and rehabilitation services; (3) the secretary of human resources; (4) the commissioner of education; (5) the commissioner of juvenile justice; (6) a member of the Kansas supreme court; and (7) three members of the public who are interested in and knowledgeable about the needs of children and families shall be appointed by the governor, except that the members appointed by the governor to the advisory committee on children and families created by executive order 97-1 on January 9, 1997, shall be deemed members appointed by the governor of the advisory committee on children and families established by this section.

(c) The members of the advisory committee on children and families appointed by the governor shall serve at the pleasure of the governor. The governor shall appoint a chairperson of the committee and the members of the committee may elect any additional officers from among its members necessary to carry out the duties and functions of the committee.

(d) The advisory committee on children and families shall meet upon the call of the chairperson as necessary to carry out the duties and functions of the committee.

(e) The advisory committee on children and families shall have and perform the following functions:

(1) Assist the governor in developing and implementing a coordinated, comprehensive service delivery system to serve the children and families of Kansas;

(2) identify barriers to service and gaps in service due to strict definitions of boundaries between departments and agencies;

(3) facilitate interagency and interdepartmental cooperation toward the common goal of serving children and families;

(4) investigate and identify methodologies for the combining of funds across departmental boundaries to better serve children and families;

(5) propose actions needed to achieve coordination of funding and services across departmental lines; and

(6) encourage and facilitate joint planning and coordination between the public and private sectors to better serve the needs of children and families.

(f) Members of the advisory committee on children and families shall not be paid compensation, but shall receive subsistence allowances, mileage and other expenses as provided by K.S.A. 75-3223, and amendments thereto. The subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto shall be paid from available appropriations of the department of social and rehabilitation services except that expenses of members who are employed by a state agency shall be reimbursed by that state agency.

Section 35. On and after July 1, 1997, K.S.A. 20-1a11 is hereby

amended to read as follows: 20-1a11. (a) There is hereby created in the state treasury a judicial branch education fund.

(b) All money credited to the fund shall be used for the purpose of educating and training judicial branch officers and employees; for administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto; for educating and training municipal judges and municipal court support staff; and for the planning and implementation of a family court system as provided by law, except that expenditures for this purpose for the fiscal year ending June 30, 1993, shall not exceed \$30,000 through the corporation for change, and on October 1, 1992, or as soon thereafter as moneys are available therefor, and during fiscal year 1993, the director of accounts and reports shall transfer \$30,000 from the judicial branch education fund to the family and children investment fund of the corporation for change and all such moneys shall be used for such purpose. Expenditures from the judicial branch education fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the supreme court or by a person or persons designated by the chief justice.

(c) The chief justice may apply for, receive and accept money from any source for the purposes for which money in the judicial branch education fund may be expended. Upon receiving any such money, the chief justice shall remit the entire amount at least monthly to the state treasurer who shall deposit such money in the state treasury and credit such money to the judicial branch education fund.

(d) Upon the effective date of this act, the director of accounts and reports is directed to transfer all moneys in the municipal judge training fund to the judicial branch education fund. Upon the effective date of this act, all liabilities of the municipal judge training fund existing prior to such date are hereby imposed on the judicial branch education fund. Whenever the municipal judge training fund, or words of like effect, is referred to or designated by any statute, contract, or other document, such reference or designation shall be deemed to apply to the judicial branch education fund. The municipal judge training fund is hereby abolished.

Sec. 36. On and after July 1, 1997, K.S.A. 1996 Supp. 21-2511 is hereby amended to read as follows: 21-2511. (a) Any person convicted as an adult or adjudicated as a juvenile offender because of the commission of an unlawful sexual act as defined in subsection (4) of K.S.A. 21-3501, and amendments thereto, or convicted as an adult or adjudicated as a juvenile offender because of the commission of a violation of K.S.A. 21-3401, 21-3402, 21-3510, 21-3511, 21-3516, 21-3602, 21-3603 or 21-3609, and amendments thereto, including an attempt, as defined in K.S.A. 21-3301, and amendments thereto, conspiracy, as defined in K.S.A. 21-3302, and amendments thereto, or criminal solicitation, as defined in K.S.A. 21-3303, and amendments thereto, of any such offenses provided in this subsection regardless of the sentence imposed, shall be required to submit specimens of blood and saliva to the Kansas bureau of investigation in accordance with the provisions of this act, if such person is:

(1) Convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in subsection (a) on or after the effective date of this act;

(2) ordered institutionalized as a result of being convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in subsection (a) on or after the effective date of this act; or

(3) convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in this subsection before the effective date of this act and is presently confined as a result of such conviction or adjudication in any state correctional facility or county jail or is presently serving an authorized disposition a sentence under K.S.A. 21-4603, 22-3717 or 38-1663, and amendments thereto.

(b) Notwithstanding any other provision of law, the Kansas bureau of investigation is authorized to obtain fingerprints and other identifiers for all persons, whether juveniles or adults, covered by this act.

(c) Any person required by paragraphs (a)(1) and (a)(2) to provide specimens of blood and saliva shall be ordered by the court to have specimens of blood and saliva collected within 10 days after sentencing or adjudication:

(1) If placed directly on probation, that person must provide specimens of blood and saliva, at a collection site designated by the Kansas bureau of investigation. Failure to cooperate with the collection of the specimens and any deliberate act by that person intended to impede,

delay or stop the collection of the specimens shall be punishable as contempt of court and constitute grounds to revoke probation;

(2) if sentenced to the secretary of corrections, the specimens of blood and saliva will be obtained immediately upon arrival at the Topeka correctional facility; or

(3) if a juvenile offender is placed in the custody of the ~~secretary of social and rehabilitation services commissioner of juvenile justice~~, in a youth residential facility or in a ~~state youth center juvenile correctional facility~~, the specimens of blood and saliva will be obtained immediately upon arrival.

(d) Any person required by paragraph (a)(3) to provide specimens of blood and saliva shall be required to provide such samples prior to final discharge, parole, or conditional release at a collection site designated by the Kansas bureau of investigation.

(e) The Kansas bureau of investigation shall provide all specimen vials, mailing tubes, labels and instructions necessary for the collection of blood and saliva samples. The collection of samples shall be performed in a medically approved manner. No person authorized by this section to withdraw blood and collect saliva, and no person assisting in the collection of these samples shall be liable in any civil or criminal action when the act is performed in a reasonable manner according to generally accepted medical practices. The withdrawal of blood for purposes of this act may be performed only by: (1) A person licensed to practice medicine and surgery or a person acting under the supervision of any such licensed person; (2) a registered nurse or a licensed practical nurse; or (3) any qualified medical technician including, but not limited to, an emergency medical technician-intermediate or mobile intensive care technician, as those terms are defined in K.S.A. 65-6112, and amendments thereto, or a phlebotomist. The samples shall thereafter be forwarded to the Kansas bureau of investigation for analysis and categorizing into genetic marker groupings.

(f) The genetic marker groupings shall be maintained by the Kansas bureau of investigation. The Kansas bureau of investigation shall establish, implement and maintain a statewide automated personal identification system capable of, but not limited to, classifying, matching and storing analysis of DNA (deoxyribonucleic acid) and other biological molecules. The genetic marker grouping analysis information and identification system as established by this act shall be compatible with the procedures specified by the federal bureau of investigation's combined DNA index system (CODIS). The Kansas bureau of investigation may participate in the CODIS program by sharing data and utilizing compatible test procedures, laboratory equipment, supplies and computer software.

(g) The genetic marker grouping analysis information obtained pursuant to this act shall be confidential and shall be released only to law enforcement officers of the United States, of other states or territories, of the insular possessions of the United States, or foreign countries duly authorized to receive the same, to all law enforcement officers of the state of Kansas and to all prosecutor's agencies.

(h) The Kansas bureau of investigation shall be the state central repository for all genetic marker grouping analysis information obtained pursuant to this act. The Kansas bureau of investigation may promulgate rules and regulations for the form and manner of the collection of blood and saliva samples and other procedures for the operation of this act. The provisions of the Kansas administrative procedure act shall apply to all actions taken under the rules and regulations so promulgated.

Sec. 37. On and after July 1, 1997, K.S.A. 1996 Supp. 21-3413 is hereby amended to read as follows: 21-3413. Battery against a law enforcement officer is a battery, as defined in K.S.A. 21-3412 and amendments thereto:

(a) (1) Committed against a uniformed or properly identified state, county or city law enforcement officer other than a state correctional officer or employee, a city or county correctional officer or employee, a ~~state youth center juvenile correctional facility~~ officer or employee or a juvenile detention facility officer or employee, while such officer is engaged in the performance of such officer's duty;

(2) committed against a state correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(3) committed against a ~~state youth center juvenile correctional facility~~ officer or employee by a person confined in such ~~youth center juvenile correctional facility~~, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(4) committed against a juvenile detention facility officer or employee

by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or

(5) committed against a city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty.

(b) Battery against a law enforcement officer as defined in subsection (a)(1) is a class A person misdemeanor. Battery against a law enforcement officer as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a severity level 7 6, person felony.

(c) As used in this section:

(1) "Correctional institution" means any institution or facility under the supervision and control of the secretary of corrections.

(2) "State correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, working at a correctional institution.

(3) "~~State youth center juvenile correctional facility~~ officer or employee" means any officer or employee of the ~~Kansas department of social and rehabilitation services juvenile justice authority~~ or any independent contractor, or any employee of such contractor, working at a ~~state youth center juvenile correctional facility~~, as defined in K.S.A. 38-1602 and amendments thereto.

(4) "Juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 38-1602 and amendments thereto.

(5) "City or county correctional officer or employee" means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, working at a city holding facility or county jail facility.

Sec. 38. On and after July 1, 1997, K.S.A. 21-3612, as amended by section 25 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 21-3612. (a) Contributing to a child's misconduct or deprivation is:

(1) Causing or encouraging a child under 18 years of age to become or remain a child in need of care as defined by the Kansas code for care of children;

(2) causing or encouraging a child under 18 years of age to commit a traffic infraction or an act which, if committed by an adult, would be a misdemeanor or to violate the provisions of K.S.A. 41-727 or subsection (j) of K.S.A. 74-8810 and amendments thereto;

(3) failure to reveal, upon inquiry by a uniformed or properly identified law enforcement officer engaged in the performance of such officer's duty, any information one has regarding a runaway, with intent to aid the runaway in avoiding detection or apprehension;

(4) sheltering or concealing a runaway with intent to aid the runaway in avoiding detection or apprehension by law enforcement officers;

(5) causing or encouraging a child under 18 years of age to commit an act which, if committed by an adult, would be a felony; or

(6) causing or encouraging a child to violate the terms or conditions of the child's probation or conditional release pursuant to subsection (a)(1) of K.S.A. 38-1663, and amendments thereto.

Contributing to a child's misconduct or deprivation as described in subsection (a)(1), (2), (3) or (6) is a class A nonperson misdemeanor. Contributing to a child's misconduct or deprivation as described in subsection (a)(4) is a severity level 8, person felony. Contributing to a child's misconduct or deprivation as described in subsection (a)(5) is a severity level 7, person felony.

(b) A person may be found guilty of contributing to a child's misconduct or deprivation even though no prosecution of the child whose misconduct or deprivation the defendant caused or encouraged has been commenced pursuant to the Kansas code for care of children, Kansas juvenile justice code or Kansas criminal code.

(c) As used in this section, "runaway" means a child under 18 years of age who is willfully and voluntarily absent from:

(1) The child's home without the consent of the child's parent or other custodian; or

(2) a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without

(continued)

the consent of the person in charge of such facility or such person's designee.

(d) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 39. On and after July 1, 1997, K.S.A. 22-4701, as amended by section 27 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 22-4701. As used in this act, unless the context clearly requires otherwise:

(a) "Central repository" means the criminal justice information system, central repository created by this act and the juvenile offender information system created pursuant to K.S.A. 38-1618, and amendments thereto.

(b) "Criminal history record information" means data initiated or collected by a criminal justice agency on a person pertaining to a reportable event. The term does not include:

(1) Data contained in intelligence or investigatory files or police work-product records used solely for police investigation purposes;

(2) juvenile offender information other than data pertaining to a person following waiver of jurisdiction pursuant to the Kansas juvenile code or an authorization for prosecution as an adult pursuant to the Kansas juvenile justice code;

(3) (2) wanted posters, police blotter entries, court records of public judicial proceedings or published court opinions;

(4) (3) data pertaining to violations of the traffic laws of the state or any other traffic law or ordinance, other than vehicular homicide; or

(5) (4) presentence investigation and other reports prepared for use by a court in the exercise of criminal jurisdiction or by the governor in the exercise of the power of pardon, reprieve or commutation.

(c) "Criminal justice agency" means any government agency or subdivision of any such agency which is authorized by law to exercise the power of arrest, detention, prosecution, adjudication, correctional supervision, rehabilitation or release of persons suspected, charged or convicted of a crime and which allocates a substantial portion of its annual budget to any of these functions. The term includes, but is not limited to, the following agencies, when exercising jurisdiction over criminal matters or criminal history record information:

(1) State, county, municipal and railroad police departments, sheriffs' offices and countywide law enforcement agencies, correctional facilities, jails and detention centers;

(2) the offices of the attorney general, county or district attorneys and any other office in which are located persons authorized by law to prosecute persons accused of criminal offenses;

(3) the district courts, the court of appeals, the supreme court, the municipal courts and the offices of the clerks of these courts;

(4) the Kansas sentencing commission;

(5) the Kansas parole board; and

(6) the juvenile justice authority.

(d) "Criminal justice information system" means the equipment (including computer hardware and software), facilities, procedures, agreements and personnel used in the collection, processing, preservation and dissemination of criminal history record information.

(e) "Director" means the director of the Kansas bureau of investigation.

(f) "Disseminate" means to transmit criminal history record information in any oral or written form. The term does not include:

(1) The transmittal of such information within a criminal justice agency;

(2) the reporting of such information as required by this act; or

(3) the transmittal of such information between criminal justice agencies in order to permit the initiation of subsequent criminal justice proceedings against a person relating to the same offense.

(g) "Juvenile offender information" has the meaning provided by K.S.A. 38-1617, and amendments thereto.

(h) (g) "Reportable event" means an event specified or provided for in K.S.A. 22-4705, and amendments thereto.

Sec. 40. On and after July 1, 1997, K.S.A. 1996 Supp. 28-170 is hereby amended to read as follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001 and amendments thereto shall be the only costs assessed for services of the clerk of the district court and the sheriff in any case filed under chapter 60 of the Kansas Statutes Annotated. For services in other matters in which no other fee is prescribed by statute, the following fees shall be charged and collected by the clerk. Only one fee shall be charged for each bond, lien or judgment:

1. For filing, entering and releasing a bond, mechanic's lien, notice of intent to perform, personal property tax judgment or any judgment on which execution process cannot be issued ..... \$5
2. For filing, entering and releasing a judgment of a court of this state on which execution or other process can be issued ..... 15
3. For a certificate, or for copying or certifying any paper or writ, such fee as shall be prescribed by the district court.

(b) The fees for entries, certificates and other papers required in naturalization cases shall be those prescribed by the federal government and, when collected, shall be disbursed as prescribed by the federal government. The clerk of the court shall remit to the state treasurer at least monthly all moneys received from fees prescribed by subsection (a) or (b) or received for any services performed which may be required by law. The state treasurer shall deposit the remittance in the state treasury and credit the entire amount to the state general fund.

(c) In actions pursuant to the Kansas code for care of children (K.S.A. 38-1501 *et seq.* and amendments thereto), the Kansas juvenile offenders justice code (K.S.A. 38-1601 *et seq.* and amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001 *et seq.* and amendments thereto), the act for treatment of drug abuse (K.S.A. 65-5201 *et seq.* and amendments thereto) or the care and treatment act for mentally ill persons (K.S.A. 1996 Supp. 59-2945 *et seq.* and amendments thereto), the clerk shall charge an additional fee of \$1 which shall be deducted from the docket fee and credited to the prosecuting attorneys' training fund as provided in K.S.A. 28-170a and amendments thereto.

(d) In actions pursuant to the Kansas code for care of children (K.S.A. 38-1501 *et seq.* and amendments thereto), the Kansas juvenile offenders justice code (K.S.A. 38-1601 *et seq.* and amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001 *et seq.* and amendments thereto), the act for treatment of drug abuse (K.S.A. 65-5201 *et seq.* and amendments thereto) or the care and treatment act for mentally ill persons (K.S.A. 1996 Supp. 59-2945 *et seq.* and amendments thereto), the clerk shall charge an additional fee of \$.50 which shall be deducted from the docket fee and credited to the indigents' defense services fund as provided in K.S.A. 28-172b and amendments thereto.

Sec. 41. On and after July 1, 1997, K.S.A. 1996 Supp. 38-1507 is hereby amended to read as follows: 38-1507. (a) In order to protect the privacy of children who are the subject of a child in need of care record or report, all records and reports concerning children in need of care, including the juvenile intake and assessment report, received by the department of social and rehabilitation services, a law enforcement agency or any juvenile intake and assessment worker shall be kept confidential except: (1) To those persons or entities with a need for information that is directly related to achieving the purposes of this code; or (2) upon an order of a court of competent jurisdiction pursuant to a determination by the court that disclosure of the reports and records is in the best interests of the child or are necessary for the proceedings before the court, or both, and are otherwise admissible in evidence. Such access shall be limited to in camera inspection unless the court otherwise issues an order specifying the terms of disclosure.

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

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

(c) The following persons or entities shall have access to information,

records or reports received by the department of social and rehabilitation services, a law enforcement agency or any juvenile intake and assessment worker. Access shall be limited to information necessary to carry out their lawful responsibilities or to diagnose, treat, care for or protect a child alleged to be in need of care.

- (1) A child named in the report or records.
- (2) A parent or other person responsible for the welfare of a child, or such person's legal representative.
- (3) A court-appointed special advocate for a child, a citizen review board or other advocate which reports to the court.
- (4) A person licensed to practice the healing arts or mental health profession in order to diagnose, care for, treat or supervise: (A) A child whom such service provider reasonably suspects may be in need of care; (B) a member of the child's family; or (C) a person who allegedly abused or neglected the child.
- (5) A person or entity licensed or registered by the secretary of health and environment or approved by the secretary of social and rehabilitation services to care for, treat or supervise a child in need of care. In order to assist a child placed for care by the secretary of social and rehabilitation services in a foster home or child care facility, the secretary shall provide relevant information to the foster parents or child care facility prior to placement and as such information becomes available to the secretary.
- (6) Parties to a court proceeding in which the information in the records is legally relevant and necessary for determination of an issue before such court, provided that prior to such disclosure the judge has reviewed the records *in camera*, has determined the relevancy and necessity of such disclosure and has limited disclosure to such legally relevant information under an appropriate order.
- (7) A coroner or medical examiner when such person is determining the cause of death of a child.
- (8) The state child death review board established under K.S.A. 22a-243, and amendments thereto.
- (9) A prospective adoptive parent prior to placing a child in their care.
- (10) The department of health and environment or person authorized by the department of health and environment pursuant to K.S.A. 59-512, and amendments thereto, for the purpose of carrying out responsibilities relating to licensure or registration of child care providers as required by chapter 65 of article 5 of the Kansas Statutes Annotated, and amendments thereto.
- (11) The state protection and advocacy agency as provided by subsection (a)(10) of K.S.A. 65-5603 or subsection (a)(2)(A) and (B) of K.S.A. 74-5515, and amendments thereto.
- (12) Any educational institution to the extent allowed pursuant to law or pursuant to court order.
- (13) Any other person when authorized by a court order, subject to any conditions imposed by the order.
- (d) Information from a record or report of a child in need of care shall be available to members of the standing house or senate committee on judiciary, house committee on appropriations, senate committee on ways and means, legislative post audit committee and joint committee on children and families, carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319 and amendments thereto, in a closed or executive meeting. Except in limited conditions established by  $\frac{2}{3}$  of the members of such committee, records and reports received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate.
- (e) Nothing in this section shall be interpreted to prohibit the secretary of social and rehabilitation services from summarizing the outcome of department actions regarding a child alleged to be a child in need of care to a person having made such report.
- (f) Disclosure of information from reports or records of a child in need of care to the public shall be limited to ~~confirmation~~ confirmation of factual details with respect to how the case was handled that do not violate the privacy of the child, if living, or the child's siblings, parents or guardians. Further, confidential information may be released to the public only with the express written permission of the individuals involved or their representatives or upon order of the court having jurisdiction upon a finding by the court that public disclosure of information in the records or reports is necessary for the resolution of an issue before the court.
- (g) Nothing in this section shall be interpreted to prohibit a court of competent jurisdiction from making an order disclosing the findings or information pursuant to a report of alleged or suspected child abuse or

neglect which has resulted in a child fatality or near fatality if the court determines such disclosure is necessary to a legitimate state purpose. In making such order, the court shall give due consideration to the privacy of the child, if living, or the child's siblings, parents or guardians.

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

(h) (i) Records or reports authorized to be disclosed in this section shall not be further disclosed.

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

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

Sec. 42. On and after July 1, 1997, K.S.A. 1996 Supp. 38-1508 is hereby amended to read as follows: 38-1508. All records and reports concerning child abuse or neglect received by law enforcement agencies shall be kept separate from all other records and shall not be disclosed to anyone except:

- (a) The judge and members of the court staff designated by the judge of the court having the child before it in any proceedings;
- (b) the guardian *ad litem* and the parties to the proceedings and their attorneys, subject to the restrictions imposed by subsection (a)(2)(C) of K.S.A. 38-1507 and amendments thereto;
- (c) the department of social and rehabilitation services;
- (d) any individual, or public or private agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a child who is the subject of a report or record of child abuse or neglect and specifically includes the following: Physicians, psychiatrists, nurse nurses, nurse practitioners, psychologists, licensed social workers, child development specialists, physician assistants, community mental health workers, alcohol and drug abuse counselors, and licensed or registered child care providers. Teachers, administrators and school paraprofessionals shall have access but shall not copy materials in the file;
- (e) law enforcement officers or county or district attorneys or their staff when necessary for the discharge of their official duties in investigating or prosecuting a report of known or suspected child abuse or neglect;
- (f) any member of the standing house or senate committee on judiciary, house committee on appropriations, senate committee on ways and means, legislative post audit committee and joint committee on children and families, carrying out such member's or committee's official functions; and
- (g) any juvenile intake and assessment worker.

Sec. 43. On and after July 1, 1997, K.S.A. 1996 Supp. 38-1522 is hereby amended to read as follows: 38-1522. (a) When any of the following persons has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsection (c) or (e): Persons licensed to practice the healing arts or dentistry; persons licensed to practice optometry; persons engaged in postgraduate training programs approved by the state board of healing arts; licensed psychologists; licensed professional or practical nurses examining, attending or treating a child under the age of 18; teachers, school administrators or other employees of a school which the child is attending; chief administrative officers of medical care facilities; registered marriage and family therapists; persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child; licensed social workers; firefighters; emergency medical services personnel; mediators appointed under K.S.A. 23-602 and amendments thereto; juvenile intake and assessment workers; and law enforcement officers. The report may be made orally and shall be followed by a written report if requested. When the suspicion is the result of medical examination or

(continued)

treatment of a child by a member of the staff of a medical care facility or similar institution, that staff member shall immediately notify the superintendent, manager or other person in charge of the institution who shall make a written report forthwith. Every written report shall contain, if known, the names and addresses of the child and the child's parents or other persons responsible for the child's care, the child's age, the nature and extent of the child's injury (including any evidence of previous injuries) and any other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the persons responsible for the injuries.

(b) Any other person who has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse may report the matter as provided in subsection (c) or (e).

(c) Except as provided by subsection (e), reports made pursuant to this section shall be made to the state department of social and rehabilitation services. When the department is not open for business, the reports shall be made to the appropriate law enforcement agency. On the next day that the state department of social and rehabilitation services is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to subsection (a) of K.S.A. 38-1524 and amendments thereto. The reports may be made orally or, on request of the department, in writing.

(d) Any person who is required by this section to report an injury to a child and who knows of the death of a child shall notify immediately the coroner as provided by K.S.A. 22a-242, and amendments thereto.

(e) Reports of child abuse or neglect occurring in an institution operated by the secretary of social and rehabilitation services or the commissioner of juvenile justice shall be made to the attorney general. All other reports of child abuse or neglect by persons employed by or of children of persons employed by the state department of social and rehabilitation services or the juvenile justice authority shall be made to the appropriate law enforcement agency.

(f) Willful and knowing failure to make a report required by this section is a class B misdemeanor.

(g) Preventing or interfering with, with the intent to prevent, the making of a report required by this section is a class B misdemeanor.

Sec. 44. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1602, as amended by section 41 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1602. As used in this code, unless the context otherwise requires:

(a) "Juvenile" means a person 10 or more years of age but less than 18 years of age.

(b) "Juvenile offender" means a person who does an act while a juvenile which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-3105 and amendments thereto or who violates the provisions of K.S.A. 21-4204a or K.S.A. 41-727 or subsection (j) of K.S.A. 74-8810, and amendments thereto, but does not include:

(1) A person 14 or more years of age who commits a traffic offense, as defined in subsection (d) of K.S.A. 8-2117 and amendments thereto;

(2) a person 16 years of age or over who commits an offense defined in chapter 32 of the Kansas Statutes Annotated; or

(3) a person whose prosecution as an adult is authorized pursuant to K.S.A. 38-1636 and amendments thereto, and whose prosecution results in the conviction of an adult crime.

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

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

(e) "Youth residential facility" means any home, foster home or structure which provides twenty-four-hour-a-day care for juveniles and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated.

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

(g) "Juvenile correctional facility" means a facility operated by the commissioner for juvenile offenders.

(h) "Warrant" means a written order by a judge of the court directed

to any law enforcement officer commanding the officer to take into custody the juvenile named or described therein.

(i) "Commissioner" means the commissioner of juvenile justice.

(j) "Jail" means:

(1) An adult jail or lockup; or

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

(k) "Court-appointed special advocate" means a responsible adult, other than an attorney appointed pursuant to K.S.A. 38-1606 and amendments thereto, who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 1995 1996 Supp. 38-1606a, and amendments thereto, in a proceeding pursuant to this code.

(l) "Juvenile intake and assessment worker" means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to section 5 K.S.A. 1996 Supp. 76-3202, and amendments thereto.

(m) "Institution" means the following institutions: The Atchison juvenile correctional facility at Atchison, the Beloit juvenile correctional facility at Beloit, the Larned juvenile correctional facility at Larned, the juvenile correctional facility at Osawatimie and the Topeka juvenile correctional facility at Topeka.

(n) "Sanction house" means a facility which is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeter of the facility, or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents. Upon an order from the court, a licensed juvenile detention facility may serve as a sanction house. A sanction house may be physically connected to a nonsecure shelter facility provided the sanction house is not a licensed juvenile detention facility.

(o) "Sentencing risk assessment tool" means an instrument administered to juvenile offenders which delivers a score, or group of scores, describing, but not limited to describing, the juvenile's potential risk to the community.

Sec. 45. On and after January 1, 1998, K.S.A. 1995 Supp. 38-1602, as amended by section 44 of this act, is hereby amended to read as follows: 38-1602. As used in this code, unless the context otherwise requires:

(a) "Juvenile" means a person 10 or more years of age but less than 18 years of age.

(b) "Juvenile offender" means a person who does an act while a juvenile which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-3105 and amendments thereto or who violates the provisions of K.S.A. 21-4204a or K.S.A. 41-727 or subsection (j) of K.S.A. 74-8810, and amendments thereto, but does not include:

(1) A person 14 or more years of age who commits a traffic offense, as defined in subsection (d) of K.S.A. 8-2117 and amendments thereto;

(2) a person 16 years of age or over who commits an offense defined in chapter 32 of the Kansas Statutes Annotated; or

(3) a person whose prosecution as an adult is authorized pursuant to K.S.A. 38-1636 and amendments thereto and whose prosecution results in the conviction of an adult crime; or

(4) a person who has been found to be an extended jurisdiction juvenile pursuant to subsection (a)(2) of K.S.A. 38-1636, and amendment thereto, and whose stay of adult sentence execution has been revoked.

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

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

(e) "Youth residential facility" means any home, foster home or structure which provides twenty-four-hour-a-day care for juveniles and which

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

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

(g) "Juvenile correctional facility" means a facility operated by the commissioner for juvenile offenders.

(h) "Warrant" means a written order by a judge of the court directed to any law enforcement officer commanding the officer to take into custody the juvenile named or described therein.

(i) "Commissioner" means the commissioner of juvenile justice.

(j) "Jail" means:

(1) An adult jail or lockup; or

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

(k) "Court-appointed special advocate" means a responsible adult, other than an attorney appointed pursuant to K.S.A. 38-1606 and amendments thereto, who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 1996 Supp. 38-1606a, and amendments thereto, in a proceeding pursuant to this code.

(l) "Juvenile intake and assessment worker" means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 1996 Supp. 76-3202, and amendments thereto.

(m) "Institution" means the following institutions: The Atchison juvenile correctional facility, the Beloit juvenile correctional facility, the Larned juvenile correctional facility and the Topeka juvenile correctional facility.

(n) "Sanction house" means a facility which is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents. Upon an order from the court, a licensed juvenile detention facility may serve as a sanction house. A sanction house may be physically connected to a nonsecure shelter facility provided the sanction house is not a licensed juvenile detention facility.

(o) "Sentencing risk assessment tool" means an instrument administered to juvenile offenders which delivers a score, or group of scores, describing, but not limited to describing, the juvenile's potential risk to the community.

Sec. 46. On and after July 1, 1997, K.S.A. 38-1604, as amended by section 42 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1604. (a) Except as provided in K.S.A. 38-1636 and 21-3611 and amendments thereto, proceedings concerning a juvenile who appears to be a juvenile offender shall be governed by the provisions of this code.

(b) The district court shall have original jurisdiction to receive and determine proceedings under this code.

(c) When jurisdiction is acquired by the district court over an alleged juvenile offender it may continue until the juvenile (1) (1) Sixty days after sentencing, if the juvenile is committed to the custody of the commissioner pursuant to subsection (c) of K.S.A. 38-1665, and amendments thereto; (2) if directly committed to a juvenile correctional facility, the juvenile has attained the age of 23 years, unless an adult sentence is imposed pursuant to an extended jurisdiction juvenile prosecution. If such adult sentence is imposed, jurisdiction shall continue until discharged by the court or other process for the adult sentence; (2) (3) the juvenile has been discharged by the court; or (3) (4) the juvenile has been discharged under the provisions of K.S.A. 38-1675, and amendments thereto.

(d) If a juvenile has been adjudicated to be a juvenile offender and a child in need of care, the juvenile justice code shall apply to such juvenile and the child in need of care code shall be suspended during the time the juvenile justice code applies for such juvenile. Nothing in this subsection

shall preclude such juvenile offender from accessing services provided by the department of social and rehabilitation services or any other state agency if such juvenile is eligible for such services.

(4) (e) The provisions of this code shall govern with respect to acts done on or after July 1, 1997.

Sec. 47. On and after January 1, 1998, K.S.A. 38-1604, as amended by section 46 of this act, is hereby amended to read as follows: 38-1604.

(a) Except as provided in K.S.A. 38-1636 and 21-3611 and amendments thereto, proceedings concerning a juvenile who appears to be a juvenile offender shall be governed by the provisions of this code.

(b) The district court shall have original jurisdiction to receive and determine proceedings under this code.

(c) When jurisdiction is acquired by the district court over an alleged juvenile offender it may continue until: (1) Sixty days after sentencing, if the juvenile is committed to the custody of the commissioner pursuant to subsection (c) of K.S.A. 38-1665, and amendments thereto; (2) if directly committed to a juvenile correctional facility, the juvenile has attained the age of 23 years, unless an adult sentence is imposed pursuant to an extended jurisdiction juvenile prosecution. If such adult sentence is imposed, jurisdiction shall continue until discharged by the court or other process for the adult sentence; (3) the juvenile has been discharged by the court; or (4) the juvenile has been discharged under the provisions of K.S.A. 38-1675, and amendments thereto.

(d) If a juvenile has been adjudicated to be a juvenile offender and a child in need of care, the juvenile justice code shall apply to such juvenile and the child in need of care code shall be suspended during the time the juvenile justice code applies for such juvenile. Nothing in this subsection shall preclude such juvenile offender from accessing services provided by the department of social and rehabilitation services or any other state agency if such juvenile is eligible for such services.

(e) The provisions of this code shall govern with respect to acts done on or after July 1, 1997.

Sec. 48. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1608, as amended by section 48 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1608. (a) All records of law enforcement officers and agencies and municipal courts concerning a public offense committed or alleged to have been committed by a juvenile under 16 14 years of age shall be kept readily distinguishable from criminal and other records and shall not be disclosed to anyone except:

(1) The judge and members of the court staff designated by the judge of a court having the juvenile before it in any proceedings;

(2) parties to the proceedings and their attorneys;

(3) the department of social and rehabilitation services;

(4) any individual, or any officer of a public or private agency or institution, having custody of the juvenile under court order or providing educational, medical or mental health services to the juvenile or a court-approved advocate for the juvenile;

(5) law enforcement officers or county or district attorneys or their staff when necessary for the discharge of their official duties;

(6) the central repository, as defined by K.S.A. 22-4701 and amendments thereto, for use only as a part of the juvenile offender information system established under K.S.A. 38-1618 and amendments thereto;

(7) juvenile intake and assessment workers;

(8) juvenile justice authority;

(9) any other person when authorized by a court order, subject to any conditions imposed by the order; and

(10) as provided in subsection (c).

(b) The provisions of this section shall not apply to records concerning:

(1) A violation, by a person 14 or more years of age, of any provision of chapter 8 of the Kansas Statutes Annotated or of any city ordinance or county resolution which relates to the regulation of traffic on the roads, highways or streets or the operation of self-propelled or nonself-propelled vehicles of any kind;

(2) a violation, by a person 16 or more years of age, of any provision of chapter 32 of the Kansas Statutes Annotated; or

(3) an offense for which the juvenile is prosecuted as an adult.

(c) All records of law enforcement officers and agencies and municipal courts concerning a public offense committed or alleged to have been committed by a juvenile 14 or more years of age shall be subject to the same disclosure restrictions as the records of adults. Information identifying victims and alleged victims of sex offenses, as defined in K.S.A.

(continued)

chapter 21, article 35, shall not be disclosed or open to public inspection under any circumstances. Nothing in this section shall prohibit the victim or any alleged victim of any sex offense from voluntarily disclosing their such victim's identity.

(d) Relevant information, reports and records shall be made available to the department of corrections upon request and a showing that the former juvenile has been convicted of a crime and placed in the custody of the secretary of the department of corrections.

(e) All records, reports and information obtained as a part of the juvenile intake and assessment process for juvenile offenders shall be confidential and shall not be disclosed except as provided in this section or by rules and regulations established by the commissioner of juvenile justice.

(1) Any court of record may order the disclosure of such records, reports and other information to any person or entity.

(2) The head of any juvenile intake and assessment program, certified pursuant to the commissioner of juvenile justice, may authorize disclosure of such records, reports and other information to:

(A) A person licensed to practice the healing arts who has before that person a child whom the person reasonably suspects may be abused or neglected;

(B) a court-appointed special advocate for a child, which advocate reports to the court, or an agency having the legal responsibility or authorization to care for, treat or supervise a child;

(C) a parent or other person responsible for the welfare of a child, or such person's legal representative, with protection for the identity of persons reporting and other appropriate persons;

(D) the child or the guardian ad litem for such child;

(E) the police or other law enforcement agency;

(F) an agency charged with the responsibility of preventing or treating physical, mental or emotional abuse or neglect or sexual abuse of children, if the agency requesting the information has standards of confidentiality as strict or stricter than the requirements of the Kansas code for care of children or the Kansas juvenile justice code, whichever is applicable;

(G) a person who is a member of a multidisciplinary team;

(H) an agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a child who is the subject of a report or record of child abuse or neglect;

(I) any individual, or public or private agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a child who is the subject of a report or record of child abuse or neglect and specifically includes the following: Physicians, psychiatrists, nurses, nurse practitioners, psychologists, licensed social workers, child development specialists, physicians' assistants, community mental health workers, alcohol and drug abuse counselors and licensed or registered child care providers;

(J) a citizen review board;

(K) an educational institution if related to a juvenile that is required to attend such educational institution as part of an immediate intervention program, probation or post-release supervision.

(3) To any juvenile intake and assessment worker of another certified juvenile intake and assessment program.

Sec. 49. On and after July 1, 1997, K.S.A. 38-1610, as amended by section 50 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1610. (a) Except as provided in subsection (b), any records or files specified in this code concerning a juvenile offender may be expunged upon application to a judge of the court of the county in which the records or files are maintained. The application for expungement may be made by the person who is the juvenile offender or, if the person is a juvenile, by the person's parent or next friend.

(b) There shall be no expungement of records or files concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 21-3503, 21-3504, 21-3506, 21-3509, 21-3510, 21-3511, 21-3516, 21-3603, 21-3608 or 21-3609 and amendments thereto or which would constitute an attempt to commit a violation of any of the offenses specified in this subsection.

(c) When a petition for expungement is filed, the court shall set a date for a hearing on the petition and shall give notice thereof to the county or district attorney. The petition shall state: (1) The juvenile's full name; (2) the full name of the juvenile at the time of the trial, if different than (1); (3) the juvenile's sex and date of birth; (4) the offense for which the juvenile was adjudicated; (5) the date of the trial; and (6) the identity of the trial court. There shall be no docket fee for filing a petition pursuant

to this section. All petitions for expungement shall be docketed in the original action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(d) (1) After hearing, the court shall order the expungement of the records and files if the court finds that:

(A) The person has reached 23 years of age or that two years have elapsed since the final discharge of the person;

(B) since the final discharge of the person, the person has not been convicted of a felony or of a misdemeanor other than a traffic offense or adjudicated a delinquent or miscreant under the Kansas juvenile code or a juvenile offender under the Kansas juvenile justice code and no proceedings are pending seeking such a conviction or adjudication; and

(C) the circumstances and behavior of the petitioner warrant expungement.

(2) The court may require that all court costs, fees and restitution shall be paid.

(e) Upon entry of an order expunging records or files, the offense which the records or files concern shall be treated as if it never occurred, except that upon conviction of a crime or adjudication in a subsequent action under this code the offense may be considered in determining the sentence to be imposed. The person, the court and all law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the person. Inspection of the expunged files or records thereafter may be permitted by order of the court upon petition by the person who is the subject thereof. The inspection shall be limited to inspection by the person who is the subject of the files or records and those persons designated by that person.

(f) Copies of any order made pursuant to subsection (a) or (c) shall be sent to each public officer and agency in the county having possession of any records or files ordered to be expunged. If the officer or agency fails to comply with the order within a reasonable time after its receipt, the officer or agency may be adjudged in contempt of court and punished accordingly.

(g) The court shall inform any juvenile who has been adjudicated a juvenile offender of the provisions of this section.

(h) Nothing in this section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the offender.

(i) Nothing in this section shall be construed to permit or require expungement of files or records related to a child support order registered pursuant to the Kansas juvenile justice code.

(j) Whenever the records or files of any adjudication have been expunged under the provisions of this section, the custodian of the records or files of adjudication relating to that offense shall not disclose the existence of such records or files, except when requested by:

(1) The person whose record was expunged;

(2) a criminal justice agency, private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the department of social and rehabilitation services of any person whose records record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(7) the governor or the Kansas racing commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission; or

(8) the Kansas sentencing commission.

Sec. 50. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1611, as amended by section 51 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1611. (a) Fingerprints or photographs shall not be taken of any juvenile who is taken into custody for any purpose, except that:

(1) Fingerprints or photographs of the juvenile may be taken if authorized by a judge of the district court having jurisdiction;

(2) a juvenile's fingerprints shall be taken, and photographs of a juvenile may be taken, immediately upon taking the juvenile into custody or upon first appearance or in any event before final sentencing, before the court for an offense which, if committed by a person 18 or more years of age, would make the person liable to be arrested and prosecuted for the commission of a felony as defined by K.S.A. 21-3105 and amendments thereto or a class A or B misdemeanor; and

(3) fingerprints or photographs of a juvenile may be taken under K.S.A. 21-2501 and amendments thereto if the juvenile has been:

(A) Prosecuted as an adult by reason of subsection (b)(3) of K.S.A. 38-1602 or 38-1636, and amendments thereto; or

(B) convicted of aggravated juvenile delinquency as defined by K.S.A. 21-3611 and amendments thereto; or

(C) taken into custody for an offense described in subsection (b)(1) or (2) of K.S.A. 38-1602 and amendments thereto.

(b) Fingerprints and photographs taken under subsection (a)(1) or (2) shall be kept readily distinguishable from those of persons of the age of majority. Fingerprints and photographs taken under subsection (a)(3) may be kept in the same manner as those of persons of the age of majority.

(c) Fingerprints and photographs of a juvenile shall not be sent to a state or federal repository, except that:

(1) Fingerprints and photographs may be sent to a state or federal repository if authorized by a judge of the district court having jurisdiction;

(2) a juvenile's fingerprints shall, and photographs of a juvenile may, be sent to a state or federal repository if taken under subsection (a)(2); and

(3) fingerprints or photographs taken under subsection (a)(3) shall be processed and disseminated in the same manner as those of persons of the age of majority.

(d) Fingerprints or photographs of a juvenile may be furnished to another juvenile justice agency, as defined by K.S.A. 38-1617 and amendments thereto, if the other agency has a legitimate need for the fingerprints or photographs.

(e) Any fingerprints or photographs of a juvenile taken under the provisions of subsection (a)(2) as it existed before the effective date of this act may be sent to a state or federal repository on or before December 31, 1984.

(f) Any law enforcement agency that willfully fails to make any report required by this section shall be liable to the state for the payment of a civil penalty, recoverable in an action brought by the attorney general, in an amount not exceeding \$500 for each report not made. Any civil penalty recovered under this subsection shall be paid into the state general fund.

(g) The director of the Kansas bureau of investigation shall adopt any rules and regulations necessary to implement, administer and enforce the provisions of this section, including time limits within which fingerprints shall be sent to a state or federal repository when required by this section.

(h) Nothing in this section shall preclude the custodian of a juvenile from authorizing photographs or fingerprints of the juvenile to be used in any action under the Kansas parentage act.

Sec. 51. On and after July 1, 1997, K.S.A. 1996 Supp. 38-1613 is hereby amended to read as follows: 38-1613. (a) *Docket fee.* The docket fee for proceedings under this code, if one is assessed as provided by this section, shall be \$25. Only one docket fee shall be assessed in each case.

(b) *Expenses.* The expenses for proceedings under this code, including fees and mileage allowed witnesses and fees and expenses approved by the court for appointed attorneys, shall be paid by the board of county commissioners from the general fund of the county.

(c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket fee may be assessed or waived by the court conducting the initial dispositional sentencing hearing and may be assessed against the complaining witness, the person initiating the prosecution, the juvenile offender or the parent of the juvenile offender. Any docket fee received shall be remitted to the state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

(2) *Waiver and assessment.* Expenses may be waived or assessed against the complaining witness, the person initiating the prosecution, the juvenile offender or a parent of the juvenile offender. When expenses are recovered from a party against whom they have been assessed the general fund of the county shall be reimbursed in the amount of the recovery.

(3) *Prohibited assessment.* Docket fees or expenses shall not be assessed against the state, a political subdivision of the state, an agency of the state or of a political subdivision of the state or a person acting in the capacity of an employee of the state or of a political subdivision of the state.

(d) *Cases in which venue is transferred.* If venue is transferred from one county to another, the court from which the case is transferred shall send to the receiving court a statement of expenses paid from the general fund of the sending county. If the receiving court collects any of the expenses owed in the case, the receiving court shall pay to the sending court an amount proportional to the sending court's share of the total expenses owed to both counties. The expenses of the sending county shall not be an obligation of the receiving county except to the extent that the sending county's proportion of the expenses is collected by the receiving court. All amounts collected shall first be applied toward payment of the docket fee.

Sec. 52. On and after July 1, 1997, K.S.A. 1996 Supp. 38-1614 is hereby amended to read as follows: 38-1614. (a) *Physical care and treatment.* (1) When the health or condition of a juvenile who is subject to the jurisdiction of the court requires it, the court may consent to the performing and furnishing of hospital, medical, surgical or dental treatment or procedures including the release and inspection of medical or dental records.

(2) When the health or condition of a juvenile requires it and the juvenile has been placed in the custody of a person other than a parent or placed in or committed to a facility, the custodian or an agent designated by the custodian shall have authority to consent to the performance and furnishing of hospital, medical, surgical or dental treatment or procedures including the release and inspection of medical or dental records, subject to terms and conditions the court considers proper. The provisions of this subsection shall also apply to juvenile felons, as defined in K.S.A. 38-16,112, and amendments thereto prior to its repeal, who have been placed in a youth center juvenile correctional facility pursuant to K.S.A. 75-5206, and amendments thereto.

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

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

(b) *Mental care and treatment.* If it is brought to the court's attention, while the court is exercising jurisdiction over the person of a juvenile under this code, that the juvenile may be a mentally ill person as defined in K.S.A. 1996 Supp. 59-2946 and amendments thereto, the court may:

(1) Direct or authorize the county or district attorney or the person supplying the information to file the petition provided for in K.S.A. 1996 Supp. 59-2957 and amendments thereto, and proceed to hear and determine the issues raised by the application as provided in the care and treatment act for mentally ill persons; or

(2) authorize that the juvenile seek voluntary admission to a treatment facility as provided in K.S.A. 1996 Supp. 59-2949 and amendments thereto.

The application to determine whether the juvenile is a mentally ill person may be filed in the same proceedings as the petition alleging the juvenile to be a juvenile offender or may be brought in separate proceedings. In either event, the court may enter an order staying any further proceedings under this code until all proceedings have been concluded under the care and treatment act for mentally ill persons.

Sec. 53. On and after July 1, 1997, K.S.A. 38-1618, as amended by section 59 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1618. (a) In order to properly advise the three branches of government on the operation of the juvenile justice system, there is hereby established within and as a part of the central repository, as defined by K.S.A. 22-4701 and amendments thereto, a juvenile offender information system. The system shall serve as a repository

(continued)

of juvenile offender information which is collected by juvenile justice agencies and reported to the system. Unless extended by an official action of the Kansas criminal justice coordinating council, the juvenile offender information system shall be operational and functional on or before July 1, 1997.

(b) Except as otherwise provided by this subsection, every juvenile justice agency shall report juvenile offender information, whether collected manually or by means of an automated system, to the central repository, in accordance with rules and regulations adopted pursuant to this section. A juvenile justice agency shall report to the central repository those reportable events involving a violation of a county resolution or city ordinance only when required by rules and regulations adopted by the director.

(c) Reporting methods may include:

(1) Submission of juvenile offender information by a juvenile justice agency directly to the central repository;

(2) if the information can readily be collected and reported through the court system, submission to the central repository by the office of judicial administrator; or

(3) if the information can readily be collected and reported through juvenile justice agencies that are part of a geographically based information system, submission to the central repository by the agencies.

(d) The director may determine, by rule and regulation, the reportable events to be reported by each juvenile justice agency, in order to avoid duplication in reporting.

(e) Juvenile offender information maintained in the juvenile offender information system is confidential and shall not be disseminated or publicly disclosed in a manner which enables identification of any individual who is a subject of the information, except that the information shall be open to inspection by law enforcement agencies of this state, by the department of social and rehabilitation services if related to an individual in the secretary's custody or control, by the juvenile justice authority if related to an individual in the commissioner's custody or control, by the department of corrections if related to an individual in the commissioner's custody or control, by the educational institution to the extent allowed pursuant to law or pursuant to a court order, if related to an individual that is required to attend such educational institution as part of an immediate intervention program, probation or post-release supervision by the officers of any public institution to which the individual is committed, by county and district attorneys, by attorneys for the parties to a proceeding under this code, the intake and assessment worker or upon order of a judge of the district court or an appellate court.

(f) Any journal entry of a trial of a juvenile adjudged to be a juvenile offender shall state the number of the statute under which the juvenile is adjudicated to be a juvenile offender and specify whether each offense, if done by an adult, would constitute a felony or misdemeanor, as defined by K.S.A. 21-3105 and amendments thereto.

(g) Any law enforcement agency that willfully fails to make any report required by this section shall be liable to the state for the payment of a civil penalty, recoverable in an action brought by the attorney general, in an amount not exceeding \$500 for each report not made. Any civil penalty recovered under this subsection shall be paid into the state general fund.

(h) The director shall adopt any rules and regulations necessary to implement, administer and enforce the provisions of this section.

(i) K.S.A. 38-1617 and amendments thereto and this section shall be part of and supplemental to the Kansas juvenile justice code.

(j) The director shall develop incentives to encourage the timely entry of juvenile offender information into the central repository.

Sec. 54. On and after July 1, 1997, K.S.A. 38-1632, as amended by section 64 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1632. (a) Length of detention. (1) Whenever an alleged juvenile offender is taken into custody and is thereafter taken before the court or to a juvenile detention facility or youth residential facility designated by the court, the juvenile shall not remain detained for more than 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the initial detention was imposed, unless the court determines after hearing, within the 48-hour period, that further detention is necessary.

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

(b) Waiver of detention hearing. The right of a juvenile to a detention

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

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

(Name of Court)
(Caption of Case) NOTICE OF DETENTION HEARING
TO: (Juvenile)
(Father)
(Mother)
(Other having custody-relationship) (Address)
On \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_ m. there will be a hearing

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

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

Date: \_\_\_\_\_, 19\_\_\_\_ Clerk of the District Court
by \_\_\_\_\_
(Seal)

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

Table with 5 columns: Name, Location of Service (other than above), Manner of Service, Date, Time. Includes Date Returned and Signature/Title fields.

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

(Name of Court)
(Caption of Case) CERTIFICATE OF ORAL NOTICE OF DETENTION HEARING
I gave oral notice that the court will hold a hearing at \_\_\_\_ o'clock \_\_\_\_ m. on \_\_\_\_ 19\_\_\_\_, to the persons listed, in the manner and at the times indicated below:
Name Relationship Date Time Method of Communication (in person or telephone)

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

(Signature)
(Name Printed)
(Title)

(e) Hearing, finding, bond. At the time set for the detention hearing if no retained attorney is present to represent the juvenile, the court shall appoint an attorney for the juvenile, and may recess the hearing for 24

hours to obtain attendance of the attorney appointed unless the juvenile is detained in jail pursuant to subsection (b)(1) of K.S.A. 38-1691 and amendments thereto. At the detention hearing, if the court finds the juvenile is dangerous to self or others, the juvenile may be detained in a juvenile detention facility or youth residential facility which the court shall designate. If the court finds the juvenile is not likely to appear for further proceedings, the juvenile may be detained in a juvenile detention facility or youth residential facility which the court shall designate or may be released upon the giving of an appearance bond in an amount specified by the court and on the conditions the court may impose, in accordance with the applicable provisions of article 28 of chapter 22 of the Kansas Statutes Annotated and amendments thereto. In the absence of either finding, the court shall order the juvenile released or placed in temporary custody as provided in subsection (f).

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

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

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

(g) *Audio-video communications.* Detention hearings may be conducted by two-way electronic audio-video communication between the alleged juvenile offender and the judge in lieu of personal presence of the juvenile or the juvenile's counsel in the courtroom from any location within Kansas in the discretion of the court. The juvenile may be accompanied by the juvenile's counsel during such proceedings or counsel may be personally present in court as long as a means of communication between the juvenile and the juvenile's counsel is available for consultation between the juvenile and the juvenile's counsel in confidence.

Sec. 55. On and after July 1, 1997, K.S.A. 38-1633, as amended by section 65 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1633. (a) When the respondent appears in response to a complaint without an attorney, the court shall inform the respondent of the following:

- (1) The nature of the charges in the complaint;
- (2) the right to hire an attorney of the respondent's own choice;
- (3) the duty of the court to appoint an attorney for the respondent if no attorney is hired by the respondent or parent; and
- (4) that the court may require the respondent or parents to pay the expense of a court appointed attorney.

Upon request the court shall give the respondent or parent an opportunity to hire an attorney. If no request is made or the respondent or parents are financially unable to hire an attorney, the court shall forthwith appoint an attorney for the respondent. The court shall afford the respondent an opportunity to confer with the attorney before requiring the respondent to plead to the allegations of the complaint.

(b) When the respondent appears with an attorney in response to a complaint, the court shall require the respondent to plead guilty or not guilty to the allegations stated in the complaint or plead *nolo contendere*, unless there is an application for and approval of an immediate intervention program. Prior to making this requirement, the court shall inform the respondent of the following:

- (1) The nature of the charges in the complaint;
- (2) the right of the respondent to be presumed innocent of each charge;
- (3) the right to trial without unnecessary delay and to confront and cross-examine witnesses appearing in support of the allegations of the complaint;
- (4) the right to subpoena witnesses;
- (5) the right of the respondent to testify or to decline to testify; and
- (6) the sentencing alternatives the court may select as the result of the juvenile being adjudged to be a juvenile offender.

(c) If the respondent pleads guilty to the allegations contained in a complaint or pleads *nolo contendere*, the court shall determine, before accepting the plea and entering a sentence: (1) That there has been a

voluntary waiver of the rights enumerated in subsections (b)(2), (3), (4) and (5); and (2) that there is a factual basis for the plea.

(d) If the respondent pleads not guilty, the court shall schedule a time and date for trial to the court.

(e) *Pretrial hearings may be conducted by two-way electronic audio-video communication between the alleged juvenile offender and the judge in lieu of personal presence of the juvenile or the juvenile's counsel in the courtroom from any location within Kansas in the discretion of the court. The juvenile may be accompanied by the juvenile's counsel during such proceedings or counsel may be personally present in court as long as a means of communication between the juvenile and the juvenile's counsel is available for consultation between the juvenile and the juvenile's counsel in confidence.*

Sec. 56. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1635, as amended by section 66 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1635. (a) Except as provided in subsection (b), each ~~court~~ county or district attorney may adopt a policy and establish guidelines for an immediate intervention program by which a respondent may avoid prosecution as a juvenile offender. In addition to the ~~court~~ county or district attorney adopting policies and guidelines for the immediate intervention programs, the court, the county or district attorney and the director of the intake and assessment center, pursuant to a written agreement, may develop local programs to:

(1) Provide for the direct referral of cases by the county or district attorney or the intake and assessment worker, or both, to youth courts, restorative justice centers, citizen review boards, hearing officers, or other local programs as sanctioned by the court.

(2) Allow intake and assessment workers to issue a summons, as defined in subsection (e).

(3) Allow the intake and assessment centers to directly purchase services for the juveniles and the juvenile's family.

(4) Allow intake and assessment workers to direct the release of a juvenile prior to a detention hearing after the completion of the intake and assessment process if the juvenile intake and assessment worker has reason to believe that if released the juvenile will appear for further proceedings and will not be dangerous to self or others.

(b) An immediate intervention program shall provide that a respondent is ineligible for such program if the respondent has been previously adjudicated to be a juvenile offender, or faces pending charges as a juvenile offender, for committing acts which, if committed by an adult, would constitute:

(1) A violation of K.S.A. 8-1567 and amendments thereto and the respondent: (A) Has previously participated in an immediate intervention program instead of prosecution of a complaint alleging a violation of that statute or an ordinance of a city in this state which prohibits the acts prohibited by that statute; (B) has previously been adjudicated of a violation of that statute or a violation of a law of another state or of a political subdivision of this or any other state, which law prohibits the acts prohibited by that statute; or (C) during the time of the alleged violation was involved in a motor vehicle accident or collision resulting in personal injury or death; or

(2) a violation of an off-grid crime, a person felony, or a felony or misdemeanor committed when the respondent was in possession of a deadly weapon was illegally possessing a firearm or using a deadly weapon in the commission of such crime.

(c) An immediate intervention program may include a stipulation, agreed to by the respondent, the respondent's attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the respondent fails to fulfill the terms of the specific immediate intervention agreement and the immediate intervention proceedings are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts.

(d) The ~~court~~ county or district attorney may require the parent or guardian of a juvenile offender to be a part of the immediate intervention program for the juvenile offender.

(e) "Summons" means a written order issued by an intake and assessment worker directing that a respondent appear before a designated court at a stated time and place and answer to a charge pending against the respondent.

(f) *The provisions of this section shall not be applicable in judicial districts that adopt district court rules pursuant to K.S.A. 20-342, and*

(continued)

amendments thereto, for the administration of immediate intervention programs by the district court.

Sec. 57. On and after July 1, 1997, K.S.A. 38-1636, as amended by section 67 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1636. (a) (1) Except as provided further, at any time after commencement of proceedings under this code against a respondent and prior to entry of a sentence or the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 38-1655, and amendments thereto, the county or district attorney may file a motion requesting that the court authorize prosecution of the respondent as an adult under the applicable criminal statute. The respondent shall be presumed to be a juvenile unless good cause is shown to prosecute the respondent as an adult.

(2) At any time after commencement of proceedings under this code against a respondent who was: (A) 14, 15, 16 or 17 years of age at the time of the offense or offenses alleged in the complaint, if any such offense (i) if committed by an adult, would be an offgrid offense, a person felony, a nondrug severity level 1 through 6 felony or any drug severity level 1 or 2 felony; or (ii) was committed while in possession of a firearm; or (B) charged with a felony or with more than one offense of which one or more is a felony after having been adjudicated or convicted in a separate prior juvenile proceeding as having committed an act which would constitute a felony if committed by an adult and the adjudications or convictions occurred prior to the date of the commission of the new act charged and prior to the entry of a sentence or the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 38-1655, and amendments thereto, the county or district attorney may file a motion requesting that the court authorize prosecution of the respondent as an adult under the applicable criminal statute. The respondent shall be presumed to be an adult. The burden of proof is on the respondent to rebut the presumption.

(3) At any time after commencement of proceedings under this code against a respondent and prior to entry of a sentence or the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 38-1655, and amendments thereto, the county or district attorney may file a motion requesting that the court designate the proceedings as an extended jurisdiction juvenile prosecution as provided further: If the county or district attorney files a motion to designate the proceedings as an extended jurisdiction juvenile prosecution and the respondent was: (A) charged with an offense (i) if committed by an adult, would be an offgrid felony, a person felony, a severity level 1 through 6 felony or any drug severity level 1 or 2 felony; or (ii) was committed while in possession of a firearm; or (B) charged with a felony or with more than one offense of which one or more is a felony after having been adjudicated or convicted in a separate prior juvenile proceeding as having committed an act which would constitute a felony if committed by an adult and the adjudications or convictions occurred prior to the date of the commission of the new act charged, the burden of proof is on the respondent to rebut the designation of an extended jurisdiction juvenile prosecution.

(b) The motion may also contain a statement that the prosecuting attorney will introduce evidence of the offenses alleged in the complaint and request that, on hearing the motion and authorizing prosecution as an adult or designating the proceedings as an extended jurisdiction juvenile prosecution under this code, the court may make the findings required in a preliminary examination provided for in K.S.A. 22-2902, and amendments thereto, and the finding that there is no necessity for further preliminary examination.

(c) Upon receiving a motion as established in subsection (a), the court shall set a time and place for hearing on the motion. The court shall give notice of the hearing to the respondent, each parent of the respondent, if service is possible, and the attorney representing the respondent. The motion shall be heard and determined prior to any further proceedings on the complaint.

(d) If the respondent fails to appear for hearing on a motion as established in subsection (a) after having been properly served with notice of the hearing, the court may hear and determine the motion in the absence of the respondent. If the court is unable to obtain service of process and give notice of the hearing, the court may hear and determine the motion in the absence of the respondent after having given notice of the hearing once a week for two consecutive weeks in a newspaper authorized to publish legal notices in the county where the hearing will be held.

(e) In determining whether or not prosecution as an adult should be authorized or designating the proceeding as an extended jurisdiction ju-

venile prosecution, the court shall consider each of the following factors: (1) The seriousness of the alleged offense and whether the protection of the community requires prosecution as an adult or designating the proceeding as an extended jurisdiction juvenile prosecution; (2) whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner; (3) whether the offense was against a person or against property, greater weight being given to offenses against persons; especially if personal injury resulted; (4) the number of alleged offenses unadjudicated and pending against the respondent; (5) the previous history of the respondent, including whether the respondent had been adjudicated delinquent or miscreant under the Kansas juvenile code or a juvenile offender under this code and, if so, whether the offenses were against persons or property, and any other previous history of antisocial behavior or patterns of physical violence; (6) the sophistication or maturity of the respondent as determined by consideration of the respondent's home, environment, emotional attitude, pattern of living or desire to be treated as an adult; (7) whether there are facilities or programs available to the court which are likely to rehabilitate the respondent prior to the expiration of the court's jurisdiction under this code; and (8) whether the interests of the respondent or of the community would be better served by criminal prosecution or extended jurisdiction juvenile prosecution. The insufficiency of evidence pertaining to any one or more of the factors listed in this subsection shall not in and of itself be determinative of the issue. Subject to the provisions of K.S.A. 38-1653, and amendments thereto, written reports and other materials relating to the respondent's mental, physical, educational and social history may be considered by the court.

(f) (1) The court may authorize prosecution as an adult upon completion of the hearing if the court finds that there is substantial evidence that the respondent should be prosecuted as an adult for the offense with which the respondent is charged. In that case, the court shall direct the respondent be prosecuted under the applicable criminal statute and that the proceedings filed under this code be dismissed.

(2) The court may designate the proceeding as an extended jurisdiction juvenile prosecution upon completion of the hearing if the respondent has failed to rebut the presumption or the court finds that there is substantial evidence that the respondent should be prosecuted under an extended jurisdiction juvenile prosecution. A juvenile who is the subject of an extended jurisdiction juvenile prosecution shall have the right to a trial by jury, to the effective assistance of counsel and to all other rights of a defendant pursuant to the Kansas code of criminal procedure.

(g) If the respondent is present in court and the court also finds from the evidence that it appears a felony has been committed and that there is probable cause to believe the felony has been committed by the respondent, the court may direct that there is no necessity for further preliminary examination on the charges as provided for in K.S.A. 22-2902, and amendments thereto. In that case, the court shall order the respondent bound over to the district judge having jurisdiction to try the case.

(h) If the respondent is convicted, the authorization for prosecution as an adult may shall attach and apply to any future acts by the respondent which are or would be cognizable under this code if the order of the court so provides.

(i) If the respondent is prosecuted as an adult under subsection (f)(1) and convicted of a lesser included offense (a)(2) and is not convicted in adult court of an offense listed in subsection (a)(2), the respondent shall be a juvenile offender and receive a sentence pursuant to K.S.A. 38-1663, and amendments thereto.

Sec. 58. On and after January 1, 1998, K.S.A. 38-1636, as amended by section 57 of this act is hereby amended to read as follows: 38-1636. (a) (1) Except as provided further, at any time after commencement of proceedings under this code against a respondent and prior to entry of a sentence or the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 38-1655, and amendments thereto, the county or district attorney may file a motion requesting that the court authorize prosecution of the respondent as an adult under the applicable criminal statute. The respondent shall be presumed to be a juvenile unless good cause is shown to prosecute the respondent as an adult.

(2) At any time after commencement of proceedings under this code against a respondent who was: (A) 14, 15, 16 or 17 years of age at the time of the offense or offenses alleged in the complaint, if any such offense (i) if committed by an adult, would be an offgrid offense, a person

felony, a nondrug severity level 1 through 6 felony or any drug severity level 1 or 2 felony; or (ii) was committed while in possession of a firearm; or (B) charged with a felony or with more than one offense of which one or more is a felony after having been adjudicated or convicted in a separate prior juvenile proceeding as having committed an act which would constitute a felony if committed by an adult and the adjudications or convictions occurred prior to the date of the commission of the new act charged and prior to the entry of a sentence or the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 38-1655, and amendments thereto, the county or district attorney may file a motion requesting that the court authorize prosecution of the respondent as an adult under the applicable criminal statute. The respondent shall be presumed to be an adult. The burden of proof is on the respondent to rebut the presumption.

(3) *At any time after commencement of proceedings under this code against a respondent and prior to entry of a sentence or the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 38-1655, and amendments thereto, the county or district attorney may file a motion requesting that the court designate the proceedings as an extended jurisdiction juvenile prosecution as provided further. If the county or district attorney files a motion to designate the proceedings as an extended jurisdiction juvenile prosecution and the respondent was 14, 15, 16 or 17 years of age at the time of the offense or offenses alleged in the complaint and: (A) charged with an offense (i) if committed by an adult, would be an off-grid felony, a person felony, a nondrug severity level 1 through 6 felony or any drug severity level 1 or 2 felony; or (ii) was committed while in possession of a firearm; or (B) charged with a felony or with more than one offense of which one or more is a felony after having been adjudicated or convicted in a separate prior juvenile proceeding as having committed an act which would constitute a felony if committed by an adult and the adjudications or convictions occurred prior to the date of the commission of the new act charged, the burden of proof is on the respondent to rebut the designation of an extended jurisdiction juvenile prosecution. In all other motions requesting that the court designate the proceedings as an extended jurisdiction juvenile prosecution, the respondent is presumed to be a juvenile. The burden of proof is on the prosecutor to prove the respondent should be designated as an extended jurisdiction juvenile.*

(b) The motion may also contain a statement that the prosecuting attorney will introduce evidence of the offenses alleged in the complaint and request that, on hearing the motion and authorizing prosecution as an adult or designating the proceedings as an extended jurisdiction juvenile prosecution under this code, the court may make the findings required in a preliminary examination provided for in K.S.A. 22-2902, and amendments thereto, and the finding that there is no necessity for further preliminary examination.

(c) Upon receiving a motion as established in subsection (a), the court shall set a time and place for hearing on the motion. The court shall give notice of the hearing to the respondent, each parent of the respondent, if service is possible, and the attorney representing the respondent. The motion shall be heard and determined prior to any further proceedings on the complaint.

(d) If the respondent fails to appear for hearing on a motion as established in subsection (a) after having been properly served with notice of the hearing, the court may hear and determine the motion in the absence of the respondent. If the court is unable to obtain service of process and give notice of the hearing, the court may hear and determine the motion in the absence of the respondent after having given notice of the hearing once a week for two consecutive weeks in a newspaper authorized to publish legal notices in the county where the hearing will be held.

(e) In determining whether or not prosecution as an adult should be authorized or designating the proceeding as an extended jurisdiction juvenile prosecution, the court shall consider each of the following factors: (1) The seriousness of the alleged offense and whether the protection of the community requires prosecution as an adult or designating the proceeding as an extended jurisdiction juvenile prosecution; (2) whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner; (3) whether the offense was against a person or against property, greater weight being given to offenses against persons, especially if personal injury resulted; (4) the number of alleged offenses unadjudicated and pending against the respondent; (5) the previous history of the respondent, including whether the respondent had been adjudicated a juvenile offender under this code and, if so, whether the offenses

were against persons or property, and any other previous history of antisocial behavior or patterns of physical violence; (6) the sophistication or maturity of the respondent as determined by consideration of the respondent's home, environment, emotional attitude, pattern of living or desire to be treated as an adult; (7) whether there are facilities or programs available to the court which are likely to rehabilitate the respondent prior to the expiration of the court's jurisdiction under this code; and (8) whether the interests of the respondent or of the community would be better served by criminal prosecution or extended jurisdiction juvenile prosecution. The insufficiency of evidence pertaining to any one or more of the factors listed in this subsection shall not in and of itself be determinative of the issue. Subject to the provisions of K.S.A. 38-1653, and amendments thereto, written reports and other materials relating to the respondent's mental, physical, educational and social history may be considered by the court.

(f) (1) The court may authorize prosecution as an adult upon completion of the hearing if the court finds that there is substantial evidence that the respondent should be prosecuted as an adult for the offense with which the respondent is charged. In that case, the court shall direct the respondent be prosecuted under the applicable criminal statute and that the proceedings filed under this code be dismissed.

(2) *The court may designate the proceeding as an extended jurisdiction juvenile prosecution upon completion of the hearing if the respondent has failed to rebut the presumption or the court finds that there is substantial evidence that the respondent should be prosecuted under an extended jurisdiction juvenile prosecution. A juvenile who is the subject of an extended jurisdiction juvenile prosecution shall have the right to a trial by jury, to the effective assistance of counsel and to all other rights of a defendant pursuant to the Kansas code of criminal procedure. On or before March 31, 1998, each court shall adopt local rules to establish the basic procedures for extended jurisdiction juvenile prosecution in their jurisdictions.*

(3) *After a proceeding in which prosecution as an adult is requested pursuant to subsection (a)(2), and prosecution as an adult is not authorized, the court may designate the proceedings to be an extended jurisdiction juvenile prosecution. A juvenile who is the subject of an extended jurisdiction juvenile prosecution shall have the right to a trial by jury, to the effective assistance of counsel and to all other rights of a defendant pursuant to the Kansas code of criminal procedure. On or before March 31, 1998, each court shall adopt local rules to establish the basic procedures for extended jurisdiction juvenile prosecution in their jurisdictions.*

(g) If the respondent is present in court and the court also finds from the evidence that it appears a felony has been committed and that there is probable cause to believe the felony has been committed by the respondent, the court may direct that there is no necessity for further preliminary examination on the charges as provided for in K.S.A. 22-2902, and amendments thereto. In that case, the court shall order the respondent bound over to the district judge having jurisdiction to try the case.

(h) If the respondent is convicted, the authorization for prosecution as an adult shall attach and apply to any future acts by the respondent which are or would be cognizable under this code.

(i) If the respondent is prosecuted as an adult under subsection (a)(2) and is not convicted in adult court of an offense listed in subsection (a)(2), the respondent shall be a juvenile offender and receive a sentence pursuant to K.S.A. 38-1663, and amendments thereto.

Sec. 59. On and after July 1, 1997, K.S.A. 1996 Supp. 38-1640 is hereby amended to read as follows: 38-1640. (a) The following are criteria for determining whether to place a juvenile in a juvenile detention facility pursuant to subsection (c) of K.S.A. 38-1624 or subsection (e) of K.S.A. 38-1632, and amendments thereto:

(1) There is oral or written verification that the juvenile is a fugitive sought for an offense in another jurisdiction or that the juvenile is currently an escapee from a juvenile detention facility.

(2) The juvenile is alleged to have committed an offense which if committed by an adult would constitute a class A, B or C felony if committed prior to July 1, 1993, or would constitute an off-grid felony, a nondrug severity level 1, 2, 3, 4 or 5 felony or drug level 1, 2 or 3 felony if committed on or after July 1, 1993, or would constitute a crime described in article 35 of chapter 21 of the Kansas Statutes Annotated.

(3) The juvenile is awaiting court action on another offense which if committed by an adult would constitute a felony.

(continued)

(4) The juvenile has a record of failure to appear in court or there is probable cause to believe that the juvenile will flee the jurisdiction of the court.

(5) The juvenile has a history of violent behavior toward others.

(6) The juvenile exhibited seriously assaultive or destructive behavior at the time of being taken into custody and continued such behavior after taken into custody.

(7) The juvenile exhibited self-destructive behavior at the time of being taken into custody and continued such behavior after taken into custody.

(8) The juvenile has a record of adjudication or conviction of one or more offenses which if committed by an adult would constitute felonies.

(9) The juvenile is a juvenile offender who has been expelled from placement in a nonsecure facility as a result of the current alleged offense.

(b) This section shall be part of and supplemental to the Kansas juvenile offenders justice code.

Sec. 60. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1652, as amended by section 73 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1652. (a) The hearing shall be open to the public as to any respondent 16 or more years of age at the time of the alleged offense or as to any respondent less than 16 years of age at the time of the alleged offense except if the judge determines that opening the hearing to the public is not in the best interest of such respondent who is less than 16 years of age.

(b) If the court determines that opening the court proceedings to the public is not in the best interest of the respondent, the court may exclude all persons except the respondent, the respondent's parents, attorneys for interested parties, officers of the court, the witness testifying and the victim, as defined in subsection (b) of K.S.A. 74-7333 and amendments thereto or such members of the victim's family, as defined in subsection (b)(2) of K.S.A. 74-7335 and amendments thereto as the court deems appropriate. Upon agreement of all interested parties, the court shall allow other persons to attend the hearing unless the court finds the presence of the persons would be disruptive to the proceedings.

(c) As used in this section, "hearings" shall include detention, first appearance, adjudicatory, sentencing and all other hearings held under this code.

Sec. 61. On and after July 1, 1997, K.S.A. 38-1661, as amended by section 79 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1661. (a) (1) Prior to a sentencing hearing, the court shall request an investigation and report by a court services officer unless the court finds that adequate and current information is available from a previous investigation, report or other sources. Upon request of the prosecuting attorney or the attorney for the respondent, the court shall make available to the attorney the report of the investigation and shall allow the attorney a reasonable time to review the report before ordering the sentencing of the respondent.

(2) The judicial administrator shall designate a sentencing risk assessment tool to be used statewide. Such assessment tool shall be completed prior to sentencing and be used by the court in determining sentencing. The commissioner shall have access to completed sentencing risk assessment tools.

(b) The court may direct that the investigation include the circumstances of the offense; the attitude of the complainant, victim or the victim's family; and the record of juvenile offenses, the social history and the present condition of the respondent. Except where specifically prohibited by law, all local governmental public and private educational institutions and state agencies shall furnish to the officer conducting the predispositional investigation the records the officer requests. If ordered by the court, the predispositional investigation shall include a physical examination and mental examination of the respondent if sufficient reports are not already available to the investigating officer. Predispositional investigations shall contain other information prescribed by the court.

(c) At any time after the respondent has been adjudicated to be a juvenile offender and prior to sentencing, the judge, at the request of an interested party, shall hear additional evidence as to proposals for reasonable and appropriate sentencing of the case.

Sec. 62. On and after July 1, 1997, K.S.A. 38-1662, as amended by section 80 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1662. (a) *Psychological or emotional.* Following the juvenile being adjudged to be a juvenile offender under this code the court may order an evaluation and written report of the psycho-

logical or emotional development or needs of the juvenile offender. The court may refer the juvenile offender to a state institution for the evaluation if the commissioner advises the court that the facility is a suitable place to care for, treat or evaluate the juvenile offender and that space is available. The expenses of transportation to and from the state facility may be included as a part of the expenses of the proceedings. The juvenile offender may be referred to a mental health center or a qualified professional for the evaluation, and the expenses of the evaluation may be considered as expenses of the proceedings and assessed as provided in this code. If the court orders an evaluation as provided in this section, a parent of the juvenile offender shall have the right to obtain an independent evaluation at the expense of the parent.

(b) *Medical.* Following the juvenile being adjudged to be a juvenile offender under this code, the court may order an examination and report of the medical condition and needs of the juvenile offender who is the subject of the proceedings. The court may also order a report from any physician who has been attending the juvenile offender stating the diagnosis, condition and treatment afforded the juvenile offender.

(c) *Educational.* The court may order the chief administrative officer of the school which the juvenile offender attends or attended to provide to the court information that is readily available which the school officials feel would properly indicate the educational needs of the juvenile offender. The order may direct that the school conduct an educational needs assessment of the juvenile offender and send a report thereof to the court. The educational needs assessment may include a meeting involving any of the following: (1) The juvenile offender's parents, (2) the juvenile offender's teacher or teachers, (3) the school psychologist, (4) a school special services representative, (5) a representative of the commissioner, (6) the juvenile offender's C.A.S.A., (7) the juvenile offender's foster parents or legal guardian and (8) other persons that the chief administrative officer of the school, or the officer's designee, deems appropriate.

Sec. 63. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1663, as amended by section 81 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1663. (a) When a respondent has been adjudged to be a juvenile offender, the judge may select from the following alternatives:

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

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

(3) Place the juvenile offender in the custody of a youth residential facility, subject to the terms and conditions the court orders.

(4) Place the juvenile offender in the custody of the commissioner.

(5) Impose any appropriate combination of subsections (a)(1) and (2), subsection (a)(3) or subsection (a)(4) and make other orders directed to the juvenile offender as the court deems appropriate.

(6) Commit the juvenile offender to a sanctions house for a period no longer than seven days. Following such period, the court shall review the placement. The court may continue to recommit the juvenile offender to a sanctions house for a period no longer than seven days followed by a court review. In no event shall such sanctions house commitment exceed 28 consecutive days.

(7) Commit the juvenile offender, if 18 years of age or less than 23 years of age, to the county jail for a period no longer than seven days and only when the juvenile offender has violated probation.

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

(9) Commit the juvenile offender, if 13 years of age or older, to a juvenile correctional facility if the juvenile offender:

(A) Has previously been adjudged as a juvenile offender under this code or as a delinquent or miscreant under the Kansas juvenile code; or

(B) Has been adjudicated a juvenile offender as a result of having committed an act which, if done by a person 18 years of age or over, would constitute a class A, B or C felony as defined by the Kansas criminal code or, if done on or after July 1, 1993, would constitute an off-grid crime or a nondrug crime ranked in severity level 1 through 5 or a drug crime ranked in severity level 1 through 3.

(10) Place the juvenile offender under a house arrest program

administered by the court pursuant to K.S.A. 21-4603b and amendments thereto.

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

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

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

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

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

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

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

(2) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any respondent adjudged to be a juvenile offender, as provided in subsection (c)(1), the court in which such juvenile offender was adjudged to be a juvenile offender may enter an order which places conditions on such juvenile offender's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such juvenile offender shall be required to carry any time such juvenile offender is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed and shall specify that such duration shall be for a definite time period to be determined by the court. Upon entering an order restricting a juvenile offender's license hereunder, the court shall require such juvenile offender to surrender such juvenile offender's driver's license to the court who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate

on its face that conditions have been imposed on such juvenile offender's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the juvenile offender for whom the license was issued any time such juvenile offender is operating a motor vehicle on the highways of this state. If the juvenile offender convicted is a nonresident, the court shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of such juvenile offender's state of residence. Such court shall furnish to any juvenile offender whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this subsection. Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such juvenile offender may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such juvenile offender's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any juvenile offender shall violate any of the conditions imposed under this subsection, such juvenile offender's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period as determined by the court in which such juvenile offender is convicted of violating such conditions.

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

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

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

(1) Imposition of a fine is most appropriate in cases where the juvenile offender has derived pecuniary gain from the offense.

(2) The amount of the fine should be directly related to the seriousness of the juvenile offender's offense and the juvenile offender's ability to pay.

(3) Payment of a fine may be required in a lump sum or installments.

(4) Imposition of a restitution order is preferable to imposition of a fine.

(5) The juvenile offender's duty of payment should be limited in duration and in no event should the time necessary for payment exceed the maximum term which would be authorized if the offense had been committed by an adult.

(f) In addition to or in lieu of any other order authorized by this section, if a juvenile is adjudged to be a juvenile offender by reason of a violation of the uniform controlled substances act (K.S.A. 65-4101 et seq. and amendments thereto) or K.S.A. 41-719, 41-727, 65-4152, 65-4153, 65-4154 or 65-4155 or K.S.A. 1995 1996 Supp. 8-1599, and amendments thereto, the court shall order the juvenile offender to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments thereto and to pay a fee not to exceed the fee established by that statute for such evaluation, except that such evaluation may be waived by the court if the court finds that the juvenile offender has successfully completed an alcohol and drug evaluation, approved by the community-based alcohol and drug safety action program, within 12 months of the offender's arrest on this offense. If such evaluation occurred more than 12 months after the offender's arrest on this offense, the court shall order the juvenile offender to resubmit to and complete such evaluation

(continued)

and program as provided herein. If the court finds that the juvenile offender and those legally liable for the offender's support are indigent, the fee may be waived. In no event shall the fee be assessed against the commissioner or the juvenile justice authority. The court may require the parent or guardian of the juvenile offender to attend such program with the juvenile offender.

(g) The board of county commissioners of a county may provide by resolution that the parents or guardians of any juvenile offender placed under a house arrest program pursuant to subsection (a)(7) shall be required to pay to the county the cost of such house arrest program. The board of county commissioners shall further prepare a sliding financial scale based on the ability of the parents to pay for such a program.

(h) In addition to any other order authorized by this section, if child support has been requested and the parent or parents have a duty to support the respondent the court may, and when custody is placed with the commissioner shall, order one or both parents to pay child support. The court shall determine, for each parent separately, whether the parent is already subject to an order to pay support for the respondent. If the parent is not presently ordered to pay support for the respondent and the court has personal jurisdiction over the parent, the court shall order the parent to pay child support in an amount determined under K.S.A. 38-16.117 and amendments thereto. Except for good cause shown, the court shall issue an immediate income withholding order pursuant to K.S.A. 23-4.105 *et seq.* and amendments thereto for each parent ordered to pay support under this subsection, regardless of whether a payor has been identified for the parent. A parent ordered to pay child support under this subsection shall be notified, at the hearing or otherwise, that the child support order may be registered pursuant to K.S.A. 38-16.119 and amendments thereto. The parent shall also be informed that, after registration, the income withholding order may be served on the parent's employer without further notice to the parent and the child support order may be enforced by any method allowed by law. Failure to provide this notice shall not affect the validity of the child support order.

(i) Any order issued by the judge pursuant to this section shall be in effect immediately upon entry into the judge's minutes.

(j) In addition to the requirements of K.S.A. 38-1671, and amendments thereto, on or after July 1, 1997, if a person is under 18 years of age and convicted of a felony or adjudicated as a juvenile offender for an act which if done by an adult would constitute the commission of a felony, the court shall forward a signed copy of the journal entry to the commissioner within 30 days of final disposition.

(k) The sentencing hearing shall be open to the public as provided in K.S.A. 38-1652, and amendments thereto.

Sec. 64. On and after July 1, 1999, K.S.A. 1995 Supp. 38-1663, as amended by section 63 of this act, is hereby amended to read as follows: 38-1663: (a) When a respondent has been adjudged to be a juvenile offender, the judge may select from the following alternatives:

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

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

(3) Place the juvenile offender in the custody of a youth residential facility, subject to the terms and conditions the court orders.

(4) Place the juvenile offender in the custody of the commissioner.

(5) Impose any appropriate combination of subsections (a)(1) and (2), subsection (a)(3) or subsection (a)(4) and make other orders directed to the juvenile offender as the court deems appropriate.

(6) Commit the juvenile offender to a sanctions house for a period no longer than seven days. Following such period, the court shall review the placement. The court may continue to recommit the juvenile offender to a sanctions house for a period no longer than seven days followed by a court review. In no event shall such sanctions house commitment exceed 28 consecutive days.

(7) Commit the juvenile offender, if 18 years of age or less than 23 years of age, to the county jail for a period no longer than seven days and only when the juvenile offender has violated probation.

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

(9) Commit the juvenile offender to a juvenile correctional facility if the juvenile offender:

(A) Has previously been adjudged as a juvenile offender under this code; or

(B) has been adjudicated a juvenile offender as a result of having committed an act which, if done by a person 18 years of age or over, would constitute a class A, B or C felony as defined by the Kansas criminal code or, if done on or after July 1, 1993, would constitute an off-grid crime or a nondrug crime ranked in severity level 1 through 5 or a drug crime ranked in severity level 1 through 3 as provided by the placement matrix established in section 23, and amendments thereto.

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

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

(i) Attend counseling sessions as the court directs; or

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

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

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

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

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

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

(2) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any respondent adjudged to be a juvenile offender, as provided in subsection (c)(1), the court in

which such juvenile offender was adjudged to be a juvenile offender may enter an order which places conditions on such juvenile offender's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such juvenile offender shall be required to carry any time such juvenile offender is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed and shall specify that such duration shall be for a definite time period to be determined by the court. Upon entering an order restricting a juvenile offender's license hereunder, the court shall require such juvenile offender to surrender such juvenile offender's driver's license to the court who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such juvenile offender's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the juvenile offender for whom the license was issued any time such juvenile offender is operating a motor vehicle on the highways of this state. If the juvenile offender convicted is a nonresident, the court shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of such juvenile offender's state of residence. Such court shall furnish to any juvenile offender whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this subsection. Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such juvenile offender may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such juvenile offender's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any juvenile offender shall violate any of the conditions imposed under this subsection, such juvenile offender's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period as determined by the court in which such juvenile offender is convicted of violating such conditions.

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

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

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

(1) Imposition of a fine is most appropriate in cases where the juvenile offender has derived pecuniary gain from the offense.

(2) The amount of the fine should be directly related to the seriousness of the juvenile offender's offense and the juvenile offender's ability to pay.

(3) Payment of a fine may be required in a lump sum or installments.

(4) Imposition of a restitution order is preferable to imposition of a fine.

(5) The juvenile offender's duty of payment should be limited in duration and in no event should the time necessary for payment exceed the maximum term which would be authorized if the offense had been committed by an adult.

(f) In addition to or in lieu of any other order authorized by this section, if a juvenile is adjudged to be a juvenile offender by reason of a violation of the uniform controlled substances act (K.S.A. 65-4101 *et seq.* and amendments thereto) or K.S.A. 41-719, 41-727, 65-4152, 65-4153, 65-4154 or 65-4155 or K.S.A. 1996 Supp. 8-1599, and amendments

thereto, the court shall order the juvenile offender to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments thereto and to pay a fee not to exceed the fee established by that statute for such evaluation, except that such evaluation may be waived by the court if the court finds that the juvenile offender has successfully completed an alcohol and drug evaluation, approved by the community-based alcohol and drug safety action program, within 12 months of the offender's arrest on this offense. If such evaluation occurred more than 12 months after the offender's arrest on this offense, the court shall order the juvenile offender to resubmit to and complete such evaluation and program as provided herein. If the court finds that the juvenile offender and those legally liable for the offender's support are indigent, the fee may be waived. In no event shall the fee be assessed against the commissioner or the juvenile justice authority. The court may require the parent or guardian of the juvenile offender to attend such program with the juvenile offender.

(g) The board of county commissioners of a county may provide by resolution that the parents or guardians of any juvenile offender placed under a house arrest program pursuant to subsection (a)(7) shall be required to pay to the county the cost of such house arrest program. The board of county commissioners shall further prepare a sliding financial scale based on the ability of the parents to pay for such a program.

(h) In addition to any other order authorized by this section, if child support has been requested and the parent or parents have a duty to support the respondent the court may, and when custody is placed with the commissioner shall, order one or both parents to pay child support. The court shall determine, for each parent separately, whether the parent is already subject to an order to pay support for the respondent. If the parent is not presently ordered to pay support for the respondent and the court has personal jurisdiction over the parent, the court shall order the parent to pay child support in an amount determined under K.S.A. 38-16,117 and amendments thereto. Except for good cause shown, the court shall issue an immediate income withholding order pursuant to K.S.A. 23-4,105 *et seq.* and amendments thereto for each parent ordered to pay support under this subsection, regardless of whether a payor has been identified for the parent. A parent ordered to pay child support under this subsection shall be notified, at the hearing or otherwise, that the child support order may be registered pursuant to K.S.A. 38-16,119 and amendments thereto. The parent shall also be informed that, after registration, the income withholding order may be served on the parent's employer without further notice to the parent and the child support order may be enforced by any method allowed by law. Failure to provide this notice shall not affect the validity of the child support order.

(i) Any order issued by the judge pursuant to this section shall be in effect immediately upon entry into the judge's minutes.

(j) In addition to the requirements of K.S.A. 38-1671, and amendments thereto, on or after July 1, 1997, if a person is under 18 years of age and convicted of a felony or adjudicated as a juvenile offender for an act which if done by an adult would constitute the commission of a felony, the court shall forward a signed copy of the journal entry to the commissioner within 30 days of final disposition.

(k) The sentencing hearing shall be open to the public as provided in K.S.A. 38-1652, and amendments thereto.

Sec. 65. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1668, as amended by section 85 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1668. (a) A parent, guardian or person with whom a juvenile resides may be ordered by the court to report any probation violations or conditional release contract violations, aid in enforcing terms and conditions of probation or conditional release or other orders of the court or any of the above. Any person placed under an order to report any probation violations or conditional release contract violations, aid in enforcing terms and conditions of probation or conditional release or other orders of the court or any of the above who fails to do so may be proceeded against for indirect contempt of court as provided in K.S.A. 20-1204a *et seq.*, and amendments thereto.

(b) This section shall be part of and supplemental to the Kansas juvenile justice code.

Sec. 66. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1671, as amended by section 86 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1671. (a) *Actions by the court.*

(continued)

(1) When a juvenile offender has been committed to a juvenile correctional facility, the clerk of the court shall forthwith notify the commissioner of the commitment and provide the commissioner with a certified copy of the complaint, the journal entry of the trial and the sentence. The court shall also forward those items from the social file which could relate to a rehabilitative program. If the court wishes to recommend placement of the juvenile offender in a specific juvenile correctional facility, the recommendation shall be included in the sentence. After the court has received notice of the juvenile correctional facility designated as provided in subsection (b), it shall be the duty of the court or the sheriff of the county to deliver the juvenile offender to the facility at the time designated by the commissioner.

(2) *When a juvenile offender is residing in a juvenile correctional facility and is required to go back to court for any reason, the county demanding the juvenile's presence shall be responsible for transportation, detention, custody and control of such offender. In these cases, the county sheriff shall be responsible for all transportation, detention, custody and control of such offender.*

(b) *Actions by the commissioner.* (1) After receiving notice of commitment as provided in subsection (a), the commissioner shall give the committing court notice designating the juvenile correctional facility to which the juvenile offender is to be admitted and the date of the admission.

(2) Except as provided by K.S.A. 38-1691, and amendments thereto, the commissioner may make any temporary out-of-home placement the commissioner deems appropriate pending placement of the juvenile offender in a juvenile correctional facility, and the commissioner shall notify the court, local law enforcement agency and school district in which the juvenile will be residing if the juvenile is still required to attend a secondary school of that placement.

(c) *Transfers.* During the time a juvenile offender remains committed to a juvenile correctional facility, the commissioner may transfer the juvenile offender from one juvenile correctional facility to another.

Sec. 67. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1673, as amended by section 88 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1673. (a) When a juvenile offender has satisfactorily completed the program such offender's term of incarceration at the juvenile correctional facility to which the juvenile offender was committed or placed, the person in charge of the juvenile correctional facility shall have authority to release the juvenile offender under appropriate conditions and for a specified period of time.

(b) At least 15 days prior to releasing a juvenile offender as provided in subsection (a), the person in charge of the juvenile correctional facility shall notify the committing court of the date and conditions upon which it is proposed the juvenile offender is to be released.

(c) Upon receipt of the notice required by subsection (b), the court shall review the proposed conditions of release and may recommend modifications or additions to the conditions.

(d) If, during the conditional release, the juvenile offender is not returning to the county from which committed, the person in charge of the juvenile correctional facility shall also give notice to the court of the county in which the juvenile offender is to be residing.

(e) To assure compliance with conditions of release from a juvenile correctional facility, the commissioner shall have the authority to prescribe the manner in which compliance with the conditions shall be supervised. When requested by the commissioner, the appropriate court may assist in supervising compliance with the conditions of release during the term of the conditional release. The commissioner may require the parents or guardians of the juvenile offender to cooperate and participate with the conditions of release.

(f) The juvenile justice authority shall notify at least 45 days prior to the discharge of the juvenile offender the county or district attorney of the county where the offender was adjudicated a juvenile offender of the release of such juvenile offender, if such juvenile offender's offense would have constituted a class A, B or C felony before July 1, 1993, or an off-grid felony, a nondrug crime ranked at severity level 1, 2, 3, 4 or 5 or a drug crime ranked at severity level 1, 2 or 3, on or after July 1, 1993, if committed by an adult. The county or district attorney shall give written notice at least 30 days prior to the release of the juvenile offender to: (1) Any victim of the juvenile offender's crime who is alive and whose address is known to the court or, if the victim is deceased, to the victim's family, if the family's address is known to the court; (2) the local law enforcement agency; and (3) the school district in which the juvenile offender will be

residing if the juvenile is still required to attend a secondary school. Failure to notify pursuant to this section shall not be a reason to postpone a release. Nothing in this section shall create a cause of action against the state or county or an employee of the state or county acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section.

(g) *Conditional release programs shall include, but not be limited to, the treatment options of aftercare services.*

Sec. 68. On and after July 1, 1997, K.S.A. 38-1674, as amended by section 89 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1674. If it is alleged that a juvenile offender who has been conditionally released from a juvenile correctional facility has failed to obey the specified conditions of release, any social worker or court services officer assigned to supervise compliance with the conditions of release or the county or district attorney may file a motion with the committing court or the court of the county in which the juvenile offender is residing. The motion shall describe the alleged violation and request a hearing thereon. The court shall then proceed in the same manner and under the same procedure as provided for a hearing on a complaint filed under this code. If the court finds that a condition of release has been violated, the court may modify or impose additional conditions of release that the court considers appropriate, extend the term of the conditional release or order that the juvenile offender be returned to the juvenile correctional facility until discharged by the superintendent in charge thereof commissioner.

Sec. 69. On and after July 1, 1999, K.S.A. 38-1674, as amended by section 68 of this act, is hereby amended to read as follows: 38-1674. If it is alleged that a juvenile offender who has been conditionally released from a juvenile correctional facility has failed to obey the specified conditions of release, any officer assigned to supervise compliance with the conditions of release or the county or district attorney may file a motion with the committing court or the court of the county in which the juvenile offender is residing. The motion shall describe the alleged violation and request a hearing thereon. The court shall then proceed in the same manner and under the same procedure as provided for a hearing on a complaint filed under this code. If the court finds that a condition of release has been violated, the court may modify or impose additional conditions of release that the court considers appropriate, extend the term of the conditional release or order that the juvenile offender be returned to the juvenile correctional facility until discharged by the by the commissioner as determined by the placement matrix and the court's determination of the specified term of incarceration.

Sec. 70. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1675, as amended by section 90 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1675. (a) ~~Unless a juvenile is sentenced pursuant to an extended jurisdiction juvenile prosecution upon court order, and the commissioner transfers the juvenile offender to the custody of the secretary of corrections; When a juvenile offender has reached the age 23 years or has successfully completed the program prescribed term of incarceration at a juvenile correctional facility together with any conditional release following the program, the superintendent in charge of the juvenile correctional facility commissioner shall discharge the juvenile offender from any further obligation under the commitment. The discharge shall operate as a full and complete release from any obligations imposed on the juvenile offender arising from the offense for which the juvenile offender was committed.~~

(b) At least 45 days prior to the discharge of the juvenile offender, the juvenile justice authority shall notify the court and the county or district attorney of the county where the offender was adjudicated a juvenile offender of the discharge of such juvenile offender, if such juvenile offender's offense would have constituted a class A, B or C felony before July 1, 1993, or an off-grid felony, a nondrug crime ranked at severity level 1, 2, 3, 4 or 5 or a drug crime ranked at severity level 1, 2 or 3, on or after July 1, 1993, if committed by an adult. The county or district attorney shall give written notice at least 30 days prior to the discharge of the juvenile offender to: (1) Any victim of the juvenile offender's crime who is alive and whose address is known to the court or, if the victim is deceased, to the victim's family if the family's address is known to the court; (2) the local law enforcement agency; and (3) the school district in which the juvenile offender will be residing if the juvenile is still required to attend a secondary school. Failure to notify pursuant to this section shall not be a reason to postpone a discharge. Nothing in this section shall create a cause of action against the state or county or an employee of the

state or county acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section.

Sec. 71. On and after January 1, 1998, K.S.A. 1995 Supp. 38-1675, as amended by section 70 of this act, is hereby amended to read as follows: 38-1675. (a) *Unless a juvenile is sentenced pursuant to an extended jurisdiction juvenile prosecution upon court order, and the commissioner transfers the juvenile offender to the custody of the secretary of corrections*, when a juvenile offender has reached the age 23 years or has completed the prescribed term of incarceration at a juvenile correctional facility together with any conditional release following the program, the commissioner shall discharge the juvenile offender from any further obligation under the commitment. The discharge shall operate as a full and complete release from any obligations imposed on the juvenile offender arising from the offense for which the juvenile offender was committed.

(b) At least 45 days prior to the discharge of the juvenile offender, the juvenile justice authority shall notify the court and the county or district attorney of the county where the offender was adjudicated a juvenile offender of the discharge of such juvenile offender, if such juvenile offender's offense would have constituted a class A, B or C felony before July 1, 1993, or an off-grid felony, a nondrug crime ranked at severity level 1, 2, 3, 4 or 5 or a drug crime ranked at severity level 1, 2 or 3, on or after July 1, 1993, if committed by an adult. The county or district attorney shall give written notice at least 30 days prior to the discharge of the juvenile offender to: (1) Any victim of the juvenile offender's crime who is alive and whose address is known to the court or, if the victim is deceased, to the victim's family if the family's address is known to the court; (2) the local law enforcement agency; and (3) the school district in which the juvenile offender will be residing if the juvenile is still required to attend a secondary school. Failure to notify pursuant to this section shall not be a reason to postpone a discharge. Nothing in this section shall create a cause of action against the state or county or an employee of the state or county acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section.

Sec. 72. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1676, as amended by section 91 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1676. (a) If a juvenile offender has committed an act which, if committed by a person 18 years of age or over, would constitute a class A or B felony, if the offense was committed before July 1, 1993, or an off-grid felony, a nondrug crime ranked at severity level 1, 2 or 3 or a drug crime ranked at severity level 1 or 2, if the offense was committed on or after July 1, 1993, and such juvenile offender is to be released, 30 45 days before release, the commissioner shall notify the county attorney or district attorney, the court, the local law enforcement agency, and the school district in which the juvenile offender will be residing if the juvenile is still required to attend a secondary school, of such pending release. The county attorney, district attorney or the court on its own motion may file a motion with the court for a hearing to determine if the juvenile offender should be retained in the custody of the commissioner, pursuant to K.S.A. 38-1675, and amendments thereto. The court shall fix a time and place for hearing and shall notify each party of the time and place.

(b) Following the hearing if the court orders for the commissioner to retain custody, the juvenile offender shall not be held in a juvenile correctional facility for longer than the maximum term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which the juvenile offender has been adjudicated to have committed.

(c) As used in this section, "maximum term of imprisonment" means the greatest maximum sentence authorized by K.S.A. 21-4501 and amendments thereto, applying any enhanced penalty which would be applicable under K.S.A. 21-4504 and amendments thereto and computing terms as consecutive when required by K.S.A. 21-4608 and amendments thereto.

(d) This section shall be part of and supplemental to the Kansas juvenile justice code.

Sec. 73. On and after July 1, 1997, K.S.A. 38-1681, as amended by section 93 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1681. (a) *Order authorizing prosecution as an adult or extended jurisdiction juvenile prosecution*. (1) Unless the respondent has consented to the order, an appeal may be taken by a respondent from an order authorizing prosecution as an adult. The appeal shall be taken only after conviction and in the same manner as other

criminal appeals, except that (A) where the criminal prosecution has resulted in a judgment of conviction upon a plea of guilty or *nolo contendere*, an appeal may be taken from the order authorizing prosecution pursuant to K.S.A. 38-1636, and amendments thereto, notwithstanding the provisions of subsection (a) of K.S.A. 22-3602 and amendments thereto, and (B) if the criminal prosecution results in an acquittal, an appeal may nevertheless be taken from the order authorizing prosecution pursuant to K.S.A. 38-1636, and amendments thereto, if the order provides that it attaches to future acts by the respondent as authorized by subsection (h) of K.S.A. 38-1636, and amendments thereto.

(2) If on appeal the order authorizing prosecution as an adult is reversed but the finding of guilty is affirmed or the conviction was based on a plea of guilty or *nolo contendere*, the respondent shall be deemed adjudicated to be a juvenile offender. On remand the district court shall proceed with sentencing.

(b) *Orders of adjudgment and sentencing*. An appeal may be taken by a respondent from an order of such respondent being adjudged to be a juvenile offender or sentencing, or both. The appeal shall be taken after, but within 10 days of, the entry of the sentence.

(c) *Priority*. Appeals under this section shall have priority over other cases except those having statutory priority.

Sec. 74. On and after January 1, 1998, K.S.A. 38-1681, as amended by section 73 of this act, is hereby amended to read as follows: 38-1681.

(a) *Order authorizing prosecution as an adult or extended jurisdiction juvenile prosecution*. (1) Unless the respondent has consented to the order, an appeal may be taken by a respondent from an order authorizing prosecution as an adult. The appeal shall be taken only after conviction and in the same manner as other criminal appeals, except that (A) where the criminal prosecution has resulted in a judgment of conviction upon a plea of guilty or *nolo contendere*, an appeal may be taken from the order authorizing prosecution pursuant to K.S.A. 38-1636, and amendments thereto, notwithstanding the provisions of subsection (a) of K.S.A. 22-3602 and amendments thereto, and (B) if the criminal prosecution results in an acquittal, an appeal may nevertheless be taken from the order authorizing prosecution pursuant to K.S.A. 38-1636, and amendments thereto, if the order provides that it attaches to future acts by the respondent as authorized by subsection (h) of K.S.A. 38-1636, and amendments thereto.

(2) If on appeal the order authorizing prosecution as an adult is reversed but the finding of guilty is affirmed or the conviction was based on a plea of guilty or *nolo contendere*, the respondent shall be deemed adjudicated to be a juvenile offender. On remand the district court shall proceed with sentencing.

(b) *Orders of adjudgment and sentencing*. An appeal may be taken by a respondent from an order of such respondent being adjudged to be a juvenile offender or sentencing, or both. The appeal shall be taken after, but within 10 days of, the entry of the sentence.

(c) *Priority*. Appeals under this section shall have priority over other cases except those having statutory priority.

Sec. 75. On and after July 1, 1997, K.S.A. 38-1691, as amended by section 95 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1691. (a) On and after January 1, 1993,

no juvenile shall be detained or placed in any jail pursuant to the Kansas juvenile justice code except as provided by subsections (b) and (c).

(b) Upon being taken into custody, an alleged juvenile offender may be temporarily detained in a jail, in quarters with sight and sound separation from adult prisoners, for the purpose of identifying and processing the juvenile and transferring the juvenile to a youth residential facility or juvenile detention facility. If a juvenile is detained in jail under this subsection, the juvenile shall be so detained only for the minimum time necessary, not to exceed six hours, and in no case overnight.

(c) The provisions of this section do not apply to detention of: (1) a juvenile with regard to whom a motion has been filed requesting prosecution as an adult pursuant to K.S.A. 38-1636 and amendments thereto; or

(2) a juvenile who has been charged with or convicted of aggravated juvenile delinquency as defined by K.S.A. 21-3611 and amendments thereto.

(d) This section shall be part of and supplemental to the Kansas juvenile justice code.

Sec. 76. On and after July 1, 1997, K.S.A. 1996 Supp. 38-1692 is hereby amended to read as follows: 38-1692. (a) As used in this section:

(continued)

(1) "Adjudicated person" means a person adjudged to be a juvenile offender or a juvenile felon or a person not adjudicated because of mental disease or defect.

(2) "Laboratory confirmation of HIV infection" means positive test results from a confirmation test approved by the secretary of health and environment.

(3) "Sexual act" means contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva or the mouth and the anus. For purposes of this definition contact involving the penis occurs upon penetration, however slight.

(4) "Test for HIV infection" means a test approved by the secretary of health and environment to detect the etiologic agent for the disease acquired immune deficiency syndrome.

(5) "Body fluids" means blood, semen or vaginal secretions or any body fluid visibly contaminated with blood.

(b) At the time of the first appearance before the court of a person charged with an offense involving a sexual act committed while the person was a juvenile, or in which it appears from the nature of the charge that the transmission of body fluids from one person to another may have been involved, the judge shall inform the person or the parent or legal guardian of the person of the availability of testing for HIV infection and counseling and shall cause each alleged victim of the offense, if any, to be notified that testing for HIV infection and counseling is available.

(c) If the victim of the offense requests the court to order infectious disease tests of the alleged offender or if the person charged with the offense stated to law enforcement officers that the person charged with the offense has an infectious disease or is infected with an infectious disease, or used words of like effect, the court shall order the person charged with the offense to submit to infectious disease tests as defined in K.S.A. 65-6001 and amendments thereto.

(d) For any offense by an adjudicated person which the court determines, from the facts of the case, involved or was likely to have involved the transmission of body fluids from one person to another or involved a sexual act, the court: (1) May order the adjudicated person to submit to a test for HIV infection; or (2) shall order the adjudicated person to submit to a test for HIV infection if a victim of the offense, or the parent or legal guardian of the victim if the victim is a minor, requests the court to make such order. If a test for HIV infection is ordered under this subsection, a victim who is an adult shall designate a health care provider or counselor to receive the information on behalf of the victim. If a victim is a minor, the parent or legal guardian of the victim shall designate the health care provider or counselor to receive the information. If the test results in a negative reaction, the court shall order the adjudicated person to submit to another test for HIV infection six months after the first test was administered.

(e) The results of any test for HIV infection ordered under this section shall be disclosed to the court which ordered the test, to the adjudicated person, or the parent or legal guardian of the adjudicated person, and to each person designated under subsection (d) by a victim or by the parent or legal guardian of a victim. If a test for HIV infection ordered under this section results in a laboratory confirmation of HIV infection, the results shall be reported to the secretary of health and environment and to: (1) The secretary of social and rehabilitation services commissioner of juvenile justice, in the case of a juvenile offender or a person not adjudicated because of mental disease or defect, for inclusion in such offender's or person's medical file; or (2) the secretary of corrections, in the case of a juvenile felon person under 16 years of age who has been convicted as an adult, for inclusion in such juvenile felon's person's medical file. The secretary of health and environment shall provide to each victim of the crime or sexual act, at the option of such victim, counseling regarding the human immunodeficiency virus, testing for HIV infection in accordance with K.S.A. 65-6001 *et seq.* and amendments thereto and referral for appropriate health care and services.

(f) The costs of any counseling and testing provided under subsection (e) by the secretary of health and environment shall be paid from amounts appropriated to the department of health and environment for that purpose. The court shall order the adjudicated person to pay restitution to the department of health and environment for the costs of any counseling provided under this section and the costs of any test ordered or otherwise performed under this section.

(g) When a court orders an adjudicated person to submit to a test for HIV infection under this section, the withdrawal of the blood may be performed only by: (1) A person licensed to practice medicine and surgery

or a person acting under the supervision of any such licensed person; (2) a licensed professional nurse or a licensed practical nurse; or (3) a qualified medical technician. No person authorized by this subsection to withdraw blood, no person assisting in the performance of the test for HIV infection nor any medical care facility where blood is withdrawn or tested that has been ordered by the court to withdraw or test blood shall be liable in any civil or criminal action when the test is performed in a reasonable manner according to generally accepted medical practices.

(h) The results of tests or reports, or information therein, obtained under this section shall be confidential and shall not be divulged to any person not authorized by this section to receive the results or information. Any violation of this section is a Class C misdemeanor.

Sec. 77. On and after July 1, 1997, K.S.A. 38-16,111, as amended by section 97 of chapter 229 of the 1996 session laws of Kansas, is hereby amended to read as follows: 38-16,111. When a juvenile who is under 16 years of age at the time of the sentencing, has been prosecuted as an adult or under the extended jurisdiction juvenile prosecution, and has been placed in the custody of the secretary of the department of corrections, the secretary shall notify the sheriff having such juvenile in custody to convey such offender at a time designated by the juvenile justice authority to a juvenile correctional facility. The commissioner shall notify the court in writing of the initial placement of the juvenile in the specific juvenile correctional facility as soon as the placement has been accomplished. The commissioner shall not permit the juvenile to remain detained in any jail for more than 72 hours, excluding Saturdays, Sundays and legal holidays, after the commissioner has received the written order of the court placing the juvenile in the custody of the commissioner, except that, if that placement cannot be accomplished, the juvenile may remain in jail for an additional period of time, not exceeding 10 days, which is specified by the commissioner and approved by the court.

Sec. 78. On and after January 1, 1998, K.S.A. 38-16,111, as amended by section 77 of this act, is hereby amended to read as follows: 38-16,111. When a juvenile who is under 16 years of age at the time of the sentencing, has been prosecuted as an adult or under the extended jurisdiction juvenile prosecution, and has been placed in the custody of the secretary of the department of corrections, the secretary shall notify the sheriff having such juvenile in custody to convey such offender at a time designated by the juvenile justice authority to a juvenile correctional facility. The commissioner shall notify the court in writing of the initial placement of the juvenile in the specific juvenile correctional facility as soon as the placement has been accomplished. The commissioner shall not permit the juvenile to remain detained in any jail for more than 72 hours, excluding Saturdays, Sundays and legal holidays, after the commissioner has received the written order of the court placing the juvenile in the custody of the commissioner, except that, if that placement cannot be accomplished, the juvenile may remain in jail for an additional period of time, not exceeding 10 days, which is specified by the commissioner and approved by the court.

Sec. 79. On and after July 1, 1997, K.S.A. 1996 Supp. 38-16,126 is hereby amended to read as follows: 38-16,126. On and after July 1, 1997 January 1, 1998:

(a) If an extended jurisdiction juvenile prosecution results in a guilty plea or finding of guilt, the court shall:

(1) Impose one or more juvenile sentences under K.S.A. 38-1663, and amendments thereto; and

(2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the juvenile offender not violate the provisions of the juvenile sentence and not commit a new offense.

(b) When it appears that a person convicted as an extended jurisdiction juvenile has violated the conditions of the stayed adult juvenile sentence or is alleged to have committed a new offense, the court, without notice, may revoke the stay and probation and direct that the juvenile offender be taken into immediate custody and deliver to the secretary of corrections pursuant to K.S.A. 21-4621, and amendments thereto. The court shall notify the juvenile offender and such juvenile offender's attorney of record, in writing by personal service, as provided in K.S.A. 60-303, and amendments thereto, or certified mail; return receipt requested, of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. If the juvenile offender challenges the reasons, the court shall hold a hearing on the issue at which the juvenile offender is entitled to be heard and represented by counsel. After the hearing, if the court finds that reasons exist to revoke the stay of execution of the juvenile

sentence; the court shall treat the juvenile offender as an adult and order any of the adult sanctions authorized by K.S.A. 21-4603d, and amendments thereto, by substantial evidence that the juvenile has violated the conditions of the juvenile sentence, the court shall revoke the juvenile sentence and order the imposition of the adult sentence previously ordered pursuant to subsection (a)(2). Upon such finding, the juvenile's extended jurisdiction status is terminated, and juvenile court jurisdiction is terminated. The ongoing jurisdiction for any adult sanction, other than the commitment to the department of corrections, is with the adult court. Such juvenile offender shall be credited for time served in a juvenile correctional or detention facility on the juvenile sentence as service on any authorized adult sanction.

(c) Any juvenile who has been sentenced pursuant to subsection (a) and is serving the juvenile sentence, upon becoming 18 years of age, such juvenile is allowed a court hearing to review such juvenile sentence. If such juvenile sentence is continued, the court shall set a date of further review in no later than 36 months.

(d) This section shall be part of and supplemental to the Kansas juvenile justice code.

Sec. 80. On and after July 1, 1997, K.S.A. 1996 Supp. 38-16,128 is hereby amended to read as follows: 38-16,128. (a) Except as provided in subsection (b), a child's parent, parents or guardian shall be liable to repay to the commissioner of juvenile justice, or any other person or entity who provides services pursuant to a court order issued under the juvenile justice code, any assistance expended on the child's behalf, regardless of the specific program under which the assistance is or has been provided. Such services shall include, but not be limited to, probation, conditional release, aftercare supervision, case management and community corrections. When more than one person is legally obligated to support the child, liability to the commissioner or other person or entity shall be joint and severable. The commissioner or other person or entity shall have the power and authority to file a civil action in the name of the commissioner or other person or entity for repayment of the assistance, regardless of the existence of any other action involving the support of the child.

(b) With respect to an individual parent or guardian, the provisions of subsection (a) shall not apply to:

(1) Assistance provided on behalf of any person other than the child of the parent or guardian;

(2) assistance provided during a month in which the needs of the parent or guardian were included in the assistance provided to the child; or

(3) assistance provided during a month in which the parent or guardian has fully complied with the terms of an order of support for the child, if a court of competent jurisdiction has considered the issue of support. For the purposes of this subsection, if an order is silent on the issue of support, it shall not be presumed that the court has considered the issue of support. Amounts paid for a particular month pursuant to a judgment under this section shall be credited against the amount accruing for the same month under any other order of support for the child, up to the amount of the current support obligation for that month.

(c) When the assistance provided during a month is on behalf of more than one person, the amount of assistance provided on behalf of one person for that month shall be determined by dividing the total assistance by the number of people on whose behalf assistance was provided.

(d) Actions authorized herein are in addition to and not in substitution for any other remedies.

Sec. 81. On and after July 1, 1997, K.S.A. 1996 Supp. 38-1808 is hereby amended to read as follows: 38-1808. (a) There is hereby established in the state treasury the family and children investment fund; to be administered by the board of directors of the corporation for change. On and after July 1, 1997, such fund shall be administered as provided in this section.

(b) (1) Moneys in the family and children investment fund shall be expended for: (A) Furthering the purposes of the corporation for change; (B) review and evaluation of progress in implementing the blueprint for investment in Kansas children and their families of 1991 special committee on children's initiatives; (C) purposes which further implementation of a comprehensive, coordinated strategy for investment in Kansas children and their families; and (D) such other purposes as provided by law.

(2) There shall be credited to such the family and children investment fund appropriations, gifts, grants, contributions, matching funds and participant payments.

(3) All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board of directors of the corporation for change or a person designated by the chairperson.

(c) (1) There is hereby created the family and children trust account in the family and children investment fund. The secretary of social and rehabilitation services shall administer this account.

(2) Moneys credited to the family and children trust account shall be used for the following purposes: (A) Matching federal moneys to purchase services relating to community-based programs for the broad range of child abuse and neglect prevention activities; (B) providing start-up or expansion grants for community-based prevention projects for the broad range of child abuse and neglect prevention activities; (C) studying and evaluating community-based prevention projects for the broad range of child abuse and neglect prevention activities; (D) preparing, publishing, purchasing and disseminating educational material dealing with the broad range of child abuse and neglect prevention activities; and (E) payment of the salary and actual and necessary travel expenses of the coordinator employed by the corporation for change for the children and youth advocacy committee; and (F) payment of administrative costs of the family and children trust account and of the children and youth advocacy committee, including amounts provided by subsection (e) of K.S.A. 38-1805 and amendments thereto advisory committee on children and families established pursuant to section 34, and amendments thereto. No moneys in the family and children trust account shall be used for the purpose of providing services for the voluntary termination of pregnancy.

(3) The children and youth advocacy committee of the corporation for change shall advise the board of directors in detail on the expenditures of moneys in the family and children trust account. Expenditures from the family and children trust account shall be subject to the approval of the advisory committee on children and families established pursuant to section 34, and amendments thereto. All expenditures from the account shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of social and rehabilitation services or a person designated by the secretary.

(d) (1) There is hereby created the permanent families account in the family and children investment fund. The judicial administrator of the courts shall administer this account.

(2) Moneys credited to the permanent families account shall be used for the following purposes: (A) Not more than 12% of the amount credited to the account during the fiscal year may be used to provide technical assistance to district courts or local groups wanting to establish a local citizen review board or a court-appointed special advocate program, including but not limited to such staff as necessary to provide such assistance, and to provide services necessary for the administration of such board or program, including but not limited to grants administration, accounting, data collection, report writing and training of local citizen review board staff; (B) grants to court-appointed special advocate programs, upon application approved by the administrative judge of the judicial district where the program is located; and (C) grants to district courts, upon application of the administrative judge of the judicial district, for expenses of establishment, operation and evaluation of local citizen review boards in the judicial district, including costs of: (i) Employing local citizen review board coordinators and clerical staff; (ii) telephone, photocopying and office equipment and supplies for which there are shown to be no local funds available; (iii) mileage of staff and board members; and (iv) training staff and board members.

(3) In addition to the other duties and powers provided by law, in administering the permanent families account, the judicial administrator shall:

(A) Accept and receive grants, loans, gifts or donations from any public or private entity in support of programs administered by the judicial administrator and assist in the development of supplemental funding sources for local and state programs;

(B) consider applications for and make such grants from the permanent families account as authorized by law; and

(C) receive reports from local citizen review boards established pursuant to K.S.A. 38-1812, and amendments thereto, regarding the status of children under the supervision of the district courts and regarding systemic barriers to permanence for children, assure that appropriate

(continued)

data is maintained regularly and compiled at least once a year by such boards on all cases reviewed and assure that the effectiveness of such boards is evaluated on an ongoing basis, using, where possible, random selection of local citizen review boards and cases for the evaluation and including client outcome data to determine effectiveness.

(4) All expenditures from the account shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the judicial administrator or a person designated by the judicial administrator.

(e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the family and children investment fund interest earnings based on:

(1) The average daily balance of moneys in the family and children investment fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 82. On and after July 1, 1997, K.S.A. 1996 Supp. 40-1909 is hereby amended to read as follows: 40-1909. (a) Such corporations shall be subject to the provisions of the Kansas general corporation code, articles 60 to 74, inclusive, of chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,114, 40-2,116, 40-2,117, 40-2a01 to 40-2a19, inclusive, 40-2216 to 40-2221, inclusive, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, 40-3301 to 40-3313, inclusive, and amendments thereto, and to the provisions of K.S.A. 1996 Supp. 40-2,153 and 40-2,154, and amendments thereto, and K.S.A. 1996 Supp. 40-2,160 and 40-2,161, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

Sec. 83. On and after July 1, 1997, K.S.A. 1996 Supp. 40-1909 is hereby amended to read as follows: 40-1909. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 to 74, inclusive, of chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-3301 to 40-3313, inclusive, and amendments thereto, and to the provisions of K.S.A. 1996 Supp. 40-2,153 and 40-2,154, and amendments thereto, and K.S.A. 1996 Supp. 40-2,160 and 40-2,161, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

Sec. 84. On and after July 1, 1997, K.S.A. 72-978, as amended by section 120 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 72-978. (a) (1) In each school year, in accordance with appropriations for special education services provided under this act, each school district which has provided special education services in compliance with the requirements of the state plan and the provisions of this act shall be entitled to receive:

(A) Reimbursement for actual travel allowances paid to special teach-

ers at not to exceed the rate specified under K.S.A. 75-3203, and amendments thereto, for each mile actually traveled during the school year, in connection with duties in providing special education services for exceptional children; such reimbursement shall be computed by the state board by ascertaining the actual travel allowances paid to special teachers by the school district for the school year and shall be in an amount equal to 80% of such actual travel allowances;

(B) reimbursement in an amount equal to 80% of the actual travel expenses incurred for providing transportation for exceptional children to special education services; such reimbursement shall not be paid if such child has been counted in determining the transportation weighting of the district under the provisions of the school district finance and quality performance act;

(C) reimbursement in an amount equal to 80% of the actual expenses incurred for the maintenance of an exceptional child at some place other than the residence of such child for the purpose of providing special education services; such reimbursement shall not exceed \$600 per exceptional child per school year; and

(D) after subtracting the amounts of reimbursement under (A), (B) and (C) from the total amount appropriated for special education services under this act, an amount which bears the same proportion to the remaining amount appropriated as the number of full-time equivalent special teachers employed by the school district for approved special education services bears to the total number of full-time equivalent special teachers employed by all school districts for approved special education services.

(2) Each special teacher who is a paraprofessional shall be counted as  $\frac{1}{2}$  full-time equivalent special teacher.

(b) (1) No special teacher in excess of the number of special teachers necessary to comply with the ratio of special teacher to exceptional children prescribed by the state board for the school district shall be counted in making computations under this section.

(2) No time spent by a special teacher in connection with duties performed under a contract entered into by the Atchison juvenile correctional facility at Atchison, the Beloit juvenile correctional facility at Beloit, the Larned juvenile correctional facility or the Topeka juvenile correctional facility at Topeka and a school district for the provision of special education services by such state institution shall be counted in making computations under this section.

Sec. 85. On and after July 1, 1997, K.S.A. 1996 Supp. 72-89a02 is hereby amended to read as follows: 72-89a02. (a) Notwithstanding the provisions of subsection (a) of K.S.A. 72-8902, and amendments thereto, and subject to the other provisions of this section, each board of education in this state shall adopt a written policy requiring the expulsion from school for a period of not less than one year any pupil determined to be in possession of a weapon at school, on school property, or at a school supervised activity. The policy shall be filed with the state board of education in such manner as the state board shall require and at a time to be determined and specified by the state board.

(b) To the extent that the provisions contained in article 89 of chapter 72 of Kansas Statutes Annotated do not conflict with the requirements of this act, such provisions shall apply to and be incorporated in the policy required to be adopted under subsection (a).

(c) If a pupil required to be expelled pursuant to a policy adopted under subsection (a) is confined in the custody of the secretary of social and rehabilitation services, the commissioner of juvenile justice or the secretary of corrections as a result of the violation upon which the expulsion is to be based, the hearing required under the provisions of article 89 of chapter 72 of Kansas Statutes Annotated shall be delayed until the pupil is released from custody.

(d) A hearing afforded a pupil required to be expelled pursuant to a policy adopted under subsection (a) shall be conducted by the chief administrative officer or other certificated employee of the school in which the pupil is enrolled, by any committee of certificated employees of the school in which the pupil is enrolled, or by a hearing officer appointed by the board of education of the school in which the pupil is enrolled.

(e) The chief administrative officer of the school in which a pupil required to be expelled pursuant to a policy adopted under subsection (a) is enrolled may modify the expulsion requirement in a manner which is consistent with the requirements of federal law. Nothing in this subsection shall be applied or construed in any manner so as to require the chief administrative officer of a school to modify the expulsion require-

ment of a policy adopted by a board of education pursuant to the provisions of subsection (a).

(f) The policy adopted by a board of education under subsection (a) shall contain a procedure for the referral of any pupil determined to be in possession of a weapon at school, on school property, or at a school supervised activity to the appropriate state and local law enforcement agencies and, if the pupil is a juvenile, to the secretary of social and rehabilitation services or the commissioner of juvenile justice.

(g) Each board of education shall prepare an annual report on a form prescribed and furnished by the state board of education that contains a description of the circumstances surrounding any expulsions imposed on pupils pursuant to a policy adopted under subsection (a), including the name of the school or schools concerned, the number of pupils expelled, and the type of weapons concerned. The report shall be submitted to the state board of education in such manner as the state board shall require and at a time to be determined and specified by the state board.

(h) The provisions of this section do not apply to the possession by pupils of weapons at school, on school property, or at a school supervised activity if the possession of weapons by pupils is connected with a weapons safety course of instruction or a weapons education course approved and authorized by the school or if the possession of weapons by pupils is specifically authorized in writing by the chief administrative officer of the school.

Sec. 86. On and after July 1, 1997, K.S.A. 1996 Supp. 74-8810 is hereby amended to read as follows: 74-8810. (a) It is a class A nonperson misdemeanor for any person to have a financial interest, directly or indirectly, in any racetrack facility within the state of Kansas or in any host facility for a simulcast race displayed in this state:

(1) While such person is a member of the commission or during the five years immediately following such person's term as member of the commission; or

(2) while such person is an officer, director or member of an organization licensee, other than a fair association or horsemen's nonprofit organization, or during the five years immediately following the time such person is an officer, director or member of such an organization licensee.

(b) It is a class A nonperson misdemeanor for any member, employee or appointee of the commission, including stewards and racing judges, to knowingly:

(1) Participate in the operation of or have a financial interest in any business which has been issued a concessionaire license, racing or wagering equipment or services license, facility owner license or facility manager license, or any business which sells goods or services to an organization licensee;

(2) participate directly or indirectly as an owner, owner-trainer or trainer of a horse or greyhound, or as a jockey of a horse, entered in a race meeting conducted in this state;

(3) place a wager on an entry in a horse or greyhound race conducted by an organization licensee; or

(4) accept any compensation, gift, loan, entertainment, favor or service from any licensee, except such suitable facilities and services within a racetrack facility operated by an organization licensee as may be required to facilitate the performance of the member's, employee's or appointee's official duties.

(c) It is a class A nonperson misdemeanor for any member, employee or appointee of the commission, or any spouse, parent, grandparent, brother, sister, child, son-in-law, daughter-in-law, grandchild, uncle, aunt, parent-in-law, brother-in-law or sister-in-law thereof, to:

(1) Hold any license issued by the commission, except that a steward or racing judge shall hold an occupation license to be such a steward or judge; or

(2) enter into any business dealing, venture or contract with an owner or lessee of a racetrack facility in Kansas.

(d) It is a class A nonperson misdemeanor for any officer, director or member of an organization licensee, other than a fair association or horsemen's nonprofit organization, to:

(1) Receive, for duties performed as an officer or director of such licensee, any compensation or reimbursement or payment of expenses in excess of the amounts provided by K.S.A. 75-3223 and amendments thereto for board members' compensation, mileage and expenses; or

(2) enter into any business dealing, venture or contract with the organization licensee or, other than in the capacity of an officer or director of the organization licensee, with a facility owner licensee, facility manager licensee, racing or wagering equipment or services license or con-

cessionaire licensee, or with any host facility for a simulcast race displayed in this state.

(e) It is a class A nonperson misdemeanor for any facility owner licensee or facility manager licensee, other than a horsemen's association, or any officer, director, employee, stockholder or shareholder thereof or any person having an ownership interest therein, to participate directly or indirectly as an owner, owner-trainer or trainer of a horse or greyhound, or as a jockey of a horse, entered in a live race conducted in this state.

(f) It is a class A nonperson misdemeanor for any licensee of the commission, or any person who is an officer, director, member or employee of a licensee, to place a wager at a racetrack facility located in Kansas on an entry in a horse or greyhound race if:

(1) The commission has by rules and regulations designated such person's position as a position which could influence the outcome of such race or the parimutuel wagering thereon; and

(2) such race is conducted at or simulcast to the racetrack facility where the licensee is authorized to engage in licensed activities.

(g) It is a class B nonperson misdemeanor for any person to use any animal or fowl in the training or racing of racing greyhounds.

(h) It is a class A nonperson misdemeanor for any person to:

(1) Sell a parimutuel ticket or an interest in such a ticket to a person knowing such person to be under 18 years of age, upon conviction of the first offense;

(2) accept, transmit or deliver, from a person outside a racetrack facility, anything of value to be wagered in any parimutuel system of wagering within a racetrack facility, upon conviction of the first offense;

(3) administer or conspire to administer any drug or medication to a horse or greyhound within the confines of a racetrack facility in violation of rules and regulations of the commission, upon conviction of the first offense;

(4) possess or conspire to possess, within the confines of a racetrack facility, any drug or medication for administration to a horse or greyhound in violation of rules and regulations of the commission, upon conviction of the first offense;

(5) possess or conspire to possess, within the confines of a racetrack facility, equipment for administering drugs or medications to horses or greyhounds in violation of rules and regulations of the commission, upon conviction of the first offense;

(6) enter any horse or greyhound in any race knowing such horse or greyhound to be ineligible to compete in such race pursuant to K.S.A. 74-8812 and amendments thereto; or

(7) prepare or cause to be prepared an application for registration of a horse pursuant to K.S.A. 74-8830 and amendments thereto knowing that such application contains false information.

(i) It is a severity level 8, nonperson felony for any person to:

(1) Sell a parimutuel ticket or an interest in such a ticket to a person knowing such person to be under 18 years of age, upon conviction of the second or a subsequent offense;

(2) accept, transmit or deliver, from any person outside a racetrack facility, anything of value to be wagered in any parimutuel system of wagering within a racetrack facility, upon the second or a subsequent conviction;

(3) conduct or assist in the conduct of a horse or greyhound race, or the display of a simulcast race, where the parimutuel system of wagering is used or is intended to be used and where no license has been issued to an organization to conduct or simulcast such race;

(4) enter any horse or greyhound in any race conducted by an organization licensee knowing that the class or grade in which such horse or greyhound is entered is not the true class or grade or knowing that the name under which such horse or greyhound is entered is not the name under which such horse or greyhound has been registered and has publicly performed;

(5) use or conspire to use any device, other than an ordinary whip for horses or a mechanical lure for greyhounds, for the purpose of affecting the speed of any horse or greyhound at any time during a race conducted by an organization licensee;

(6) possess or conspire to possess, within the confines of a racetrack facility, any device, other than an ordinary whip for horses or a mechanical lure for greyhounds, designed or intended to affect the speed of a horse or greyhound;

(7) administer or conspire to administer any drug or medication to a horse or greyhound within the confines of a racetrack facility in violation

(continued)

of rules and regulations of the commission, upon conviction of the second or a subsequent offense;

(8) possess or conspire to possess, within the confines of a racetrack facility, any drug or medication for administration to a horse or greyhound in violation of rules and regulations of the commission, upon conviction of the second or a subsequent offense;

(9) possess or conspire to possess, within the confines of a racetrack facility, equipment for administering drugs or medications to horses or greyhounds in violation of rules and regulations of the commission, upon conviction of the second or a subsequent offense;

(10) sponge the nostrils or windpipe of a horse for the purpose of stimulating or depressing such horse or affecting its speed at any time during a race meeting conducted by an organization licensee;

(11) alter or attempt to alter the natural outcome of any race conducted by, or any simulcast race displayed by, an organization licensee or transmit or receive an altered race or delayed broadcast race if parimutuel wagering is conducted or solicited after off time of the race;

(12) influence or attempt to influence, by the payment or promise of payment of money or other valuable consideration, any person to alter the natural outcome of any race conducted by, or any simulcast race displayed by, an organization licensee;

(13) influence or attempt to influence any member, employee or appointee of the commission, by the payment or promise of payment of money or other valuable consideration, in the performance of any official duty of that member, employee or appointee;

(14) fail to report to the commission or to one of its employees or appointees knowledge of any violation of this act by another person for the purpose of stimulating or depressing any horse or greyhound, or affecting its speed, at any time during any race conducted by an organization licensee;

(15) commit any of the following acts with respect to the prior racing record, pedigree, identity or ownership of a registered horse or greyhound in any matter related to the breeding, buying, selling or racing of the animal: (A) Falsify, conceal or cover up, by any trick, scheme or device, a material fact; (B) make any false, fictitious or fraudulent statement or representation; or (C) make or use any false writing or document knowing that it contains any false, fictitious or fraudulent statement or entry; or

(16) pass or attempt to pass, cash or attempt to cash any altered or forged parimutuel ticket knowing it to have been altered or forged.

(j) No person less than 18 years of age shall purchase a parimutuel ticket or an interest in such a ticket. Any person violating this subsection shall be subject to adjudication as a juvenile offender pursuant to the Kansas juvenile offenders justice code.

Sec. 87. On and after July 1, 1997, K.S.A. 1995 Supp. 74-9501, as amended by section 127 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 74-9501. (a) There is hereby established the Kansas criminal justice coordinating council.

(b) The council shall consist of the governor or designee, the chief justice of the supreme court or designee, the attorney general or designee, the secretary of corrections, the secretary of social and rehabilitation services, the commissioner of juvenile justice and the director of the Kansas bureau of investigation.

(c) The director and all existing employees of the Kansas sentencing commission shall serve as staff to the Kansas criminal justice coordinating council, while continuing to serve at the will of the Kansas sentencing commission pursuant to K.S.A. 74-9103 and amendments thereto in the performance of its duties as outlined in K.S.A. 74-9101, 74-9106 and 21-4725 and amendments thereto. The director shall attend all meetings of the council, be responsible for keeping a record of council meetings, prepare reports of the council and perform such other duties as directed by the council.

(d) The council shall elect a chairperson and vice-chairperson from among the members of the council.

(e) The council shall:

(1) Define and analyze issues and processes in the criminal justice system, identify alternative solutions and make recommendations for improvements;

(2) perform such criminal justice studies or tasks as requested by the governor, the legislature or the chief justice, as deemed appropriate or feasible by the council;

(3) oversee development and management of a criminal justice database including assuming the designation and functions of the state statistical analysis center currently assigned to the Kansas bureau of inves-

tigation pursuant to K.S.A. 75-712a and amendments thereto. All criminal justice agencies as defined in subsection (c) of K.S.A. 22-4701 and amendments thereto and the department of social and rehabilitation services shall provide any data or information, including juvenile offender information which is requested by the council, in a form and manner established by the council, in order to facilitate the development and management of the criminal justice council database; and

(4) develop and oversee reporting of all criminal justice federal funding available to the state or local units of government including assuming the designation and functions of administering the United States bureau of justice assistance grants currently administered through the law enforcement antidrug abuse program of the department of administration. On the effective date of this act any bureau of justice assistance antidrug abuse federal fund balances in any account and all unclassified positions authorized for the law enforcement antidrug abuse program of the department of administration shall be transferred to and budgeted with the Kansas sentencing commission.

(f) The council shall appoint a standing local government advisory group to consult and advise the council concerning local government criminal justice issues and the impact of state criminal justice policy and decisions on local units of government. The advisory group shall consist of a sheriff, chief of police, county or district attorney, city governing body and a county commissioner. Appointees to such advisory group shall serve without compensation or reimbursement for travel and subsistence or any other expenses.

(g) The council shall form a task force to study and develop policies and recommendations regarding the juvenile justice system, including issues of jurisdiction, placement, intake and assessment processes, dispositional alternatives, financing strategies, availability of mental health services and work processes and case loads of social workers and court services officers, the implications of a youth authority and any other issues affecting children in need of care as defined in K.S.A. 38-1501 et seq. and juvenile offenders as defined in K.S.A. 38-1601 et seq. and amendments thereto. The task force shall consist of the following members: Executive director of the corporation for change or designee, chair of the advisory committee on juvenile offender programs or designee, commissioner of youth services of the department of social and rehabilitation services or designee; additional members to be selected by the council shall include a director of a community corrections program, a juvenile judge, a prosecuting attorney, an attorney who represents juveniles, a deputy secretary of corrections, a court services officer, and a sheriff or chief of police. The corporation for change and the division of youth services of the state department of social and rehabilitation services shall each assign one full-time equivalent staff member to the council or, in the case of the corporation for change, the equivalent of such by more than one staff member or other, for a period of one year, which staff shall be approved by the council and perform duties as assigned by and function under the direction of the executive director of the staff of the council, while continuing to be compensated by the agency by which employed. The task force shall submit a preliminary report to the council, and the council shall report to the chairperson of the senate and house committee on judiciary during the interim session of the 1995 legislature. A final report shall be submitted to the legislature on or before February 1, 1995. The task force shall cease to exist on June 30, 1995.

(h) (g) The council shall form a task force to study the consolidation of probation, parole and community corrections services.

(i) (h) When analyzing criminal justice issues and performing criminal justice studies, the council shall form such task groups as necessary and shall appoint individuals who appropriately represent law enforcement, the judiciary, legal profession, state, local, or federal government, the public, or other professions or groups as determined by the council, to represent the various aspects of the issue being analyzed or studied. Members of the legislature may be appointed ex officio members to such task groups. A member of the council shall serve as the chairperson of each task group appointed by the council. The council may appoint other members of the council to any task group formed by the council.

(j) (i) The council shall review reports submitted by each task group named by the council and shall submit the report with the council's recommendations pertaining thereto to the governor, chief justice of the supreme court, the chief clerk of the house of representatives and the secretary of the senate.

Sec. 88. On and after July 1, 1997, K.S.A. 1996 Supp. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state

of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

- (a) Chosen by election or appointment to fill an elective office;
- (b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;
- (c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;
- (d) all employees in the office of the governor;
- (e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;
- (f) chancellor, president, deans, administrative officers, student health service physicians, pharmacists, teaching and research personnel, health care employees and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer's employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution and county extension agents, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors; as used in this subsection (1)(f), "health care employees" means employees of the university of Kansas medical center who provide health care services at the university of Kansas medical center and who are medical technicians or technologists or respiratory therapists, who are licensed professional nurses or licensed practical nurses, or who are in job classes which are designated for this purpose by the chancellor of the university of Kansas upon a finding by the chancellor that such designation is required for the university of Kansas medical center to recruit or retain personnel for positions in the designated job classes; and employees of any institution under the state board of regents who are medical technologists;
- (g) operations, maintenance and security personnel employed to implement agreements entered into by the adjutant general and the federal national guard bureau, and officers and enlisted persons in the national guard and the naval militia;
- (h) persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;
- (i) persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;
- (j) officers and employees in the office of the attorney general and special counsel to state departments appointed by the attorney general, except that officers and employees of the division of the Kansas bureau of investigation shall be in the classified or unclassified service as provided in K.S.A. 75-711 and amendments thereto;
- (k) all employees of courts;
- (l) client, patient and inmate help in any state facility or institution;
- (m) all attorneys for boards, commissions and departments;
- (n) the secretary and assistant secretary of the Kansas state historical society;
- (o) physician specialists, dentists, dental hygienists, pharmacists, medical technologists and long term care workers employed by the department of social and rehabilitation services;
- (p) physician specialists, dentists and medical technologists employed by any board, commission or department or by any institution under the jurisdiction thereof;
- (q) student employees enrolled in public institutions of higher learning;
- (r) administrative officers, directors and teaching personnel of the state board of education and the state department of education and of any institution under the supervision and control of the state board of education, except that this subsection (1)(r) shall not be construed to include the custodial, clerical or maintenance employees, or any employ-

ees performing duties in connection with the business operations of any such institution, except administrative officers and directors;

- (s) all officers and employees in the office of the secretary of state;
  - (t) one personal secretary and one special assistant to the following: The secretary of administration, the secretary of aging, the secretary of agriculture, the secretary of commerce and housing, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of human resources, the secretary of revenue, the secretary of social and rehabilitation services, the secretary of transportation and the secretary of wildlife and parks;
  - (u) one personal secretary and one special assistant to the chancellor and presidents of institutions under the state board of regents;
  - (v) one personal secretary and one special assistant to the executive vice chancellor of the university of Kansas medical center;
  - (w) one public information officer and one chief attorney for the following: The department of administration, the department on aging, the department of agriculture, the department of commerce and housing, the department of corrections, the department of health and environment, the department of human resources, the department of revenue, the department of social and rehabilitation services, the department of transportation and the Kansas department of wildlife and parks;
  - (x) civil service examination monitors;
  - (y) one executive director, one general counsel and one director of public affairs and consumer protection in the office of the state corporation commission;
  - (z) specifically designated by law as being in the unclassified service; and
    - (aa) all officers and employees of Kansas, Inc., and the Kansas technology enterprise corporation and the corporation for change.
- (2) The classified service comprises all positions now existing or hereafter created which are not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible pools which so far as practicable shall be competitive. No person shall be appointed, promoted, reduced or discharged as an officer, clerk, employee or laborer in the classified service in any manner or by any means other than those prescribed in the Kansas civil service act and the rules adopted in accordance therewith.
- (3) For positions involving unskilled, or semiskilled duties, the secretary of administration, as provided by law, shall establish rules and regulations concerning certifications, appointments, layoffs and reemployment which may be different from the rules and regulations established concerning these processes for other positions in the classified service.
- (4) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose employees are exempt from the provisions of the Kansas civil service act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate pools of eligibles maintained by the division of personnel services.
- Sec. 89. On and after July 1, 1997, K.S.A. 1996 Supp. 75-2935b is hereby amended to read as follows: 75-2935b. Salaries and other compensation of all persons who are within the unclassified service of the Kansas civil service act, and which salaries and other compensation are not fixed by statute, shall be subject to the approval of the governor and such salaries or other compensation shall not be paid until approved by the governor. The provisions of this section shall not apply to the salaries and other compensation of any officer or employee when such salary or other compensation is specifically prescribed by law, nor to officers and employees of elected state officials, officers and employees under the jurisdiction of the state board of regents, the executive secretary and other employees of the Kansas public employees retirement system that are in the unclassified service as specified under K.S.A. 74-4908 and amendments thereto, officers and employees of Kansas, Inc., and the Kansas technology enterprise corporation and the Kansas corporation for change, officers and employees under the jurisdiction of the supreme court, legislative officers and employees or officers and employees of any agency performing functions and duties primarily for the legislative branch.
- Sec. 90. On and after July 1, 1997, K.S.A. 75-5291 is hereby amended to read as follows: 75-5291. The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services including, but not limited to, restitution programs, victim services programs, preventive or diversionary correctional programs, community corrections centers and

(continued)

facilities for the detention or confinement, care or treatment of adults charged with or convicted of crime or of juveniles being detained or adjudged to be delinquent, miscreant or a juvenile offender except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127, and amendments thereto.

Sec. 91. On and after July 1, 1997, K.S.A. 1996 Supp. 75-6102 is hereby amended to read as follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and amendments thereto, unless the context clearly requires otherwise:

(a) "State" means the state of Kansas and any department or branch of state government, or any agency, authority, institution or other instrumentality thereof.

(b) "Municipality" means any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof.

(c) "Governmental entity" means state or municipality.

(d) "Employee" means any officer, employee, servant or member of a board, commission, committee, division, department, branch or council of a governmental entity, including elected or appointed officials and persons acting on behalf or in service of a governmental entity in any official capacity, whether with or without compensation and a charitable health care provider. Employee includes any steward or racing judge appointed pursuant to K.S.A. 74-8818, and amendments thereto, regardless of whether the services of such steward or racing judge are rendered pursuant to contract as an independent contractor, but does not otherwise include any independent contractor under contract with a governmental entity except (1) employees of the United States marshal's service engaged in the transportation of inmates on behalf of the secretary of corrections and, (2) a person who is an employee of a nonprofit independent contractor, other than a municipality, under contract to provide educational or vocational training to inmates in the custody of the secretary of corrections and who is engaged in providing such service in an institution under the control of the secretary of corrections provided that such employee does not otherwise have coverage for such acts and omissions within the scope of their employment through a liability insurance contract of such independent contractor; and (3) a person who is an employee of a nonprofit program, other than a municipality, who has contracted with the commissioner of juvenile justice or with another nonprofit program that has contracted with the commissioner of juvenile justice to provide a juvenile justice program for juvenile offenders in a judicial district provided that such employee does not otherwise have coverage for such acts and omissions within the scope of their employment through a liability insurance contract of such nonprofit program. "Employee" also includes an employee of an indigent health care clinic. "Employee" also includes former employees for acts and omissions within the scope of their employment during their former employment with the governmental entity.

(e) "Community service work" means public or community service performed by a person (1) as a result of a contract of diversion entered into by such person as authorized by law, (2) pursuant to the assignment of such person by a court to a community corrections program, (3) as a result of suspension of sentence or as a condition of probation pursuant to court order, (4) in lieu of a fine imposed by court order or (5) as a condition of placement ordered by a court pursuant to K.S.A. 38-1663, and amendments thereto.

(f) "Charitable health care provider" means a person licensed by the state board of healing arts as an exempt licensee or a federally active licensee, a person issued a limited permit by the state board of healing arts, a physician's assistant registered by the state board of healing arts or a health care provider as the term "health care provider" is defined under K.S.A. 65-4921, and amendments thereto, who has entered into an agreement with:

(1) The secretary of health and environment under K.S.A. 1996 Supp. 75-6120, and amendments thereto, who, pursuant to such agreement, gratuitously renders professional services to a person who has provided information which would reasonably lead the health care provider to make the good faith assumption that such person meets the definition of medically indigent person as defined by this section or to a person receiving medical assistance from the programs operated by the department of social and rehabilitation services, and who is considered an employee of the state of Kansas under K.S.A. 1996 Supp. 75-6120, and amendments thereto; or

(2) the secretary of health and environment and who, pursuant to such agreement, gratuitously renders professional services in conducting children's immunization programs administered by the secretary; or

(3) a local health department or indigent health care clinic, which renders professional services to medically indigent persons or persons receiving medical assistance from the programs operated by the department of social and rehabilitation services gratuitously or for a fee paid by the local health department or indigent health care clinic to such provider and who is considered an employee of the state of Kansas under K.S.A. 1996 Supp. 75-6120 and amendments thereto. Professional services rendered by a provider under this paragraph (3) shall be considered gratuitous notwithstanding fees based on income eligibility guidelines charged by a local health department or indigent health care clinic and notwithstanding any fee paid by the local health department or indigent health care clinic to a provider in accordance with this paragraph (3).

(g) "Medically indigent person" means a person who lacks resources to pay for medically necessary health care services and who meets the eligibility criteria for qualification as a medically indigent person established by the secretary of health and environment under K.S.A. 1996 Supp. 75-6120, and amendments thereto.

(h) "Indigent health care clinic" means an outpatient medical care clinic operated on a not-for-profit basis which has a contractual agreement in effect with the secretary of health and environment to provide health care services to medically indigent persons.

(i) "Local health department" shall have the meaning ascribed to such term under K.S.A. 65-241 and amendments thereto.

Sec. 92. On and after July 1, 1997, K.S.A. 1996 Supp. 75-6104 is hereby amended to read as follows: 75-6104. A governmental entity or an employee acting within the scope of the employee's employment shall not be liable for damages resulting from:

(a) Legislative functions, including, but not limited to, the adoption or failure to adopt any statute, regulation, ordinance or resolution;

(b) judicial function;

(c) enforcement of or failure to enforce a law, whether valid or invalid, including, but not limited to, any statute, rule and regulation, ordinance or resolution;

(d) adoption or enforcement of, or failure to adopt or enforce, any written personnel policy which protects persons' health or safety unless a duty of care, independent of such policy, is owed to the specific individual injured, except that the finder of fact may consider the failure to comply with any written personnel policy in determining the question of negligence;

(e) any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a governmental entity or employee, whether or not the discretion is abused and regardless of the level of discretion involved;

(f) the assessment or collection of taxes or special assessments;

(g) any claim by an employee of a governmental entity arising from the tortious conduct of another employee of the same governmental entity, if such claim is (1) compensable pursuant to the Kansas workers compensation act or (2) not compensable pursuant to the Kansas workers compensation act because the injured employee was a firemen's relief association member who was exempt from such act pursuant to K.S.A. 44-505d, and amendments thereto, at the time the claim arose;

(h) the malfunction, destruction or unauthorized removal of any traffic or road sign, signal or warning device unless it is not corrected by the governmental entity responsible within a reasonable time after actual or constructive notice of such malfunction, destruction or removal. Nothing herein shall give rise to liability arising from the act or omission of any governmental entity in placing or removing any of the above signs, signals or warning devices when such placement or removal is the result of a discretionary act of the governmental entity;

(i) any claim which is limited or barred by any other law or which is for injuries or property damage against an officer, employee or agent where the individual is immune from suit or damages;

(j) any claim based upon emergency management activities, except that governmental entities shall be liable for claims to the extent provided in article 9 of chapter 48 of the Kansas Statutes Annotated;

(k) the failure to make an inspection, or making an inadequate or negligent inspection, of any property other than the property of the governmental entity, to determine whether the property complies with or violates any law or rule and regulation or contains a hazard to public health or safety;

(l) snow or ice conditions or other temporary or natural conditions on any public way or other public place due to weather conditions, unless the condition is affirmatively caused by the negligent act of the governmental entity;

(m) the plan or design for the construction of or an improvement to public property, either in its original construction or any improvement thereto, if the plan or design is approved in advance of the construction or improvement by the governing body of the governmental entity or some other body or employee exercising discretionary authority to give such approval and if the plan or design was prepared in conformity with the generally recognized and prevailing standards in existence at the time such plan or design was prepared;

(n) failure to provide, or the method of providing, police or fire protection;

(o) any claim for injuries resulting from the use of any public property intended or permitted to be used as a park, playground or open area for recreational purposes, unless the governmental entity or an employee thereof is guilty of gross and wanton negligence proximately causing such injury;

(p) the natural condition of any unimproved public property of the governmental entity;

(q) any claim for injuries resulting from the use or maintenance of a public cemetery owned and operated by a municipality or an abandoned cemetery, title to which has vested in a governmental entity pursuant to K.S.A. 17-1366 through 17-1368, and amendments thereto, unless the governmental entity or an employee thereof is guilty of gross and wanton negligence proximately causing the injury;

(r) the existence, in any condition, of a minimum maintenance road, after being properly so declared and signed as provided in K.S.A. 68-5,102, and amendments thereto;

(s) any claim for damages arising from the performance of community service work other than damages arising from the operation of a motor vehicle as defined by K.S.A. 40-3103, and amendments thereto;

(t) any claim for damages arising from the operation of vending machines authorized pursuant to K.S.A. 68-432 or K.S.A. 1996 Supp. 75-3343a, and amendments thereto; or

(u) providing, distributing or selling information from geographic information systems which includes an entire formula, pattern, compilation, program, device, method, technique, process, digital database or system which electronically records, stores, reproduces and manipulates by computer geographic and factual information which has been developed internally or provided from other sources and compiled for use by a public agency, either alone or in cooperation with other public or private entities; or

(v) any claim arising from providing a juvenile justice program to juvenile offenders, if such juvenile justice program has contracted with the commissioner of juvenile justice or with another nonprofit program that has contracted with the commissioner of juvenile justice.

A governmental entity shall not be liable for damages under subsection (d) of K.S.A. 65-445 and amendments thereto or subsection (e) of K.S.A. 1996 Supp. 65-6804 and amendments thereto for any action of an employee or former employee who has violated the provisions of subsection (d) of K.S.A. 65-445 and amendments thereto or subsection (e) of K.S.A. 1996 Supp. 65-6804 and amendments thereto.

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

Sec. 93. On and after July 1, 1997, K.S.A. 1996 Supp. 75-6801 is hereby amended to read as follows: 75-6801. (a) As used in this section:

(1) "Executive secretary" means the executive secretary of the Kansas public employees retirement system.

(2) "F.T.E. positions" means the number of full time and regular part time positions equated to full time, excluding seasonal and temporary positions, paid from appropriations.

(3) "Head of the governmental branch" means the governor, in the case of the executive branch; and the legislative coordinating council, in the case of the legislative branch.

(4) "Retiree" means any person electing to retire pursuant to K.S.A. 74-4914, and amendments thereto, except that "retiree" shall not include any person who is retiring from a position which provides direct care for patients at Topeka state hospital, Osawatomie state hospital, Rainbow mental health facility or Larned state hospital, Kansas neurological insti-

tute, Parsons state hospital and training center, Winfield state hospital and training center and, university of Kansas medical center, *Atchison juvenile correctional facility, Beloit juvenile correctional facility, Larned juvenile correctional facility and Topeka juvenile correctional facility.*

(b) The executive secretary shall provide the head of the governmental branch notice of the name, employing state agency and retirement date of each retiree retiring after the effective date of this act and such other information that may be prescribed by the head of the governmental branch.

(c) (1) Upon receipt of each notice pursuant to subsection (b) regarding a retiree employed by a state agency in the executive branch, the governor shall direct the secretary of administration to reduce by one the number of F.T.E. positions authorized for the state agency that employed the retiree and reduce the expenditure authority of such state agency in an amount attributable to the amount of unused salary and employer-paid benefits attributable to the retiree's job position.

(2) Upon receipt of each notice pursuant to subsection (c) regarding a retiree employed by a state agency in the legislative branch, the legislative coordinating council shall reduce by one the number of F.T.E. positions for the state agency that employed the retiree and reduce the expenditure authority of such state agency in an amount attributable to the retiree's job position.

(d) (1) For reductions made in the executive branch of government, the governor is authorized to restore or allocate, to any state agency or agencies within the executive branch, no more than  $\frac{3}{4}$  of the F.T.E. positions and expenditure authority reductions made pursuant to subsection (c)(1), except that, upon request of the governor, the reduced number of authorized F.T.E. positions and the reduced amount of expenditure authority established under subsection (c)(1) for a state agency in the executive branch of government may be increased upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

(2) For reductions made in the legislative branch of government, the legislative coordinating council is authorized to restore or allocate, to any state agency or agencies within the legislative branch, no more than  $\frac{3}{4}$  of the F.T.E. positions and expenditure authority reductions made pursuant to subsection (c)(2), except that, upon request of the agency head, the reduced number of authorized F.T.E. positions and the reduced amount of expenditure authority established under subsection (c) for a state agency in the legislative branch of government may be increased upon approval by the legislative coordinating council.

(e) The secretary of administration is authorized to prescribe such policies and procedures as may be deemed necessary to carry out the provisions of this section.

Sec. 94. On and after July 1, 1997, K.S.A. 1996 Supp. 75-7007 is hereby amended to read as follows: 75-7007. (a) The Kansas youth authority shall be the successor in every way to the powers, duties and functions of the advisory commission on juvenile offender programs.

(b) For the purposes of federal juvenile justice and delinquency prevention act of 1974, as amended, the Kansas youth authority shall act as the supervisory board.

(c) The provisions of subsections (a) and (b) shall expire on June 30, 1997.

(d) On and after July 1, 1997, for the purposes of the federal juvenile justice delinquency prevention act of 1974, as amended, the Kansas youth authority, as an advisory authority to the commissioner of juvenile justice, shall act as the supervisory board: (a) There is hereby established the Kansas advisory group on juvenile justice and delinquency prevention, for the purposes of the federal juvenile justice and delinquency prevention act of 1974, as amended.

(b) The membership of the Kansas advisory group on juvenile justice and delinquency prevention shall include the members of the Kansas youth authority, as appointed pursuant to K.S.A. 75-7009, and amendments thereto, and other members as appointed by the governor. The governor shall appoint at least eight but not more than 26 additional members to the advisory group. The additional members shall serve at the pleasure of the governor.

(c) The chairperson and vice-chairperson of the advisory group shall be appointed by the governor.

(d) Each member of the advisory group shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto.

(continued)

(e) The advisory group shall participate in the development and review of the juvenile justice plan, review and comment on all juvenile justice and delinquency prevention grant applications, and shall make recommendations regarding the grant applications.

(f) All ex officio members of the Kansas youth authority shall also serve as ex officio members to the advisory group.

(g) The advisory group shall receive reports from local citizen review boards established pursuant to K.S.A. 38-1812, and amendments thereto, regarding the status of juvenile offenders under the supervision of the district courts.

Sec. 95. On and after July 1, 1997, K.S.A. 1996 Supp. 75-7008 is hereby amended to read as follows: 75-7008. (a) There is hereby established the Kansas youth authority. The authority shall develop confinement and alternate disposition policies for juvenile offenders. The authority shall specifically look at confinement as well as diversion, fines, restitution, community service, standard probation, intensive supervision, house arrest programs, electronic monitoring, structured school, day reporting centers, community residential care, treatment centers and sanctions house.

(b) The Kansas youth authority shall develop and submit its interim report and statutory proposals to the legislature on or before November 1, 1995. A transitional plan shall be submitted on the commencement of the 1997 legislative session. Such transitional plan shall include a plan for the transfer of the powers, duties and functions of the department of social and rehabilitation services and other state agencies concerning juvenile offenders to the juvenile justice authority and the commissioner of juvenile justice; a plan for a juvenile offender placement matrix to promote uniformity throughout the system; a plan for aftercare services upon release from a juvenile correctional facility including the development of discharge plans which will coordinate the efficient delivery of services including educational services; a plan in coordination with the department of social and rehabilitation services to consolidate the functions of juvenile offenders and children in need of care intake and assessment services to provide a statewide plan for coordinating services on a 24-hour a day basis; a plan to recommend how all juveniles in police custody will be processed through the juvenile intake and assessment system; and a plan to facilitate the transfer from a state-based juvenile justice system to a community-based juvenile justice system. The plan for transition to a more community-based juvenile justice system shall be based on judicial districts and shall specifically address the governance, financial needs, compliance requirements and accountability of the system. The Kansas youth authority may contract with a consultant to provide assistance with such transitional plans.

(c) On July 1, 1997, the Kansas youth authority shall become an advisory authority to the commissioner of juvenile justice.

(d) The Kansas youth authority shall review programs and services provided by community corrections programs pursuant to the community corrections act. The Kansas youth authority shall review the local juvenile intake and assessment programs. The Kansas youth authority may study issues concerning children in need of care.

(e) The Kansas department of social and rehabilitation services, in cooperation with the Kansas youth authority, shall coordinate all state efforts to prevent alcohol and drug abuse by juveniles.

(f) The Kansas department of social and rehabilitation services, in cooperation with the Kansas youth authority, shall develop a comprehensive strategy for prevention and early intervention, including, but not limited to, a program to assist each community in performing a comprehensive risk assessment.

(g) Annually, the Kansas youth authority shall recognize:

(1) No more than six individuals or organizations that have made significant and positive contributions to Kansas youth; and

(2) one male and one female Kansas youth for significant and positive contributions to the eradication of youth risk factors in such youth's community.

(h) The Kansas youth authority may appoint an advisory youth council. Such council shall advise the authority on policy recommendations and programs. Members of the youth council shall meet and have such duties as determined by the Kansas youth authority.

(i) There is hereby created the Kansas endowment for youth fund in the state treasury. All moneys credited to the Kansas endowment for youth fund shall be used to fund prevention programs for youths transferred to the Kansas endowment for youth trust fund, established in K.S.A. 75-7021, and amendments thereto. The Kansas youth authority shall ac-

cept grants and donations, both public and private, to be credited to the fund. All expenditures from the Kansas endowment for youth fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the Kansas youth authority or by a person or persons designated by such chairperson. The Kansas youth authority may contract with a consultant to determine the elements of a successful endowment program. On the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas endowment for youth fund, the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a, and amendments thereto; that is attributable to money in the Kansas endowment for youth fund. Such amount of money shall be determined by the pooled money investment board based on:

(1) The average daily balance of moneys in the Kansas endowment for youth fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports; and

(2) the average interest rate on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board for that period of time. On or before the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the Kansas endowment for youth fund for the period of time specified under this subsection.

Sec. 96. On and after July 1, 1997, K.S.A. 1996 Supp. 75-7009 is hereby amended to read as follows: 75-7009. (a) The Kansas youth authority shall consist of seven members. The governor shall appoint one member from each congressional district and three members from the state at large. The governor shall appoint a chairperson.

(b) The authority shall meet upon call of its chairperson as is necessary to carry out its duties under this act.

(c) Of the members of the board appointed in the year 1999, three members shall have terms ending on the second Monday in January 2001 and four members shall have terms ending on the second Monday in January 2003. Each member appointed in 1995 and subsequent to 1999 shall be appointed for a four-year term and shall continue in office until a successor is appointed and qualified. Members shall be eligible for reappointment.

(d) Each member of the authority shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto.

(e) The attorney general or the attorney general's designee, the chief justice of the supreme court or the chief justice's designee and the commissioner of education or the commissioner's designee shall serve as ex officio members of the authority. The governor may appoint other members to serve as ex officio members. Such ex officio members appointed by the governor shall serve at the pleasure of the governor. *The Kansas league of municipalities and the Kansas association of counties each may appoint a member to serve as an ex officio member.* All ex officio members of the commission shall be nonvoting members.

Sec. 97. On and after July 1, 1997, K.S.A. 1996 Supp. 75-7021 is hereby amended to read as follows: 75-7021. (a) There is hereby created in the state treasury the Kansas endowment for youth trust fund. Money credited to the fund pursuant to K.S.A. 20-367 and amendments thereto or by any other lawful means shall be used solely for the purpose of making grants to further the purpose of juvenile justice reform, including rational prevention programs and programs for treatment and rehabilitation of juveniles and to further the partnership between state and local communities. Such treatment and rehabilitation programs should aim to combine accountability and sanctions with increasingly intensive treatment and rehabilitation services with an aim to provide greater public safety and provide intervention that will be uniform and consistent.

(b) All expenditures from the Kansas endowment for youth trust fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of juvenile justice or by a person or persons designated by the commissioner.

(c) The commissioner of juvenile justice may apply for, receive and accept money from any source for the purposes for which money in the

Kansas endowment for youth trust fund may be expended. Upon receipt of any such money, the commissioner shall remit the entire amount at least monthly to the state treasurer, who shall deposit it in the state treasury and credit it to the Kansas endowment for youth trust fund.

(d) Grants made to programs pursuant to this section shall be based on the number of persons to be served and such other requirements as may be established by the Kansas youth authority in guidelines established and promulgated to regulate grants made under authority of this section. The guidelines may include requirements for grant applications, organizational characteristics, reporting and auditing criteria and such other standards for eligibility and accountability as are deemed advisable by the Kansas youth authority.

(e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas endowment for youth trust fund, the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a, and amendments thereto, that is attributable to money in the Kansas endowment for youth trust fund. Such amount of money shall be determined by the pooled money investment board in interest earnings based on:

(1) The average daily balance of moneys in the Kansas endowment for youth trust fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; and

(2) The average interest rate on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board for that period of time. On or before the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the Kansas endowment for youth trust fund for the period of time specified under this subsection net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 98. On and after July 1, 1997, K.S.A. 1996 Supp. 75-7023 is hereby amended to read as follows: 75-7023. (a) The supreme court through administrative orders shall provide for the establishment of a juvenile intake and assessment system and for the establishment and operation of juvenile intake and assessment programs in each judicial district. On and after July 1, 1997, the secretary of social and rehabilitation services may contract with the commissioner of juvenile justice to provide for the juvenile intake and assessment system and programs for children in need of care. *Except as provided further*, on and after July 1, 1997, the commissioner of juvenile justice shall promulgate rules and regulations for the juvenile intake and assessment system and programs concerning juvenile offenders. *If the commissioner contracts with the office of judicial administration to administer the juvenile intake and assessment system and programs concerning juvenile offenders, the supreme court administrative orders shall be in force until such contract ends and the rules and regulations concerning juvenile intake and assessment system and programs concerning juvenile offenders have been adopted.*

(b) No records, reports and information obtained as a part of the juvenile intake and assessment process may be admitted into evidence in any proceeding and may not be used in a child in need of care proceeding except for diagnostic and referral purposes and by the court in considering dispositional alternatives. However, if the records, reports or information are in regard to abuse or neglect, which is required to be reported under K.S.A. 38-1522, and amendments thereto, such records, reports or information may then be used for any purpose in a child in need of care proceeding pursuant to the Kansas code for care of children.

(c) Upon a juvenile being taken into custody pursuant to K.S.A. 38-1624, and amendments thereto, a juvenile intake and assessment worker shall complete the intake and assessment process as required by supreme court administrative order or district court rule prior to July 1, 1997, or *except as provided above* rules and regulations established by the commissioner of juvenile justice on and after July 1, 1997.

(d) In addition to any other information required by the supreme court administrative order, the secretary, the commissioner or by the district court of such district, the juvenile intake and assessment worker shall collect the following information:

(1) A standardized risk assessment tool, such as the problem oriented screening instrument for teens;

- (2) criminal history, including indications of criminal gang involvement;
- (3) abuse history;
- (4) substance abuse history;
- (5) history of prior community services used or treatments provided;
- (6) educational history;
- (7) medical history; and
- (8) family history.

(e) After completion of the intake and assessment process for such child, the intake and assessment worker may:

(1) Release the child to the custody of the child's parent or other legal guardian or another appropriate adult if the intake and assessment worker believes that it would be in the best interest of the child and it would not be harmful to the child to do so.

(2) Conditionally release the child to the child's parent or other legal guardian or another appropriate adult if the intake and assessment worker believes that if the conditions are met, it would be in the child's best interest to release the child to such child's parent or other legal guardian or another appropriate adult; and the intake and assessment worker has reason to believe that it might be harmful to the child to release the child to such child's parents or other legal guardian or another appropriate adult without imposing the conditions. The conditions may include, but not be limited to:

- (A) Participation of the child in counseling;
- (B) participation of members of the child's family in counseling;
- (C) participation by the child, members of the child's family and other relevant persons in mediation;
- (D) provision of inpatient treatment for the child;
- (E) referral of the child and the child's family to the secretary of social and rehabilitation services for services and the agreement of the child and family to accept and participate in the services offered;
- (F) referral of the child and the child's family to available community resources or services and the agreement of the child and family to accept and participate in the services offered;
- (G) requiring the child and members of the child's family to enter into a behavioral contract which may provide for regular school attendance among other requirements; or
- (H) any special conditions necessary to protect the child from future abuse or neglect.

(3) Deliver the child to a shelter facility or a licensed attendant care center along with the law enforcement officer's written application. The shelter facility or licensed attendant care facility shall then have custody as if the child had been directly delivered to the facility by the law enforcement officer pursuant to K.S.A. 38-1528, and amendments thereto.

(4) Refer the child to the county or district attorney for appropriate proceedings to be filed or refer the child and family to the secretary of social and rehabilitation services for investigations in regard to the allegations.

Sec. 99. On and after July 1, 1997, K.S.A. 1996 Supp. 75-7024 is hereby amended to read as follows: 75-7024. On and after July 1, 1997, in addition to other powers and duties provided by law, in administering the provisions of the juvenile justice code, the commissioner of juvenile justice shall:

(a) Establish the following divisions in the juvenile justice authority:

(1) Operations. The commissioner shall oversee operate the juvenile intake and assessment system as it relates to the juvenile offender; provide technical assistance and help facilitate community collaboration; license juvenile correctional facilities, programs and providers; assist in coordinating a statewide system of community based service providers; establish pilot projects for community based service providers; and operate the juvenile correctional facilities.

(2) Research and prevention. The commissioner shall generate, analyze and utilize data to review existing programs and identify effective prevention programs; to develop new program initiatives and restructure existing programs; and to assist communities in risk assessment and effective resource utilization.

(3) Contracts. The commissioner shall secure the services of direct providers by contracting with such providers, which may include non-profit, private or public agencies, to provide functions and services needed to operate the juvenile justice authority. The commissioner shall contract with local service providers, when available, to provide 24-hour

(continued)

a-day intake and assessment services. Nothing provided for herein shall prohibit local municipalities, through interlocal agreements, from corroborating with and participating in the intake and assessment services established in K.S.A. 1996 Supp. 75-7023 and amendments thereto. All contracts entered into by the commissioner to secure the services of direct providers shall contain a clause allowing the inspector general unlimited access to such facility, records or personnel pursuant to subsection (a)(4)(B).

(4) Performance audit. (A) The commissioner shall randomly audit contracts to determine that service providers are performing as required pursuant to the contract.

(B) Within the division of performance audit, the commissioner shall designate a staff person to serve in the capacity of inspector general. Such inspector general, or such inspector general's designee, shall have the authority to: (i) Enforce compliance with all contracts; (ii) perform audits as necessary to ensure compliance with the contracts. The inspector general shall have unlimited access to any and all facilities, records or personnel of any provider that has contracted with the commissioner to determine that such provider is in compliance with the contracts; and (iii) establish a statewide juvenile justice hotline to respond to any complaints or concerns that have been received concerning juvenile justice.

(b) Adopt rules and regulations necessary for the administration of this act.

(c) Administer all state and federal funds appropriated to the juvenile justice authority and may coordinate with any other agency within the executive branch expending funds appropriated for juvenile justice.

(d) Administer the development and implementation of a juvenile justice information system.

(e) Administer the transition to and implementation of juvenile justice system reforms.

(f) Coordinate with the judicial branch of state government any duties and functions which effect the juvenile justice authority.

(g) Serve as a resource to the legislature and other state policymakers.

(h) Make and enter into all contracts and agreements and do all other acts and things necessary or incidental to the performance of functions and duties and the execution of powers under this act. The commissioner may enter into memorandums of agreement or contractual relationships with state agencies, other governmental entities or private providers as necessary to carry out the commissioner's responsibilities pursuant to the Kansas juvenile justice code.

(i) Accept custody of juvenile offenders so placed by the court.

(j) Assign juvenile offenders placed in the commissioner's custody to juvenile correctional facilities based on information collected by the reception and diagnostic evaluation, intake and assessment report, pursuant to K.S.A. 1996 Supp. 75-7023 and the predispositional investigation report, pursuant to K.S.A. 38-1661, and amendments thereto.

(k) Establish and utilize a reception and diagnostic evaluation for all juvenile offenders to be evaluated prior to placement in a juvenile correctional facility.

(l) Assist the judicial districts in establishing community based placement options, juvenile community corrections correctional services and aftercare transition services for juvenile offenders.

(m) Review, evaluate and restructure the programmatic mission and goals of the juvenile correctional facilities to accommodate greater specialization for each facility.

(n) Adopt rules and regulations as are necessary to encourage the sharing of information between individuals and agencies who are involved with the juvenile.

(o) Provide staff support to the Kansas youth authority.

(p) Designate in each judicial district an entity which shall be responsible for juvenile justice field services not provided by court services officers in the judicial district. The commissioner shall contract with such entity and provide grants to fund such field services.

(q) Monitor placement trends and minority confinement.

(r) On or before December 1, 1997, with the approval of the Kansas youth authority, develop and submit to the joint committee on corrections and juvenile justice oversight a recommendation to provide for the financial viability of the Kansas juvenile justice system. Such recommendation shall include a formula for the allocation of state funds to community programs and a rationale in support of the recommendation. Additionally, the commissioner shall submit a recommendation, approved by the Kansas youth authority, detailing capital projects and expenditures projected during the five-year period beginning July 1, 1997, including a rationale in support of such recommendation. In developing such recommenda-

tions, the commissioner shall avoid pursuing construction or expansion of state institutional capacity when appropriate alternatives to such placements are justified. The commissioner's recommendations shall identify a revenue source sufficient to appropriately fund expenditures anticipated to be incurred subsequent to expansion of community-based capacity and necessary to finance recommended capital projects.

(s) Report monthly to the joint committee on corrections and juvenile justice oversight. The commissioner shall review with the committee any contracts or memorandums of agreement with other state agencies prior to the termination of such agreements or contracts.

(t) Have the authority to designate all or a portion of a facility for juveniles under the commissioner's jurisdiction as a:

(1) Nonsecure detention facility;

(2) facility for the educational or vocational training and related services;

(3) facility for temporary placement pending other arrangements more appropriate for the juvenile's needs; and

(4) facility for the provision of care and other services and not for the detention of juveniles. The commissioner may appoint a deputy commissioner to head each division in the juvenile justice authority and such deputy shall serve at the pleasure of the commissioner. Any such deputy commissioner shall be in the unclassified service under the Kansas civil service law.

Sec. 100. On and after July 1, 1997, K.S.A. 1996 Supp. 75-7025 is hereby amended to read as follows: 75-7025. On and after July 1, 1997:

(a) The commissioner of juvenile justice may establish, maintain and improve throughout the state, within the limits of funds appropriated therefor and any grants or funds received from federal agencies and other sources, regional youth care, evaluation and rehabilitation facilities, not to exceed 10 in number, for the purpose of: (1) Providing local authorities with facilities for the detention and rehabilitation of juvenile offenders, including, but not limited to juvenile offenders who are 16 and 17 years of age; (2) providing local authorities with facilities for the temporary shelter and detention of juveniles pending any examination or study to be made of the juveniles or prior to the disposition of such juveniles pursuant to the Kansas code for care of children or the Kansas juvenile justice code; and (3) providing short-term treatment and rehabilitation service for juveniles.

(b) Each such facility shall be staffed by a superintendent, matron and such other officers and employees considered necessary by the commissioner for the proper management and operation of the center. The commissioner shall appoint the superintendent of each regional facility and fix the superintendent's compensation with the approval of the governor. Each superintendent shall appoint all other officers and employees for such regional facility, subject to the approval of the commissioner.

(c) The commissioner may adopt rules and regulations relating to the operation and management of any regional youth care facility established pursuant to the provisions of K.S.A. 1996 Supp. 75-7025 through 75-7028, and amendments thereto.

Sec. 101. On and after July 1, 1997, K.S.A. 1996 Supp. 75-7026 is hereby amended to read as follows: 75-7026. On and after July 1, 1997:

(a) within the limits of funds appropriated therefor and any grants or funds received from any agency of the United States government, and other sources, the commissioner of juvenile justice may establish, maintain and improve throughout the state supplemental youth care facilities for children who are delinquent, miscreant or juvenile offenders and who are confined in institutions, for the purpose of providing treatment and rehabilitation services for the children. All children placed in supplemental youth care facilities shall be subject to laws applicable to juvenile offenders who are placed in any other juvenile correctional facility, as defined by K.S.A. 38-1602, and amendments thereto. The commissioner may adopt rules and regulations relating to the operation and management of any supplemental youth care facility established pursuant to this section.

(b) The supplemental youth care facility or youth rehabilitation center established at Osawatomie state hospital shall be known as the juvenile correctional facility at Osawatomie. Any reference to this supplemental youth care facility, youth rehabilitation center or the youth center at Osawatomie, or words of like effect, in any statute, contract or other document shall be deemed to apply to the juvenile correctional facility at Osawatomie. The juvenile correctional facility at Osawatomie shall be under the supervision and control of the commissioner in accordance with K.S.A. 1996 Supp. 76-2203. All juvenile offenders placed in the juvenile

correctional facility at Osawatomie shall be subject to laws applicable to juvenile offenders placed in any other juvenile correctional facility, as defined by K.S.A. 38-1602, and amendments thereto.

(e) The supplemental youth care facility or youth rehabilitation center established at Larned state hospital shall be known as the juvenile correctional facility at Larned. Any reference to this supplemental youth care facility, youth rehabilitation center, the youth center at Larned, or words of like effect, in any statute, contract or other document shall be deemed to apply to the juvenile correctional facility at Larned. The juvenile correctional facility at Larned shall be under the supervision and control of the commissioner in accordance with K.S.A. 1996 Supp. 76-2203. All juvenile offenders placed in the juvenile correctional facility at Larned shall be subject to laws applicable to any other juvenile correctional facility, as defined by K.S.A. 38-1602, and amendments thereto.

Sec. 102. On and after July 1, 1997, K.S.A. 1996 Supp. 75-7028 is hereby amended to read as follows: 75-7028. On and after July 1, 1997:

(a) The commissioner of juvenile justice is hereby authorized and empowered to establish and maintain at any institution, as defined in K.S.A. 38-1602, and amendments thereto, residential care facilities for children and youth committed or relinquished to the commissioner.

(b) Each residential care facility established under this section shall be under the supervision and administration of the commissioner. The commissioner shall appoint all employees of the residential care facility who shall be in the classified service under the Kansas civil service act.

(c) The commissioner is hereby authorized to adopt all necessary rules and regulations relating to the operation and management of any residential care facility established pursuant to the provisions of K.S.A. 1996 Supp. 75-7025 through 75-7028, and amendments thereto.

Sec. 103. On and after July 1, 1997, K.S.A. 1996 Supp. 76-6b04 is hereby amended to read as follows: 76-6b04. (a) There is hereby levied an annual permanent state tax upon all tangible property in this state which is subject to ad valorem taxation. The tax levy shall be .25 mill in the year 1990 and .5 mill in the year 1991 and each year thereafter until changed by statute. The tax levy shall be in addition to all other state tax levies authorized by law. The tax levy shall be for the use and benefit of state institutions caring for persons who are mentally ill, retarded, visually handicapped, with a handicapping hearing loss or tubercular or state institutions caring for children who are deprived, wayward, miscreant, delinquent, children in need of care or juvenile offenders and who are in need of residential care or treatment, or institutions designed primarily to provide vocational rehabilitation for handicapped persons. As used in this section, "state institutions" shall include, but not be limited to, those institutions under the authority of the commissioner of juvenile justice. The proceeds of such tax levy shall be apportioned in accordance with this act.

(b) The county treasurer of each county shall make the proceeds of the tax levy provided for in this section available to the state treasurer immediately upon collection. When available, the state treasurer shall withdraw from each county the proceeds of the taxes raised by such tax levy. Upon such withdrawal the state treasurer shall deposit the same in the state treasury and shall credit the same as provided in K.S.A. 76-6b05 and amendments thereto.

Sec. 104. On and after July 1, 1997, K.S.A. 76-2101, as amended by section 140 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 76-2101. (a) The name of the youth center at Topeka is hereby changed to the Topeka juvenile correctional facility at Topeka. On and after July 1, 1997, any reference in the laws of this state to the state industrial school for boys or the youth center at Topeka shall be construed as referring to the Topeka juvenile correctional facility at Topeka.

(b) The commissioner of juvenile justice shall have the management and control of the Topeka juvenile correctional facility at Topeka.

Sec. 105. On and after July 1, 1997, K.S.A. 76-2101a, as amended by section 141 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 76-2101a. (a) The superintendent of the Topeka juvenile correctional facility at Topeka shall remit all moneys received by or for the superintendent from charges and other operations of such institution 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 and the same shall be credited to the Topeka juvenile correctional facility at Topeka fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon war-

rants of the director of account and reports issued pursuant to vouchers approved by such superintendent or by a person or persons designated by the superintendent.

(b) The superintendent of the Atchison juvenile correctional facility at Atchison shall remit all moneys received by or for the superintendent from charges and other operations of such institution 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 and the same shall be credited to the Atchison juvenile correctional facility at Atchison fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by such superintendent or by a person or persons designated by the superintendent.

Sec. 106. On and after July 1, 1997, K.S.A. 76-2101b, as amended by section 142 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 76-2101b. (a) There is hereby established, as a separate institution, the youth center at Atchison. The name of the youth center at Atchison is hereby changed to the Atchison juvenile correctional facility at Atchison. On and after July 1, 1997, any reference in the laws of this state to the youth center at Atchison shall be construed as referring to the Atchison juvenile correctional facility at Atchison.

(b) The commissioner of juvenile justice shall have the management and control of the Atchison juvenile correctional facility at Atchison.

Sec. 107. On and after July 1, 1997, K.S.A. 76-2125, as amended by section 145 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 76-2125. After conveyance of the legal title to the state of Kansas, the control of such lands shall be vested in the secretary of social and rehabilitation services for the use and benefit of the youth center at Topeka. On and after July 1, 1997, the control of such lands shall be vested in the commissioner of juvenile justice for the use and benefit of the Topeka juvenile correctional facility at Topeka.

Sec. 108. On and after July 1, 1997, K.S.A. 76-2128, as amended by section 146 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 76-2128. When the state of Kansas has acquired title to such real estate as hereinbefore provided such real estate shall be for the use of the Topeka juvenile correctional facility at Topeka until other use is directed or disposition is made by the legislature.

Sec. 109. On and after July 1, 1997, K.S.A. 76-2201, as amended by section 147 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 76-2201. The name of the youth center at Beloit is hereby changed to the Beloit juvenile correctional facility at Beloit. On and after July 1, 1997, any reference in the laws of this state to the state industrial school for girls or the youth center at Beloit shall be construed as referring to the Beloit juvenile correctional facility at Beloit.

The commissioner of juvenile justice shall have the management and control of the Beloit juvenile correctional facility at Beloit.

Sec. 110. On and after July 1, 1997, K.S.A. 76-2201a, as amended by section 148 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 76-2201a. The superintendent of the Beloit juvenile correctional facility at Beloit shall remit all moneys received by or for the superintendent from charges and other operations of such institution 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 and the same shall be credited to the Beloit juvenile correctional facility at Beloit fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by such superintendent or by a person or persons designated by the superintendent.

Sec. 111. On and after July 1, 1997, K.S.A. 76-2219, as amended by section 149 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 76-2219. The commissioner of juvenile justice is hereby authorized to lease or convey for and on behalf of the state of Kansas certain lands located east of highway 129 and now a part of the Beloit juvenile correctional facility at Beloit to a political subdivision of this state if such lands are considered excess to present and future needs of the Beloit juvenile correctional facility at Beloit and is recommended for such conveyance by the state finance council and is to be used for educational purposes.

(continued)

Sec. 112. On and after July 1, 1997, K.S.A. 1996 Supp. 76-3201 is hereby amended to read as follows: 76-3201. On and after July 1, 1997, the commissioner shall appoint the superintendents of the *Atchison* juvenile correctional facility at *Atchison*, the *Beloit* juvenile correctional facility at *Beloit* and, the *Topeka* juvenile correctional facility at *Topeka* and the directors of and the *Larned* juvenile correctional facility at *Larned* and the juvenile correctional facility at *Osawatomie*. Superintendents and directors shall be in the unclassified service under the Kansas civil service act. A superintendent or director may be removed at any time by the commissioner. Each superintendent and director shall receive an annual salary fixed by the commissioner, with the approval of the governor. The commissioner may appoint an acting superintendent for any institution which has a superintendent or an acting director for each institution which has a director to serve temporarily until a vacancy is filled. Acting superintendents and directors shall have the same powers, duties and functions as superintendents and directors.

Sec. 113. On and after July 1, 1997, K.S.A. 1996 Supp. 79-4803 is hereby amended to read as follows: 79-4803. (a) Before July 1, 1995, an amount equal to 10% of all moneys credited to the state gaming revenues fund shall be transferred and credited in accordance with the following:

- (1) A portion of such amount, which shall be specified by appropriations act, shall be credited to the juvenile detention facilities fund; and
- (2) the remainder of such amount shall be credited to the correctional institutions building fund created pursuant to K.S.A. 76-6b00, and amendments thereto, to be appropriated by the legislature for the use and benefit of state correctional institutions as provided in K.S.A. 76-6b00 and amendments thereto.

(b) On and after July 1, 1995:

(1) An amount equal to 10% of all moneys credited to the state gaming revenues fund shall be transferred and credited to the correctional institutions building fund created pursuant to K.S.A. 76-6b09 and amendments thereto, to be appropriated by the legislature for the use and benefit of state correctional institutions as provided in K.S.A. 76-6b09 and amendments thereto; and

(2) an amount equal to 5% of all moneys credited to the state gaming revenues fund shall be transferred and credited to the juvenile detention facilities fund.

(c) There is hereby created in the state treasury the juvenile detention facilities fund which shall be administered by the attorney general commissioner of juvenile justice as approved by the Kansas advisory group on juvenile justice and delinquency prevention. All expenditures from the juvenile detention facilities fund shall be for the retirement of debt of facilities for the detention of juveniles; or for the construction, renovation, remodeling or operational costs of facilities for the detention of juveniles in accordance with a grant program which shall be established with grant criteria designed to facilitate the expeditious award and payment of grants for the purposes for which the moneys are intended. "Operational costs" shall not be limited to any per capita reimbursement by the secretary of social and rehabilitation services commissioner of juvenile justice for juveniles under the supervision and custody of the secretary commissioner but shall include payments to counties as and for their costs of operating the facility. The secretary of social and rehabilitation services commissioner of juvenile justice shall make grants of the moneys credited to the juvenile detention facilities fund for such purposes to counties in accordance with such grant program. All expenditures from the juvenile detention facilities fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of social and rehabilitation services or the secretary's commissioner of juvenile justice or the commissioner's designee.

(d) On July 1, 1994, the director of accounts and reports shall transfer all moneys in the juvenile detention facilities capital improvements fund to the juvenile detention facilities fund established pursuant to subsection (e). On July 1, 1994, all liabilities of the juvenile detention facilities capital improvements fund existing prior to such date are hereby imposed on the juvenile detention facilities fund established pursuant to subsection (e) and the juvenile detention facilities capital improvements fund is hereby abolished.

New Sec. 114. (a) There is hereby created the joint committee on corrections and juvenile justice oversight which shall be within the legislative branch of state government and which shall be composed of no more than seven members of the senate and seven members of the house of representatives.

(b) The senate members shall be appointed by the president and the minority leader. The two major political parties shall have proportional representation on such committee. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding .5 shall receive representation as though such fraction were a whole number.

(c) The seven representative members shall be appointed as follows:

(1) Two members shall be members of the majority party who are members of the house committee on appropriations and shall be appointed by the speaker;

(2) two members shall be members of the minority party who are members of the house committee on appropriations and shall be appointed by the minority leader;

(3) two members shall be members of the majority party who are members of the house committee on judiciary and shall be appointed by the speaker; and

(4) one member shall be a member of the minority party who is a member of the house committee on judiciary and shall be appointed by the minority leader.

(d) Any vacancy in the membership of the joint committee on corrections and juvenile justice oversight shall be filled by appointment in the manner prescribed by this section for the original appointment.

(e) All members of the joint committee on corrections and juvenile justice oversight shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. During calendar years 1997 and 1999, the chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee. During calendar year 1998, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of chairperson or vice-chairperson, a member of the joint committee, who is a member of the same house as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy. Within 30 days after the effective date of this act, the joint committee shall organize and elect a chairperson and a vice-chairperson in accordance with the provisions of this act.

(f) A quorum of the joint committee on corrections and juvenile justice oversight shall be eight. All actions of the joint committee shall be by motion adopted by a majority of those present when there is a quorum.

(g) The joint committee on corrections and juvenile justice oversight may meet at any time and at any place within the state on the call of the chairperson, vice-chairperson and ranking minority member of the house of representatives when the chairperson is a representative or of the senate when the chairperson is a senator.

(h) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on corrections and juvenile justice oversight to the extent that the same do not conflict with the specific provisions of this act applicable to the joint committee.

(i) In accordance with K.S.A. 46-1204 and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on corrections and juvenile justice oversight.

(j) The joint committee on corrections and juvenile justice oversight may introduce such legislation as it deems necessary in performing its functions.

(k) In addition to other powers and duties authorized or prescribed by law or by the legislative coordinating council, the joint committee on corrections and juvenile justice oversight shall:

(1) Monitor the inmate population and review and study the programs, activities and plans of the department of corrections regarding the duties of the department of corrections that are prescribed by statute, including the implementation of expansion projects, the operation of correctional, food service and other programs for inmates, community corrections, parole and the condition and operation of the correctional institutions and other facilities under the control and supervision of the department of corrections;

(2) monitor the establishment of the juvenile justice authority and review and study the programs, activities and plans of the juvenile justice authority regarding the duties of the juvenile justice authority that are prescribed by statute, including the responsibility for the care, custody, control and rehabilitation of juvenile offenders and the condition and operation of the state juvenile correctional facilities under the control and supervision of the juvenile justice authority;

(3) review and study the adult correctional programs and activities and facilities of counties, cities and other local governmental entities, including the programs and activities of private entities operating community correctional programs and facilities and the condition and operation of jails and other local governmental facilities for the incarceration of adult offenders;

(4) review and study the juvenile offender programs and activities and facilities of counties, cities, school districts and other local governmental entities, including programs for the reduction and prevention of juvenile crime and delinquency, the programs and activities of private entities operating community juvenile programs and facilities and the condition and operation of local governmental residential or custodial facilities for the care, treatment or training of juvenile offenders;

(5) study the progress and results of the transition of powers, duties and functions from the department of social and rehabilitation services, office of judicial administration and department of corrections to the juvenile justice authority; and

(6) make an annual report to the legislative coordinating council as provided in K.S.A. 46-1207, and amendments thereto, and such special reports to committees of the house of representatives and senate as are deemed appropriate by the joint committee.

(l) The provisions of this section shall expire on December 1, 1999.

Sec. 115. On and after July 1, 1997, K.S.A. 20-1a11, 21-2511, as amended by section 22 of chapter 229 of the 1996 Session Laws of Kansas, 21-3413, as amended by section 23 of chapter 229 of the 1996 Session Laws of Kansas, 21-3611, as amended by section 24 of chapter 229 of the 1996 Session Laws of Kansas, 21-3612, as amended by section 25 of chapter 229 of the 1996 Session Laws of Kansas, 22-4701, as amended by section 27 of chapter 229 of the 1996 Session Laws of Kansas, 28-170, as amended by section 28 of chapter 229 of the 1996 Session Laws of Kansas, 38-1604, as amended by section 42 of chapter 229 of the 1996 Session Laws of Kansas, 38-1610, as amended by section 50 of chapter 229 of the 1996 Session Laws of Kansas, 38-1613, as amended by section 52 of chapter 229 of the 1996 Session Laws of Kansas, 38-1614, as amended by section 53 of chapter 229 of the 1996 Session Laws of Kansas, 38-1618, as amended by section 59 of chapter 229 of the 1996 Session Laws of Kansas, 38-1632, as amended by section 64 of chapter 229 of the 1996 Session Laws of Kansas, 38-1633, as amended by section 65 of chapter 229 of the 1996 Session Laws of Kansas, 38-1636, as amended by section 67 of chapter 229 of the 1996 Session Laws of Kansas, 38-1640, as amended by section 71 of chapter 229 of the 1996 Session Laws of Kansas, 38-1661, as amended by section 79 of chapter 229 of the 1996 Session Laws of Kansas, 38-1662, as amended by section 80 of chapter 229 of the 1996 Session Laws of Kansas, 38-1672, as amended by section 87 of chapter 229 of the 1996 Session Laws of Kansas, 38-1674, as amended by section 89 of chapter 229 of the 1996 Session Laws of Kansas, K.S.A. 38-

1681, as amended by section 93 of chapter 229 of the 1996 session laws of Kansas, 38-1691, as amended by section 95 of chapter 229 of the 1996 Session Laws of Kansas, 38-16,111, as amended by section 97 of chapter 229 of the 1996 Session Laws of Kansas, 38-1801, 38-1802, 38-1803, 38-1805, 38-1806, 38-1809, 38-1810, 38-1811, 40-1909, as amended by section 110 of chapter 229 of the 1996 Session Laws of Kansas, 72-978, as amended by section 120 of chapter 229 of the 1996 Session Laws of Kansas, 74-5363, as amended by section 124 of chapter 229 of the 1996 Session Laws of Kansas, 75-5291, 76-2101, as amended by section 140 of chapter 229 of the 1996 Session Laws of Kansas, 76-2101a, as amended by section 141 of chapter 229 of the 1996 Session Laws of Kansas, 76-2101b, as amended by section 142 of chapter 229 of the 1996 Session Laws of Kansas, 76-2125, as amended by section 145 of chapter 229 of the 1996 Session Laws of Kansas, 76-2128, as amended by section 146 of chapter 229 of the 1996 Session Laws of Kansas, 76-2201, as amended by section 147 of chapter 229 of the 1996 Session Laws of Kansas, 76-2201a, as amended by section 148 of chapter 229 of the 1996 Session Laws of Kansas, and 76-2219, as amended by section 149 of chapter 229 of the 1996 Session Laws of Kansas, and K.S.A. 1995 Supp. 38-1602, as amended by section 41 of chapter 229 of the 1996 Session Laws of Kansas, 38-1608, as amended by section 48 of chapter 229 of the 1996 Session Laws of Kansas, 38-1611, as amended by section 51 of chapter 229 of the 1996 Session Laws of Kansas, 38-1635, as amended by section 66 of chapter 229 of the 1996 Session Laws of Kansas, 38-1652, as amended by section 73 of chapter 229 of the 1996 Session Laws of Kansas, 38-1663, as amended by section 81 of chapter 229 of the 1996 Session Laws of Kansas, 38-1668, as amended by section 85 of chapter 229 of the 1996 Session Laws of Kansas, 38-1671, as amended by section 86 of chapter 229 of the 1996 Session Laws of Kansas, 38-1673, as amended by section 88 of chapter 229 of the 1996 Session Laws of Kansas, 38-1675, as amended by section 90 of chapter 229 of the 1996 Session Laws of Kansas, and 38-1676, as amended by section 91 of chapter 229 of the 1996 Session Laws of Kansas, 38-1692, as amended by section 96 of chapter 229 of the 1996 Session Laws of Kansas, 40-19c09, as amended by section 113 of chapter 229 of the 1996 Session Laws of Kansas, 74-8810, as amended by section 126 of chapter 229 of the 1996 Session Laws of Kansas, and 74-9501, as amended by section 127 of chapter 229 of the 1996 Session Laws of Kansas, and K.S.A. 1996 Supp. 21-2511, 21-3413, 28-170, 38-1507, 38-1508, 38-1522, 38-1613, 38-1614, 38-1640, 38-1692, 38-16,126, 38-16,128, 38-1804, 38-1807, 38-1808, 40-1909, 40-19c09, 72-89a02, 74-8810, 75-2935, 75-2935b, 75-6102, 75-6104, 75-6801, 75-7007, 75-7008, 75-7009, 75-7010, 75-7021, 75-7023, 75-7024, 75-7025, 75-7026, 75-7028, 76-6b04, 76-3201 and 79-4803 are hereby repealed.

Sec. 116. On and after January 1, 1998, K.S.A. 38-1604, as amended by section 46 of this act, 38-1636, as amended by section 57 of this act, 38-1681, as amended by section 73 of this act, and 38-16,111, as amended by section 77 of this act, and K.S.A. 1995 Supp. 38-1602, as amended by section 44 of this act, and 38-1675, as amended by section 70 of this act, are hereby repealed.

Sec. 117. On and after July 1, 1999, K.S.A. 1995 Supp. 38-1663, as amended by section 63 of this act, and K.S.A. 38-1674, as amended by section 68 of this act, are hereby repealed.

Sec. 118. 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. This cumulative index supplements the index found in the 1996 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION					
Reg. No.	Action	Register			
1-1-1	Amended	V. 15, p. 703	1-5-2	Revoked	V. 15, p. 704
1-1-2	Revoked	V. 15, p. 704	1-5-3	Revoked	V. 15, p. 704
1-1-3	Revoked	V. 15, p. 704	1-5-6	Revoked	V. 15, p. 704
1-1-4	Revoked	V. 15, p. 704	1-5-7	Amended	V. 15, p. 704
1-2-53	Revoked	V. 15, p. 704	1-5-12	Amended	V. 15, p. 705
1-2-57	Amended	V. 15, p. 704	1-5-15	Amended	V. 15, p. 705
1-2-72	Amended	V. 15, p. 704	1-5-22	Amended	V. 15, p. 706
1-2-88	Amended	V. 15, p. 704	1-5-24	Amended	V. 15, p. 706
1-3-1	Revoked	V. 15, p. 704	1-5-26	Amended	V. 15, p. 707
1-3-3	Revoked	V. 15, p. 704	1-6-22a	Amended	V. 15, p. 707
1-3-4	Revoked	V. 15, p. 704	1-6-23	Amended	V. 15, p. 708
1-4-2	Amended	V. 15, p. 704	1-6-24	Amended	V. 15, p. 708
1-4-6	Revoked	V. 15, p. 704	1-6-31	Amended	V. 15, p. 708
1-5-1	Amended	V. 15, p. 704	1-8-1	Revoked	V. 15, p. 709
			1-8-5	Amended	V. 15, p. 709
			1-8-7	Revoked	V. 15, p. 709
			1-9-9	Revoked	V. 15, p. 709

(continued)

1-9-15	Revoked	V. 15, p. 709	17-11-1			28-10-40	Revoked	V. 15, p. 551
1-9-16	Revoked	V. 15, p. 709	through			28-10-41	Revoked	V. 15, p. 551
1-9-19a	Amended	V. 15, p. 709	17-11-12	Revoked	V. 15, p. 1131	28-11-1		
1-9-23	Amended	V. 15, p. 710	17-11-13	Amended	V. 15, p. 1131	through		
1-9-27	New	V. 15, p. 711	17-11-14	Amended	V. 15, p. 1380	28-11-6	Revoked	V. 15, p. 551
1-10-6	Amended	V. 15, p. 713	17-11-15			28-13-10	Revoked	V. 15, p. 551
1-10-8	Revoked	V. 15, p. 713	through			28-13-11	Revoked	V. 15, p. 551
1-10-9	Revoked	V. 15, p. 713	17-11-19	Amended	V. 15, p. 1131, 1132	28-16-50		
1-11-1	Amended	V. 15, p. 713	17-11-20	Revoked	V. 15, p. 1132	through		
1-13-1a	Amended	V. 15, p. 713	17-11-21	Amended	V. 15, p. 1132	28-16-54	Revoked	V. 15, p. 551
1-13-2	Revoked	V. 15, p. 714	17-11-23	New	V. 15, p. 1132	28-16-56a	Revoked	V. 15, p. 1402
1-13-3	Revoked	V. 15, p. 714	17-12-1	Amended	V. 15, p. 1132	28-16-56b	Revoked	V. 15, p. 1402
1-13-4	Revoked	V. 15, p. 714	17-12-2	Amended	V. 15, p. 1132	28-16-56c	New	V. 15, p. 1402
1-14-6	Revoked	V. 15, p. 714	17-16-1	Amended	V. 15, p. 1132	28-16-56d	New	V. 15, p. 1403
1-14-7	Amended	V. 15, p. 714	17-16-2	Amended	V. 15, p. 1132	28-16-59	Amended	V. 15, p. 1403
1-14-10	Amended	V. 15, p. 715	17-16-3	Revoked	V. 15, p. 1133	28-16-65	Revoked	V. 15, p. 551
1-14-11	Amended	V. 15, p. 715	17-16-4	Amended	V. 15, p. 1133	28-16-67	Revoked	V. 15, p. 551
1-14-12a	New	V. 16, p. 170	17-16-5			28-17-5	Revoked	V. 15, p. 551
1-16-18a	Amended	V. 15, p. 317	through			28-17-8	Revoked	V. 15, p. 551
1-17-10	Amended	V. 15, p. 1706	17-16-8	Revoked	V. 15, p. 1133	28-19-45	Revoked	V. 15, p. 183
1-18-1a	Amended	V. 15, p. 1508	17-16-9	Amended	V. 15, p. 1133	28-19-46	Revoked	V. 15, p. 183
1-45-4	Amended	V. 15, p. 1706	17-17-1			28-19-47	Revoked	V. 15, p. 183
1-45-7	Amended	V. 15, p. 1706	through			28-19-79	New	V. 16, p. 584
1-45-8	Amended	V. 15, p. 1706	17-17-10	Amended	V. 15, p. 1133, 1134	28-19-83		
<b>AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES</b>			17-18-1	through		28-19-88	Revoked	V. 15, p. 551
Reg. No.	Action	Register	17-18-4	Revoked	V. 15, p. 1134	28-19-98	Revoked	V. 15, p. 551
5-25-1			17-21-1			28-19-98a	Revoked	V. 15, p. 551
through			through			28-19-99		
5-25-10	Amended	V. 15, p. 410-412	17-21-6	Amended	V. 15, p. 1134, 1135	through		
5-50-1	Amended	V. 15, p. 1861	17-21-7	Revoked	V. 15, p. 1135	28-19-108	Revoked	V. 15, p. 552
5-50-2	Amended	V. 15, p. 1861	17-21-8	Amended	V. 15, p. 1135	28-19-108a	Revoked	V. 15, p. 552
5-50-3	Revoked	V. 15, p. 1862	<b>AGENCY 24: KANSAS WHEAT COMMISSION</b>			28-19-109	Revoked	V. 15, p. 552
5-50-4	Amended	V. 15, p. 1862	Reg. No.	Action	Register	28-19-119		
5-50-5	Amended	V. 15, p. 1862	24-1-1	Amended	V. 15, p. 703	to		
5-50-6	Amended	V. 15, p. 1863	<b>AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT</b>			28-19-121a	Revoked	V. 15, p. 552
5-50-7	New	V. 15, p. 1863	Reg. No.	Action	Register	28-19-123	Revoked	V. 15, p. 552
5-50-8	New	V. 15, p. 1863	25-1-1	Revoked	V. 15, p. 138	28-19-124	Revoked	V. 15, p. 552
<b>AGENCY 7: SECRETARY OF STATE</b>			25-3-3	Amended	V. 15, p. 138	28-19-125	Revoked	V. 15, p. 552
Reg. No.	Action	Register	25-4-1	Revoked	V. 15, p. 1380	28-19-127		
7-18-1	New	V. 15, p. 1508	25-4-4	Amended	V. 15, p. 1538	through		
7-18-2	New	V. 15, p. 1508	<b>AGENCY 26: DEPARTMENT ON AGING</b>			28-19-131	Revoked	V. 15, p. 552
7-18-3	New	V. 15, p. 1508	Reg. No.	Action	Register	28-19-133		
7-23-2	Amended	V. 15, p. 1927	26-5-6	Amended	V. 15, p. 1625	through		
7-23-4	Amended	V. 15, p. 1927	26-5-9	New	V. 15, p. 1626	28-19-141	Revoked	V. 15, p. 552
7-23-8	Revoked	V. 15, p. 1927	26-5-10	New	V. 15, p. 1626	28-19-149		
7-38-1	New	V. 15, p. 1927	26-6-1	through		through		
7-38-2	New	V. 15, p. 1927	26-6-8	Revoked	V. 15, p. 1626	28-19-162	Revoked	V. 15, p. 552
<b>AGENCY 9: ANIMAL HEALTH DEPARTMENT</b>			<b>AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT</b>			28-19-202	Amended	V. 16, p. 176
Reg. No.	Action	Register	Reg. No.	Action	Register	28-19-202	New	V. 15, p. 183
9-10-31	New	V. 15, p. 1671	28-1-9	Revoked	V. 15, p. 550	28-19-645	New	V. 15, p. 183
9-10-32	New	V. 15, p. 1671	28-1-10	Revoked	V. 15, p. 550	28-19-646	New	V. 15, p. 183
9-18-1	Amended	V. 15, p. 1671	28-1-13	Amended	V. 15, p. 970	28-19-647	New	V. 15, p. 183
9-19-1			28-1-14	Amended	V. 15, p. 970	28-19-648	New	V. 15, p. 184
through			28-1-15	Amended	V. 15, p. 971	28-19-800	New	V. 15, p. 257
9-19-11	Amended	V. 15, p. 1671-1677	28-1-19	Revoked	V. 15, p. 550	28-19-801	New	V. 15, p. 258
9-25-1			28-1-21	Revoked	V. 15, p. 550	28-21-3	Revoked	V. 15, p. 552
through			28-1-22	Revoked	V. 15, p. 550	28-21-90a	Revoked	V. 15, p. 552
9-25-15	New	V. 15, p. 1677-1684	28-3-5	Revoked	V. 15, p. 550	28-21-91a	Revoked	V. 15, p. 552
9-26-1	New	V. 15, p. 1684	28-3-6	Revoked	V. 15, p. 550	28-21-91b	Revoked	V. 15, p. 552
<b>AGENCY 11: STATE CONSERVATION COMMISSION</b>			28-4-72	Revoked	V. 15, p. 551	28-21-92a	Revoked	V. 15, p. 552
Reg. No.	Action	Register	28-4-431	Revoked	V. 15, p. 551	28-21-93a	Revoked	V. 15, p. 552
11-8-8	Amended	V. 15, p. 1401	28-4-506	Revoked	V. 15, p. 551	28-21-94a	Revoked	V. 15, p. 552
<b>AGENCY 16: ATTORNEY GENERAL</b>			28-4-507	Revoked	V. 15, p. 551	28-21-96a	Revoked	V. 15, p. 552
Reg. No.	Action	Register	28-4-508	Revoked	V. 15, p. 551	28-21-98a	Revoked	V. 15, p. 552
16-2-1	Amended	V. 15, p. 375	28-4-558			28-21-99a	Revoked	V. 15, p. 552
16-5-1	Amended	V. 15, p. 375	through			28-21-102		
16-5-4	Amended	V. 15, p. 375	28-4-563	Amended	V. 15, p. 490-494	through		
16-5-5	Amended	V. 15, p. 376	28-4-567	Amended	V. 15, p. 494	28-21-112	Revoked	V. 15, p. 552
16-6-1	Amended	V. 15, p. 376	28-4-570	Amended	V. 15, p. 495	28-23-5	Revoked	V. 15, p. 552
<b>AGENCY 17: STATE BANKING DEPARTMENT</b>			28-5-8	Revoked	V. 15, p. 551	28-23-8	Revoked	V. 15, p. 552
Reg. No.	Action	Register	28-6-1	Revoked	V. 15, p. 551	28-23-14	Revoked	V. 15, p. 552
17-1-1	New	V. 15, p. 1130	28-6-2	Revoked	V. 15, p. 551	28-23-15	Revoked	V. 15, p. 552
17-9-1			28-7-1			28-23-25	Revoked	V. 15, p. 552
through			through			28-23-60		
17-9-10	New	V. 15, p. 1130, 1131	28-7-9	Revoked	V. 15, p. 551	through		
17-10-1	Revoked	V. 15, p. 1131	28-8-1	Revoked	V. 15, p. 551	28-23-66	Revoked	V. 15, p. 552
			28-10-36	Revoked	V. 15, p. 551	28-23-69	Revoked	V. 15, p. 552

28-26-90a	Revoked	V. 15, p. 553	30-4-55	Amended	V. 16, p. 252	30-6-70w	Revoked	V. 16, p. 271
28-28-1	Revoked	V. 15, p. 553	30-4-55w	Revoked	V. 16, p. 253	30-6-72	Revoked	V. 16, p. 271
28-28-2	Revoked	V. 15, p. 553	30-4-58	Revoked	V. 16, p. 253	30-6-72w	Revoked	V. 16, p. 271
28-29-1	Revoked	V. 15, p. 553	30-4-58w	Revoked	V. 16, p. 253	30-6-73	Revoked	V. 16, p. 271
28-29-83	Revoked	V. 15, p. 553	30-4-59	Amended	V. 16, p. 253	30-6-77w	Revoked	V. 16, p. 272
28-29-98	Amended	V. 15, p. 1804	30-4-59w	Revoked	V. 16, p. 253	30-6-78w	Revoked	V. 16, p. 272
28-29-100	Amended	V. 15, p. 1804	30-4-60w	Revoked	V. 16, p. 253	30-6-79	Revoked	V. 16, p. 272
28-29-103	Amended	V. 15, p. 1804	30-4-61	Amended	V. 16, p. 253	30-6-81w	Revoked	V. 16, p. 272
28-31-4	Amended	V. 15, p. 297	30-4-61w	Revoked	V. 16, p. 253	30-6-82w	Revoked	V. 16, p. 272
28-31-10	Amended	V. 15, p. 301	30-4-63	Revoked	V. 16, p. 253	30-6-85w	Revoked	V. 16, p. 272
28-33-1	Revoked	V. 15, p. 495	30-4-63w	Revoked	V. 16, p. 254	30-6-86w	Revoked	V. 16, p. 272
28-33-11	Revoked	V. 15, p. 495	30-4-64	Amended	V. 16, p. 254	30-6-87w	Revoked	V. 16, p. 272
28-33-12	Amended	V. 15, p. 495	30-4-64w	Revoked	V. 16, p. 255	30-6-94w	Revoked	V. 16, p. 272
28-34-11	Amended	V. 15, p. 497	30-4-65w	Revoked	V. 16, p. 255	30-6-103	Amended	V. 15, p. 1882
28-35-178b	Amended	V. 15, p. 1592	30-4-70	Amended	V. 16, p. 255	30-6-103w	Revoked	V. 16, p. 272
28-35-180a	Amended	V. 15, p. 1593	30-4-70w	Revoked	V. 16, p. 256	30-6-105	Revoked	V. 16, p. 272
28-35-184b	New	V. 15, p. 1596	30-4-71	Revoked	V. 16, p. 256	30-6-105w	Revoked	V. 16, p. 272
28-35-193b	New	V. 15, p. 1596	30-4-71w	Revoked	V. 16, p. 256	30-6-106	Amended	V. 16, p. 272
28-35-201	New	V. 15, p. 1598	30-4-72	Revoked	V. 16, p. 256	30-6-106w	Revoked	V. 16, p. 274
28-35-202	New	V. 15, p. 1599	30-4-72w	Revoked	V. 16, p. 256	30-6-107w	Revoked	V. 16, p. 274
28-35-290	New	V. 15, p. 1601	30-4-73	Revoked	V. 16, p. 256	30-6-108	Amended	V. 16, p. 274
28-35-291	New	V. 15, p. 1601	30-4-74	Revoked	V. 16, p. 256	30-6-109	Amended	V. 16, p. 275
28-35-362	Amended	V. 15, p. 1602	30-4-74w	Revoked	V. 16, p. 256	30-6-109w	Amended	V. 16, p. 276
28-37-10			30-4-78	Revoked	V. 16, p. 256	30-6-110	Amended	V. 16, p. 276
through			30-4-80	Amended	V. 16, p. 256	30-6-110w	Revoked	V. 16, p. 277
28-37-14	Revoked	V. 15, p. 553	30-4-80	Amended	V. 16, p. 256	30-6-111	Amended	V. 16, p. 277
28-39-144	Amended	V. 16, p. 177	30-4-85a	Revoked	V. 16, p. 256	30-6-111w	Revoked	V. 16, p. 278
28-39-145	Amended	V. 16, p. 179	30-4-90	Amended	V. 16, p. 257	30-6-112w	Revoked	V. 16, p. 278
28-39-146	Amended	V. 16, p. 181	30-4-90w	Revoked	V. 16, p. 259	30-6-113	Amended	V. 16, p. 278
28-39-147	Amended	V. 16, p. 181	30-4-95	Amended	V. 16, p. 259	30-6-113w	Revoked	V. 16, p. 279
28-39-148	Amended	V. 16, p. 182	30-4-96	Amended	V. 16, p. 259	30-6-140	Amended	V. 16, p. 279
28-39-149	Amended	V. 16, p. 183	30-4-100	Amended	V. 16, p. 260	30-6-150w	Revoked	V. 16, p. 280
28-39-150	Amended	V. 16, p. 184	30-4-100w	Revoked	V. 16, p. 260	30-7-65	Amended	V. 16, p. 280
28-39-151	Amended	V. 16, p. 184	30-4-101	Amended	V. 16, p. 260	30-7-100	Amended	V. 16, p. 280
28-39-152	Amended	V. 16, p. 185	30-4-102	Amended	V. 16, p. 261	30-7-102	Amended	V. 15, p. 927
28-39-153	Amended	V. 16, p. 187	30-4-105	Revoked	V. 16, p. 261	30-7-103	Amended	V. 15, p. 929
28-39-154	Amended	V. 16, p. 187	30-4-105w	Revoked	V. 16, p. 261	30-7-104	Amended	V. 15, p. 929
28-39-155	Amended	V. 16, p. 188	30-4-106	Amended	V. 16, p. 261	30-10-1a	Amended	V. 15, p. 1887
28-39-156	Amended	V. 16, p. 188	30-4-106w	Revoked	V. 16, p. 262	30-10-2	Amended	V. 15, p. 1890
28-39-157	Amended	V. 16, p. 189	30-4-108	Amended	V. 16, p. 262	30-10-7	Amended	V. 15, p. 1890
28-39-158	Amended	V. 16, p. 190	30-4-109	Amended	V. 16, p. 262	30-10-15a	Amended	V. 15, p. 1891
28-39-159	Amended	V. 16, p. 192	30-4-109w	Revoked	V. 16, p. 263	30-10-17	Amended	V. 15, p. 1892
28-39-160	Amended	V. 16, p. 192	30-4-110	Amended	V. 16, p. 263	30-10-19	Amended	V. 15, p. 1894
28-39-161	Amended	V. 16, p. 192	30-4-110w	Revoked	V. 16, p. 264	30-10-21	Amended	V. 15, p. 929
28-39-162	Amended	V. 16, p. 193	30-4-111	Amended	V. 16, p. 264	30-10-25	Amended	V. 15, p. 1894
28-39-162a	Amended	V. 16, p. 194	30-4-111w	Revoked	V. 16, p. 265	30-10-217	Amended	V. 15, p. 930
28-39-162b	Amended	V. 16, p. 199	30-4-112w	Revoked	V. 16, p. 265	30-10-218	Amended	V. 15, p. 550
28-39-162c	Amended	V. 16, p. 200	30-4-113	Amended	V. 16, p. 265	30-41-1		
28-39-163	Amended	V. 16, p. 204	30-4-113w	Revoked	V. 16, p. 266	through		
28-39-240			30-4-120	Amended	V. 16, p. 266	30-41-5	Revoked	V. 15, p. 930
through			30-4-120w	Revoked	V. 16, p. 266	30-41-6a	Revoked	V. 15, p. 930
28-39-256	New	V. 16, p. 206-213	30-4-121	Revoked	V. 15, p. 915	30-41-6b	Revoked	V. 15, p. 1895
28-41-1			30-4-122a	Revoked	V. 16, p. 266	30-41-6c		
through			30-4-130	Amended	V. 16, p. 266	through		
28-41-9	Revoked	V. 15, p. 553	30-4-130w	Revoked	V. 16, p. 268	30-41-6h	Revoked	V. 15, p. 930, 931
28-42-1	Revoked	V. 15, p. 553	30-4-140	Amended	V. 16, p. 268	30-41-7a		
28-42-3			30-4-140w	Revoked	V. 16, p. 268	through		
through			30-5-58	Amended	V. 15, p. 917	30-41-7i	Revoked	V. 15, p. 931
28-42-7	Revoked	V. 15, p. 553	30-5-64	Amended	V. 15, p. 923	30-41-8	Revoked	V. 15, p. 931
28-42-9			30-5-70	Amended	V. 15, p. 1017	30-41-10		
through			30-5-81	Amended	V. 15, p. 925	through		
28-42-16	Revoked	V. 15, p. 553	30-5-88	Amended	V. 15, p. 925	30-41-20	Revoked	V. 15, p. 931
28-49-1			30-5-101	Amended	V. 15, p. 1876	30-46-10	Amended	V. 15, p. 1895
through			30-5-300	Amended		30-46-13	Amended	V. 15, p. 1896
28-49-8	Revoked	V. 15, p. 553	through			30-46-15	Amended	V. 15, p. 1896
28-68-1			30-5-308	New	V. 15, p. 1877-1880	30-46-16	Amended	V. 15, p. 1896
through			30-6-34	Amended		30-46-17	Amended	V. 15, p. 1896
28-68-9	New	V. 15, p. 1931-1934	30-6-35w	Revoked	V. 16, p. 268	30-63-1	New	V. 15, p. 931
<b>AGENCY 30: SOCIAL AND REHABILITATION SERVICES</b>			30-6-41	Amended	V. 16, p. 268	30-63-10		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	30-6-41w	Revoked	V. 16, p. 269	through		
30-4-34	Amended	V. 16, p. 251	30-6-50w	Revoked	V. 16, p. 269	30-63-14	New	V. 15, p. 931-933
30-4-35w	Revoked	V. 16, p. 251	30-6-52	Amended	V. 16, p. 269	30-63-20	New	V. 15, p. 933
30-4-40	Amended	V. 16, p. 251	30-6-52w	Revoked	V. 16, p. 269	30-63-21	New	V. 15, p. 933
30-4-41	Amended	V. 16, p. 251	30-6-53	Amended	V. 15, p. 1880	30-63-22	New	V. 15, p. 934
30-4-41w	Revoked	V. 16, p. 252	30-6-53w	Revoked	V. 16, p. 269	30-63-23	New	V. 15, p. 1215
30-4-50	Amended	V. 16, p. 252	30-6-54	Amended	V. 16, p. 688	30-63-24		
30-4-50w	Revoked	V. 16, p. 252	30-6-54w	Revoked	V. 16, p. 270	through		
30-4-52	Amended	V. 16, p. 252	30-6-55	Amended	V. 16, p. 270	30-63-31	New	V. 15, p. 934-937
30-4-52w	Revoked	V. 16, p. 252	30-6-55w	Revoked	V. 16, p. 270	30-64-1	New	V. 15, p. 937
30-4-53	Revoked	V. 16, p. 252	30-6-56w	Revoked	V. 16, p. 270	30-64-10		
30-4-53w	Revoked	V. 16, p. 252	30-6-59	Amended	V. 16, p. 270	through		
30-4-54	Amended	V. 16, p. 688	30-6-59w	Revoked	V. 16, p. 270	30-64-13	New	V. 15, p. 937
30-4-54w	Revoked	V. 16, p. 252	30-6-60w	Revoked	V. 16, p. 270	30-64-20		
			30-6-65	Amended	V. 16, p. 270	through		
			30-6-65w	Revoked	V. 16, p. 271	30-64-34	New	V. 15, p. 938-942
			30-6-70	Amended	V. 16, p. 271			(continued)

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 40-1-19 to 40-8-7 with actions like Amended, New, Revoked.

AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT (MINED-LAND CONSERVATION AND RECLAMATION)

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 47-1-1 to 47-16-9 with actions like Amended, New, Revoked.

Table with 3 columns: Reg. No., Action, Register. Lists regulations 47-16-10 and 47-16-11.

AGENCY 49: DEPARTMENT OF HUMAN RESOURCES

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 49-45-10 to 49-53-2.

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulation 50-2-21.

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Table with 3 columns: Reg. No., Action, Register. Lists regulation 51-9-7.

AGENCY 60: BOARD OF NURSING

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 60-1-104 to 60-16-104.

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 65-5-6 to 65-5-10.

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 66-6-1 to 66-14-12.

AGENCY 69: BOARD OF COSMETOLOGY

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 69-1-1 to 69-3-10.

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 69-3-11 to 69-14-5.

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 70-1-1 to 70-10-1.

AGENCY 71: KANSAS DENTAL BOARD

Table with 3 columns: Reg. No., Action, Register. Lists regulations 71-4-1 and 71-4-3.

AGENCY 74: BOARD OF ACCOUNTANCY

Table with 3 columns: Reg. No., Action, Register. Lists regulation 74-12-1.

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 75-6-3 to 75-8-11.

**AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM**

Reg. No.	Action	Register
80-8-2	Amended	V. 15, p. 1832
80-8-3	Amended	V. 15, p. 1832
80-8-4	Amended	V. 15, p. 1833
80-8-7	Amended	V. 15, p. 1833

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-1-1	Amended	V. 15, p. 697
81-2-1	Amended	V. 15, p. 698
81-3-1	Amended	V. 15, p. 698
81-3-4	Revoked	V. 15, p. 700
81-4-1	Amended	V. 15, p. 700
81-5-1	Revoked	V. 15, p. 701
81-5-2	Revoked	V. 15, p. 701
81-5-3	Amended	V. 15, p. 701
81-5-4	Amended	V. 15, p. 701
81-5-7	Amended	V. 15, p. 701
81-5-9	Amended	V. 15, p. 702
81-6-1	Amended	V. 15, p. 702
81-7-2	Amended	V. 15, p. 703
81-8-1	Revoked	V. 15, p. 703
81-9-1	Revoked	V. 15, p. 703
81-13-1	Revoked	V. 15, p. 703

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-3-101	Amended	V. 15, p. 1538
82-3-103	Amended	V. 15, p. 1541
82-3-206	Amended	V. 15, p. 1670
82-3-307	Amended	V. 15, p. 1670
82-3-700		
through		
82-3-704	New	V. 15, p. 1542-1544

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-5	Amended	V. 15, p. 598
86-1-11	Amended	V. 15, p. 1831
86-3-25	Amended	V. 15, p. 1331

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-68c	Amended	V. 15, p. 1863
91-5-3	Amended	V. 15, p. 1864
91-10-2	Amended	V. 16, p. 409
91-12-22	Amended	V. 15, p. 226
91-12-61	Amended	V. 15, p. 230
91-31-1	Revoked	V. 15, p. 1864
91-31-2	Revoked	V. 15, p. 1864
91-31-3	Revoked	V. 15, p. 1864
91-31-4	Revoked	V. 15, p. 1864
91-31-4a	Revoked	V. 15, p. 1864
91-31-5	Revoked	V. 15, p. 1864
91-31-6	Revoked	V. 15, p. 1864
91-31-7	Revoked	V. 15, p. 1864
91-31-8	Revoked	V. 15, p. 1864
91-31-9	Revoked	V. 15, p. 1864
91-31-10	Revoked	V. 15, p. 1865
91-31-12a		
through		
91-31-12h	Revoked	V. 15, p. 1865
91-31-13	Revoked	V. 15, p. 1865
91-31-14	Revoked	V. 15, p. 1865
91-31-14a	Revoked	V. 15, p. 1865
91-31-14b	Revoked	V. 15, p. 1865
91-31-14c	Revoked	V. 15, p. 1865
91-31-15	Revoked	V. 15, p. 1865
91-31-16		
through		
91-31-30	New	V. 15, p. 1865-1869
91-33-1		
through		
91-33-8	Revoked	V. 15, p. 1869
91-34-1		
through		
91-34-5	Revoked	V. 15, p. 1870
91-34-7		
through		
91-34-14	Revoked	V. 15, p. 1870

**AGENCY 98: KANSAS WATER OFFICE**

Reg. No.	Action	Register
98-5-1	Amended	V. 15, p. 1708
98-5-8	New	V. 15, p. 1709

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-6-2	Amended	V. 16, p. 737
100-23-1	Amended	V. 16, p. 652
100-29-1		
through		
100-29-14	New	V. 16, p. 380-384
100-34-3	Revoked	V. 16, p. 384
100-34-4	Revoked	V. 16, p. 384
100-35-1	Revoked	V. 16, p. 384
100-35-3	Revoked	V. 16, p. 384
100-35-6	Revoked	V. 16, p. 384
100-35-7	Revoked	V. 16, p. 384
100-36-1	Revoked	V. 16, p. 384
100-37-1	Revoked	V. 16, p. 384
100-37-2	Revoked	V. 16, p. 384
100-38-1	Revoked	V. 16, p. 385
100-39-1	Revoked	V. 16, p. 385
100-40-2	Revoked	V. 16, p. 385
100-42-2	Revoked	V. 16, p. 385
100-46-1	Revoked	V. 16, p. 385
100-46-2	Revoked	V. 16, p. 385
100-46-3	Revoked	V. 16, p. 385
100-46-5	Revoked	V. 16, p. 385
100-46-6	Revoked	V. 16, p. 385
100-47-1	Revoked	V. 16, p. 385
100-54-7	Amended	V. 16, p. 142
100-55-1		
through		
100-55-8	Amended	V. 15, p. 1928-1930
100-55-9	New	V. 15, p. 1930
100-55-10	New	V. 15, p. 1930
100-69-1		
through		
100-69-9	New	V. 15, p. 1021, 1022

**AGENCY 104: STATE BANKING DEPARTMENT, CONSUMER CREDIT COMMISSIONER AND DEPARTMENT OF CREDIT UNIONS**

Reg. No.	Action	Register
104-1-2	Amended	V. 15, p. 1129

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-3-2	Amended	V. 15, p. 1583
105-3-12	New	V. 15, p. 1584
105-4-2	Amended	V. 15, p. 1584
105-5-4	Amended	V. 15, p. 1584

**AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-1	Amended	V. 16, p. 651

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-1-1	Amended	V. 16, p. 77
109-1-2	New	V. 16, p. 79
109-2-1	Amended	V. 16, p. 79
109-2-2	Amended	V. 16, p. 79
109-2-3	Revoked	V. 16, p. 79
109-2-4		
through		
109-2-9	Amended	V. 16, p. 79-84
109-2-11	Amended	V. 16, p. 85
109-2-12	Amended	V. 16, p. 86
109-2-13	New	V. 16, p. 87
109-2-14	New	V. 16, p. 89
109-3-1	Amended	V. 16, p. 89
109-4-1	Revoked	V. 16, p. 89
109-4-2	Revoked	V. 16, p. 89
109-4-3	Revoked	V. 16, p. 89
109-5-1	Amended	V. 15, p. 1585
109-6-1	Amended	V. 15, p. 1586
109-6-2	New	V. 15, p. 1586
109-7-1	Amended	V. 15, p. 1586

Reg. No.	Action	Register
109-8-1	Amended	V. 16, p. 685
109-10-1	Amended	V. 15, p. 1587
109-14-1	New	V. 16, p. 89

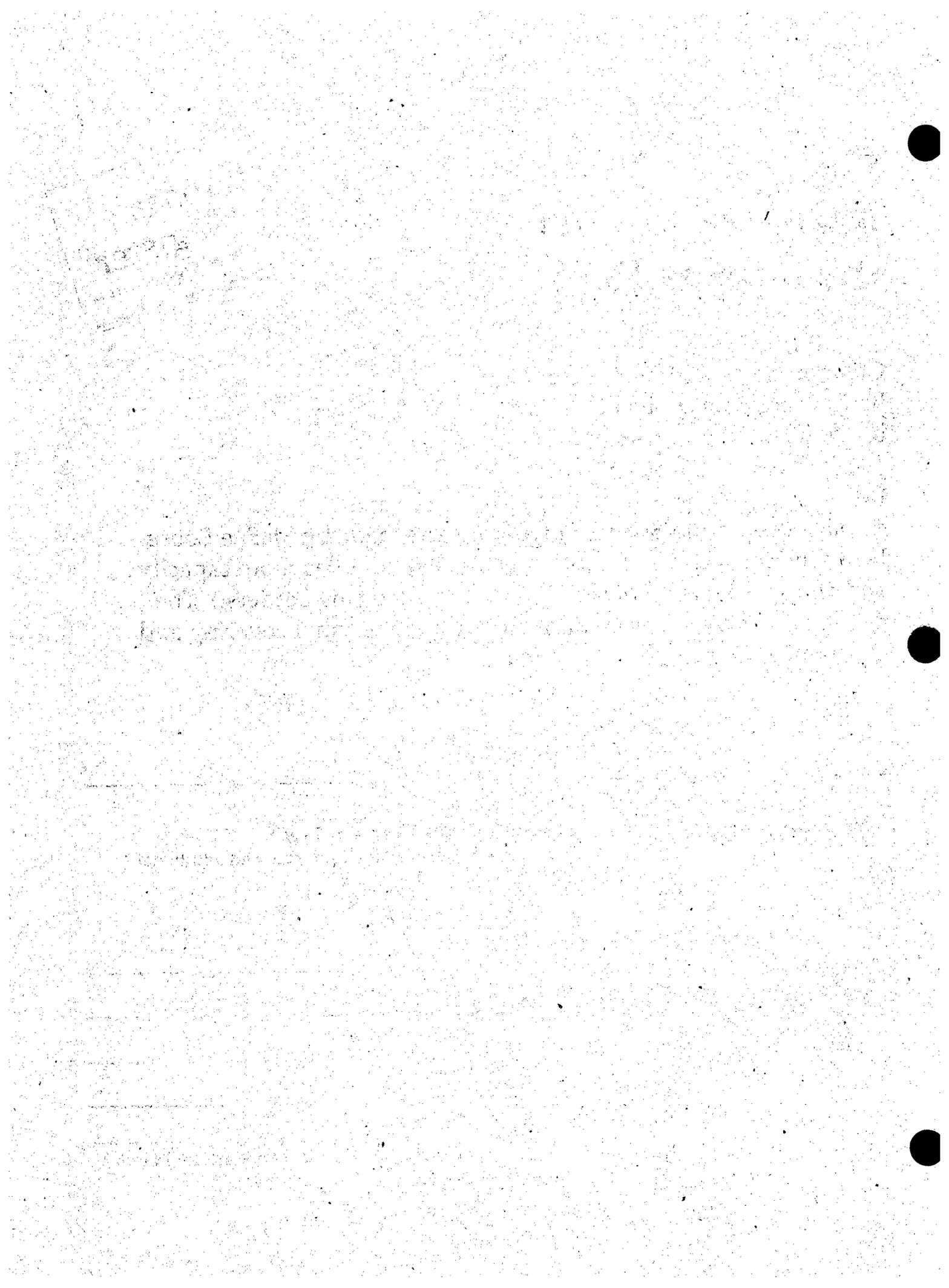
**AGENCY 111: KANSAS LOTTERY**

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 15, p. 1304
111-2-1	Amended	V. 15, p. 881
111-2-2	Amended	V. 12, p. 1261
111-2-2a		
through		
111-2-2e	New	V. 14, p. 1633, 1634
111-2-4	Amended	V. 15, p. 1953
111-2-6	Revoked	V. 13, p. 149
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	Amended	V. 14, p. 1634
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20		
through		
111-2-26	Revoked	V. 13, p. 1401
111-2-27	Revoked	V. 14, p. 972
111-2-28	New	V. 12, p. 1844
111-2-29	Revoked	V. 14, p. 972
111-2-30	Amended	V. 15, p. 1180
111-2-31	New	V. 14, p. 170
111-2-32		
through		
111-2-42	Revoked	V. 16, p. 448, 449
111-2-43	New	V. 15, p. 287
111-2-44	New	V. 15, p. 288
111-2-45	New	V. 15, p. 288
111-2-46	New	V. 15, p. 624
111-2-47	Amended	V. 16, p. 449
111-2-48	New	V. 15, p. 1055
111-2-49	New	V. 15, p. 1055
111-2-50	New	V. 15, p. 1056
111-2-51	New	V. 15, p. 1440
111-2-52	New	V. 15, p. 1441
111-2-53	New	V. 15, p. 1710
111-2-54	New	V. 15, p. 1920
111-2-55	New	V. 15, p. 1953
111-2-56	New	V. 16, p. 449
111-2-57	New	V. 16, p. 449
111-2-58	New	V. 16, p. 689
111-3-1	Amended	V. 16, p. 908
111-3-6	Amended	V. 12, p. 677
111-3-9	Revoked	V. 11, p. 1793
111-3-10		
through		
111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 13, p. 35
111-3-12	Amended	V. 13, p. 1826
111-3-13	Amended	V. 11, p. 1148
111-3-14	Amended	V. 13, p. 1826
111-3-16	Amended	V. 9, p. 1566
111-3-19		
through		
111-3-22	Amended	V. 9, p. 30
111-3-19	Revoked	V. 13, p. 1827
111-3-20	Amended	V. 11, p. 1148
111-3-21	Amended	V. 11, p. 1148
111-3-22	Amended	V. 11, p. 1148
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 13, p. 1827
111-3-26	Amended	V. 11, p. 1149
111-3-27	Amended	V. 11, p. 1149
111-3-29	Revoked	V. 11, p. 1149
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-3-34	New	V. 13, p. 149
111-3-35	Amended	V. 14, p. 909
111-3-36	New	V. 13, p. 877
111-3-37	New	V. 13, p. 877
111-4-1		
through		
111-4-5	Revoked	V. 12, p. 113
111-4-5a	Revoked	V. 12, p. 113

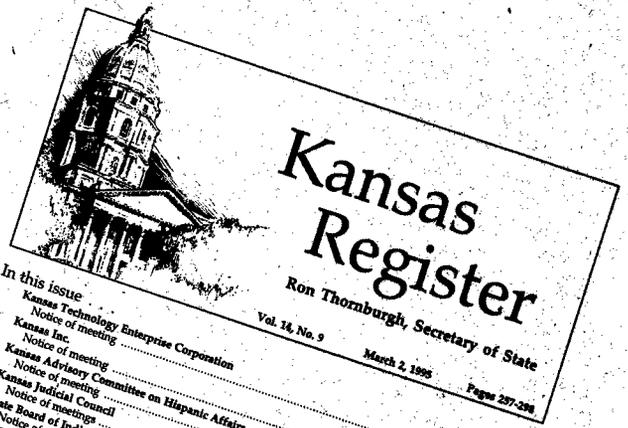
(continued)

111-4-6 through									
111-4-15	Revoked	V. 12, p. 113							
111-4-66 through									
111-4-77	New	V. 7, p. 207-209							
111-4-96 through									
111-4-114	New	V. 7, p. 1606-1610							
111-4-100	Amended	V. 14, p. 972							
111-4-101 through									
111-4-106	Revoked	V. 16, p. 450							
111-4-106a	Revoked	V. 16, p. 450							
111-4-107 through									
111-4-114	Revoked	V. 16, p. 450, 451							
111-4-153 through									
111-4-160	Revoked	V. 9, p. 1676, 1677							
111-4-177 through									
111-4-212	Revoked	V. 9, p. 1677, 1678							
111-4-213 through									
111-4-220	Revoked	V. 10, p. 1213							
111-4-221 through									
111-4-224	Revoked	V. 10, p. 1585							
111-4-225 through									
111-4-228	Revoked	V. 10, p. 1585							
111-4-229 through									
111-4-236	Revoked	V. 10, p. 1585, 1586							
111-4-237 through									
111-4-240	Revoked	V. 11, p. 413							
111-4-241 through									
111-4-244	Revoked	V. 12, p. 1371							
111-4-245 through									
111-4-248	Revoked	V. 12, p. 1371							
111-4-249 through									
111-4-256	Revoked	V. 12, p. 113, 114							
111-4-257 through									
111-4-286	Revoked	V. 11, p. 413, 414							
111-4-287 through									
111-4-290	Revoked	V. 12, p. 1371							
111-4-291 through									
111-4-300	Revoked	V. 12, p. 114							
111-4-301 through									
111-4-307	Revoked	V. 13, p. 1402							
111-4-308 through									
111-4-317	Revoked	V. 16, p. 451							
111-4-318 through									
111-4-321	Revoked	V. 12, p. 114							
111-4-322 through									
111-4-327	Revoked	V. 12, p. 1371							
111-4-328 through									
111-4-335	Revoked	V. 12, p. 114							
111-4-336 through									
111-4-340	Revoked	V. 16, p. 451							
111-4-341	Revoked	V. 11, p. 1473							
111-4-341a	Revoked	V. 12, p. 1372							
111-4-341b	Revoked	V. 16, p. 451							
111-4-341c	Revoked	V. 16, p. 451							
111-4-342 through									
111-4-345	Revoked	V. 16, p. 451							
111-4-346 through									
111-4-349	Revoked	V. 12, p. 114							
111-4-350 through									
111-4-355	Revoked	V. 16, p. 452							
111-4-356 through									
111-4-361	Revoked	V. 14, p. 7							
111-4-362 through									
111-4-365	Revoked	V. 12, p. 114, 115							
111-4-366 through									
111-4-369	Revoked	V. 12, p. 1373							
111-4-370 through									
111-4-379	Revoked	V. 14, p. 7, 8							
111-4-380 through									
111-4-383	Revoked	V. 12, p. 1664							
111-4-384 through									
111-4-387	Revoked	V. 12, p. 1373							
111-4-388 through									
111-4-391	Revoked	V. 12, p. 1373							
111-4-392 through									
111-4-400	Revoked	V. 16, p. 252							
111-4-401 through									
111-4-404	Revoked	V. 12, p. 1373							
111-4-405 through									
111-4-413	Revoked	V. 16, p. 452							
111-4-414 through									
111-4-428	Revoked	V. 14, p. 8							
111-4-429 through									
111-4-432	Revoked	V. 12, p. 1373							
111-4-433 through									
111-4-436	Revoked	V. 12, p. 1374							
111-4-437 through									
111-4-440	Revoked	V. 12, p. 1374							
111-4-441 through									
111-4-444	Revoked	V. 14, p. 8							
111-4-445 through									
111-4-448	Revoked	V. 12, p. 1374							
111-4-449 through									
111-4-453	Revoked	V. 14, p. 8							
111-4-454 through									
111-4-465	Revoked	V. 12, p. 1664, 1665							
111-4-466 through									
111-4-469	Revoked	V. 12, p. 1665							
111-4-470 through									
111-4-477	Revoked	V. 16, p. 452, 453							
111-4-478 through									
111-4-492	Revoked	V. 14, p. 974, 975							
111-4-493 through									
111-4-496	Revoked	V. 16, p. 453							
111-4-497 through									
111-4-512	Revoked	V. 14, p. 975							
111-4-513 through									
111-4-521	Revoked	V. 16, p. 453							
111-4-522 through									
111-4-571	Revoked	V. 14, p. 975-977							
111-4-572 through									
111-4-585	New	V. 13, p. 878-880							
111-4-572	Amended	V. 15, p. 882							
111-4-574	Amended	V. 15, p. 882							
111-4-575	Amended	V. 15, p. 882							
111-4-576	Amended	V. 15, p. 882							
111-4-577	Amended	V. 15, p. 883							
111-4-579	Amended	V. 15, p. 883							
111-4-581	Amended	V. 15, p. 883							
111-4-582	Amended	V. 15, p. 883							
111-4-583	Amended	V. 15, p. 883							
111-4-584	Amended	V. 15, p. 884							
111-4-586 through									
111-4-606	Revoked	V. 14, p. 977, 978							
111-4-607 through									
111-4-619	New	V. 13, p. 1436-1438							
111-4-607	Amended	V. 14, p. 1407							
111-4-609	Amended	V. 14, p. 1407							
111-4-610	Amended	V. 14, p. 1407							
111-4-611	Amended	V. 14, p. 1407							
111-4-613	Amended	V. 14, p. 1408							
111-4-616 through									
111-4-623	Revoked	V. 14, p. 978							
111-4-624 through									
111-4-702	Revoked	V. 16, p. 453-455							
111-4-703 through									
111-4-723	New	V. 14, p. 909-914							
111-4-724 through									
111-4-736	New	V. 14, p. 978-981							
111-4-737 through									
111-4-749	New	V. 14, p. 1095-1098							
111-4-750 through									
111-4-757	New	V. 14, p. 1408, 1409							
111-4-758 through									
111-4-761	New	V. 14, p. 1502, 1503							
111-4-762 through									
111-4-778	New	V. 14, p. 1410-1414							
111-4-769	Amended	V. 14, p. 1503							
111-4-779 through									
111-4-791	New	V. 14, p. 1504-1507							
111-4-792 through									
111-4-803	New	V. 14, p. 1635-1638							
111-4-804 through									
111-4-816	New	V. 15, p. 116-119							
111-4-817 through									
111-4-824	New	V. 15, p. 289, 290							
111-4-825 through									
111-4-838	New	V. 15, p. 449-452							
111-4-839 through									
111-4-854	New	V. 15, p. 624-627							
111-4-855 through									
111-4-859	New	V. 15, p. 884, 885							
111-4-855	Amended	V. 15, p. 1181							
111-4-860 through									
111-4-872	New	V. 15, p. 1056-1059							
111-4-871	Amended	V. 15, p. 1181							
111-4-873 through									
111-4-892	New	V. 15, p. 1181-1186							
111-4-893 through									
111-4-910	New	V. 15, p. 1441-1445							
111-4-911 through									
111-4-918	New	V. 15, p. 1475, 1476							
111-4-915	Amended	V. 15, p. 1954							
111-4-918	Amended	V. 15, p. 1954							
111-4-919 through									
111-4-941	New	V. 15, p. 1710-1716							
111-4-942 through									
111-4-965	New	V. 15, p. 1921-1926							

111-4-946	Amended	V. 15, p. 1954	111-7-9	Amended	V. 12, p. 1263	111-9-49		
111-4-962	Amended	V. 16, p. 341	111-7-11	Amended	V. 15, p. 1188	through		
111-4-963	Amended	V. 16, p. 341	111-7-12			111-9-54	New	V. 12, p. 318, 319
111-4-966			through			111-9-55		
through			111-7-32	New	V. 7, p. 1194-1196	through		
111-4-970	New	V. 15, p. 1954, 1955	111-7-33			111-9-60	New	V. 12, p. 1263, 1264
111-4-971			through			111-10-1		
through			111-7-43	New	V. 7, p. 1197, 1198	through		
111-4-982	New	V. 16, p. 341-344	111-7-33a	New	V. 8, p. 300	111-10-9	New	V. 8, p. 136-138
111-4-983			111-7-44			111-10-7	Amended	V. 8, p. 301
through			through			<b>AGENCY 112: KANSAS RACING AND GAMING COMMISSION</b>		
111-4-991	New	V. 16, p. 456, 457	111-7-54	Revoked	V. 13, p. 340	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
111-4-992			111-7-46	Amended	V. 11, p. 1152	112-3-17	Amended	V. 15, p. 182
through			111-7-54	Amended	V. 11, p. 1511	112-3-19	Amended	V. 15, p. 222
111-4-1012	New	V. 16, p. 689-694	111-7-55			112-4-1	Amended	V. 15, p. 223
111-5-1			through			112-4-4a	New	V. 15, p. 182
through			111-7-63	Revoked	V. 10, p. 1217	112-4-4b	New	V. 15, p. 1709
111-5-23	New	V. 7, p. 209-213	111-7-60	Amended	V. 10, p. 262	112-4-14b	Amended	V. 15, p. 1379
111-5-9			111-7-64			112-5-1	Amended	V. 15, p. 1125
through			through			112-5-2	Amended	V. 15, p. 224
111-5-19	Revoked	V. 15, p. 291	111-7-75	New	V. 11, p. 13, 14	112-6-1	Amended	V. 15, p. 1126
111-5-21			111-7-66	Amended	V. 15, p. 1304	112-6-2	Amended	V. 15, p. 224
through			111-7-66a	Revoked	V. 13, p. 340	112-7-18	Amended	V. 15, p. 1801
111-5-33	New	V. 11, p. 415-418	111-7-75			112-10-6	Amended	V. 16, p. 379
111-5-21	Revoked	V. 15, p. 291	through			112-10-35	Amended	V. 15, p. 1126
111-5-22	Amended	V. 13, p. 1438	111-7-78	Amended	V. 15, p. 1188	112-10-38	Amended	V. 15, p. 887
111-5-23	Amended	V. 15, p. 1059	111-7-78			112-11-13a	Amended	V. 15, p. 1127
111-5-24	Amended	V. 11, p. 983	111-7-79	New	V. 11, p. 1478-1480	112-11-20	Amended	V. 15, p. 1127
111-5-25	Amended	V. 15, p. 1059	111-7-80	Revoked	V. 13, p. 340	112-16-14	Amended	V. 16, p. 380
111-5-27	Amended	V. 11, p. 482	through			112-17-15	Amended	V. 15, p. 888
111-5-28	Amended	V. 15, p. 1060	111-7-83	New	V. 11, p. 1478-1480	112-18-21	New	V. 15, p. 1589
111-5-29	Amended	V. 15, p. 1060	111-7-81	Amended	V. 15, p. 1189	112-18-22	New	V. 15, p. 1590
111-5-34	New	V. 12, p. 318	111-7-83	Amended	V. 15, p. 1189	<b>AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS</b>		
111-5-34a	Amended	V. 14, p. 1098	111-7-84			<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
111-5-35			through			115-2-1	Amended	V. 16, p. 248
through			111-7-93	Revoked	V. 15, p. 291	115-2-5	Amended	V. 15, p. 1093
111-5-38	Revoked	V. 13, p. 1439	111-7-94	Revoked	V. 13, p. 340	115-4-1	Amended	V. 15, p. 546
111-5-39			111-7-95			115-4-3	Amended	V. 15, p. 547
through			through			115-4-5	Amended	V. 15, p. 548
111-5-44	New	V. 15, p. 1022, 1023	111-7-118	Revoked	V. 15, p. 291, 292	115-4-7	Amended	V. 15, p. 549
111-5-45			111-7-119			115-30-3	Amended	V. 16, p. 249
through			through			115-30-6	Amended	V. 16, p. 249
111-5-50	New	V. 15, p. 1060-1062	111-7-127	New	V. 15, p. 1189-1191	<b>AGENCY 117: REAL ESTATE APPRAISAL BOARD</b>		
111-5-52			111-7-122	Amended	V. 15, p. 1477	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
through			111-7-123	Amended	V. 15, p. 1477	117-1-1	Amended	V. 15, p. 489
111-5-57	New	V. 16, p. 458, 459	111-7-124	Amended	V. 15, p. 1477	117-2-2	Amended	V. 16, p. 302
111-5-46	Amended	V. 15, p. 1186	111-7-126	Amended	V. 15, p. 1304	117-3-2	Amended	V. 16, p. 303
111-5-51	New	V. 15, p. 1477	111-7-128	New	V. 15, p. 1446	117-4-2	Amended	V. 16, p. 304
111-6-1			111-8-1	New	V. 7, p. 1633	117-6-3	Amended	V. 15, p. 489
through			111-8-2	New	V. 7, p. 1633	117-8-1	Amended	V. 15, p. 490
111-6-15	New	V. 7, p. 213-217	111-8-3	Amended	V. 10, p. 886	<b>AGENCY 121: DEPARTMENT OF CREDIT UNIONS</b>		
111-6-1	Amended	V. 15, p. 1445	111-8-4	New	V. 7, p. 1714	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
111-6-3	Amended	V. 14, p. 313	111-8-4a	Revoked	V. 13, p. 1406	121-2-1	New	V. 15, p. 887
111-6-4	Amended	V. 10, p. 1413	111-8-5			121-3-1	New	V. 15, p. 1474
111-6-5	Amended	V. 15, p. 1187	through			121-4-1		
111-6-6	Amended	V. 11, p. 1973	111-8-13	New	V. 7, p. 1634	through		
111-6-7	Amended	V. 11, p. 1477	111-8-14	New	V. 13, p. 881	121-4-11	New	V. 16, p. 72-77
111-6-7a	Amended	V. 15, p. 1188	111-8-15	New	V. 13, p. 881	<b>AGENCY 122: POOLED MONEY INVESTMENT BOARD</b>		
111-6-8	Revoked	V. 12, p. 1263	111-9-1			<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
111-6-9	Revoked	V. 14, p. 313	through			122-2-2	Amended	V. 16, p. 42
111-6-11	Revoked	V. 12, p. 1376	111-9-12	New	V. 7, p. 1714-1716	122-3-1	Amended	V. 16, p. 42
111-6-12	Amended	V. 8, p. 212	111-9-13			122-3-2	Amended	V. 16, p. 43
111-6-13	Amended	V. 8, p. 299	through			122-3-3	Amended	V. 16, p. 43
111-6-15	Amended	V. 12, p. 677	111-9-25			122-3-4	Amended	V. 16, p. 43
111-6-17	Revoked	V. 10, p. 1475	through			122-3-5	Amended	V. 16, p. 43
111-6-18	New	V. 13, p. 150	111-9-30	New	V. 9, p. 699, 700	122-3-7	Amended	V. 16, p. 43
111-6-19	New	V. 13, p. 340	111-9-31			122-3-9	Amended	V. 16, p. 44
111-6-20	Amended	V. 15, p. 1716	through			122-3-10	Amended	V. 16, p. 44
111-6-21	New	V. 13, p. 881	111-9-6	Revoked	V. 9, p. 1680	122-3-11	Amended	V. 16, p. 44
111-6-22	New	V. 13, p. 881	111-9-13			122-4-1	Amended	V. 16, p. 44
111-6-23	New	V. 13, p. 881	through			122-5-1	Amended	V. 16, p. 44
111-7-1			111-9-25	Revoked	V. 9, p. 1680			
through			through					
111-7-10	New	V. 7, p. 1192, 1193	111-9-30					
111-7-1	Amended	V. 8, p. 212	111-9-31					
111-7-3	Amended	V. 11, p. 1796	through					
111-7-3a	Revoked	V. 13, p. 340	111-9-36	New	V. 10, p. 262			
111-7-4	Amended	V. 9, p. 1367	through					
111-7-5	Amended	V. 9, p. 986	111-9-48	New	V. 10, p. 1439, 1440			
111-7-6	Amended	V. 9, p. 987						



# Order a custom-made loose-leaf binder for the Kansas Register!



**In this issue**

Kansas Technology Enterprise Corporation	Page 259
Notice of meeting	
Kansas Inc.	259
Notice of meeting	
Kansas Advisory Committee on Hispanic Affairs	259
Notice of meeting	
Kansas Judicial Council	259
Notice of meetings	
State Board of Indigents' Defense Services	260
Notice of meeting	
Real Estate Appraisal Board	261
Notice of hearing on proposed administrative regulations	
State Emergency Response Commission	261
Notice of meeting	
Legislative bills introduced February 16-22	261
Kansas Law Enforcement Training Commission	
Notice of meeting	
Social and Rehabilitation Services	
Notice of meeting	
Request for proposals	

Custom-made Kansas Register binders are now available. These binders will attractively hold up to a year's worth of your copies of the Kansas Register for permanent use. They are high quality, durable casebound Swing Hinge® binders made by McBee Loose Leaf Binder Products. (A Swing Hinge® binder has more capacity and allows for easier interfiling than standard ring binders.) The three-inch binders feature dark blue supported vinyl covering and gold imprinting.

**\$12 each, includes shipping and handling.**

(Kansas residents must include an additional \$.74 state and local sales tax.)

-----  
Clip and mail

Please send \_\_\_\_\_

**Kansas Register Binders @ \$12 each**

(Note: Kansas residents must include an additional \$.74 state and local sales tax.)

Total enclosed \_\_\_\_\_

Ship to:

Shipping is by  
U.P.S. Delivery Service --  
Street address is necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

-----  
Mail this form, with payment, to: Kansas Register, Kansas Secretary of State, 2nd Floor, State Capitol, 300 S.W. 10th Ave., Topeka, KS 66612-1594

**Kansas Register  
Secretary of State  
2nd Floor, State Capitol  
300 S.W. 10th Ave.  
Topeka, KS 66612-1594**

---

**Use this form or a copy of it to enter a subscription:**

**One-year subscriptions @ \$70 ea.  
(Kansas residents must include  
\$4.31 state and local sales tax.)**

**Total Enclosed \_\_\_\_\_  
(Make checks payable to the Kansas Register)**

**Send to:**

(Please, no  
more than  
4 address  
lines.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zip code must be included

<b>This space for Register office use only.</b>
Rec. No. _____
Exp. _____
Code _____

---

**Use this form or a copy of it to enter a name or address change:**

**Remove your mailing label (above) and affix it here:**

**Indicate change of name or address  
here:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

**Mail either form to: Kansas Register, Secretary of State, 2nd Floor,  
State Capitol, 300 S.W. 10th Ave., Topeka, KS 66612-1594**