

KANSAS LEGISLATURE

Summary of Legislation

1977

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May, 1977

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1977

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INTRODUCTION

This publication differs from the Highlights in that it is more inclusive and is released at a time when it is possible to account for all the bills. While some value judgements are involved in classifying the bills in the various groupings, the aim has been to have clear and reasonably brief summaries of most of the bills enacted by the 1977 Kansas Legislature. Some appropriation bills, local, technical, clarifying and repealing bills, bills of a limited nature, and bills affecting administrative rules and regulations have not been summarized. In addition, vetoed bills (sustained) have not been summarized. However, these types of bills are listed by number, according to category, beginning on page 114.

During the 1977 Session 1,172 bills — 676 House and 496 Senate bills — were considered by the Legislature. Of the 1,172 bills considered, 358 (30.6 percent) became law — 180 Senate bills and 178 House bills. Thirteen bills were vetoed and sustained. Six hundred and twelve bills will be held over until the 1978 Session.

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AGRICULTURE AND LIVESTOCK

Brand Inspections

S.B. 114 exempts from brand inspection, except in emergency situations, cattle moving from feedlots which are located in brand inspection areas and which are operated by licensed individuals. Even though there is no change of ownership, such cattle from brand inspection areas would be inspected when they travel into feedlots in brand inspection areas.

Kansas Pesticide Law

H.B. 2140 amends certain sections of the Kansas Pesticide Law (K.S.A. 1976 Supp. 2-2438 et seq.) which was enacted in 1976 but which will become effective October 21, 1977. The amendments generally are concerned with making effective, upon publication in the official state paper, those sections of the Kansas Pesticide Law which pertain to the administration of educational provisions of the law. Various non-substantive changes also are made which clarify and expand certain sections of the Kansas Pesticide Law.

Kansas State Fair Promotion of Non-Fair Days Activities

H.B. 2657 amends K.S.A. 2-205 to allow greater flexibility in fairground operations during non-fair days. The amendment authorizes the fair to assist in the promotion and operation of events held on the grounds on days other than official State Fair days, creates a new fund, and authorizes certain deposits and expenditures through local bank accounts established for each non-fair day activity. In addition, the bill requires an annual reporting of expenses for such events. The agency has estimated that the flexibility provided by the bill will increase the number of events contracted for on days other than the nine official days of the fair.

Treatment and Disposition of Animals

S.B. 227 amends and supplements the existing laws which pertain to the treatment and disposition of animals. The bill specifies what types of treatment and methods of disposition are considered as being cruel to animals, and lists the exceptions to those provisions. In addition, the bill extends the responsibility for

the proper treatment and disposition of animals to include the animal's custodian. Unlawful disposition of an animal is a Class B misdemeanor.

CONSUMER AFFAIRS

Uniform Consumer Credit Code - Applicability

H.B. 2171 amends K.S.A. 16a-1-201 by adding a new subsection (10). The new language specifies that a Kansas consumer, making a consumer purchase or loan through a resident of another state, cannot be charged a rate of interest exceeding the rate permitted by the Kansas UCCC. A penalty for violation of the UCCC is imposed as stated in 16a-5-201(3) and (4) and 16a-6-113, as if the transaction were made in Kansas. Also, the powers and functions of the administrator apply as though the transaction were made in this state.

Uniform Consumer Credit Code - Payment for Certain Loans

H.B. 2169 amends K.S.A. 16a-2-308 to clearly indicate that if certain loans are payable in installments, they must be paid in substantially equal installments at substantially equal periodic intervals. The bill also amends K.S.A. 16a-3-304 to delete the reference to "husband and wife."

CORPORATIONS AND FINANCIAL INSTITUTIONS

Banks and Banking - Capital Notes and Debentures

H.B. 2168 amends K.S.A. 9-1102 which presently authorizes banks to purchase, encumber and lease real estate, in addition to the bank's premises, with a total real estate and fixed asset investment of not to exceed one-half of the bank's capital stock and surplus. H.B. 2168 expands the total bank investment capabilities in real estate necessary for the bank in the transaction of its business by adding capital notes and debentures to the existing formula of capital stock and surplus.

Banks and Banking - Powers of the Commissioner

H.B. 2170 creates an exception to the present statute -- K.S.A. 9-1801 -- by authorizing the Bank Commissioner, upon the dissolution of a bank which causes or threatens to cause loss of service in the community or losses to depositors, to accept and approve an application to do business from applicants seeking to establish a successor bank. The approval of the Bank Commissioner is subject to the confirmation and subsequent approval of the State Banking Board.

Credit Unions - Approval for Doing Business

H.B. 2546 prohibits any credit union not authorized by the State of Kansas or the Federal Credit Union Act from doing business in the State until it receives the approval of the Kansas Credit Union Administrator.

Credit Unions - Committees

S.B. 320 amends K.S.A. 17-2208 to allow a credit union to appoint the members of a supervisory committee and a credit committee. The present statute requires their election.

Credit Unions - Powers of Central Credit Unions

H.B. 2167 permits central credit unions to buy and sell the investment securities of any one maker at a rate of not more than 15 percent of the shares, undivided earnings and reserves of the central credit union. The previous investment limit per single maker was 5 percent. H.B. 2167 also removes the aggregate total amount of investment securities held by a central credit union. Formerly, that limit had been 15 percent of the shares, undivided earnings and reserves of the central credit union.

Credit Unions - Supervision

S.B. 373 amends K.S.A. 1976 Supp. 17-2206 to establish a sliding scale fine of up to \$50 upon any credit union which neglects to make its semiannual report. The bill also directs the Credit Union Administrator, after observing that a credit union has

violated or is violating any provisions of law, to conduct a hearing and direct the credit union to discontinue its illegal methods or practices. S.B. 373 further directs the Administrator to furnish without charge to any person, upon request, copies of a current balance sheet.

Corporation Code Amendments

H.B. 2571 amends K.S.A. 17-2718 to permit a copy of a professional corporation's annual report to be filed along with the original with the Secretary of State. Presently, two original reports must be so filed. An amendment to K.S.A. 1976 Supp. 17-7503 clarifies that the date of the most recent annual election of officers is to be included in the firm's report. An amendment to K.S.A. 1976 Supp. 17-7504 contained in the bill requires non-profit foreign corporations to file a certificate of good standing with their annual reports, which has been required of for-profit foreign corporations. As a final change, H.B. 2571 amends K.S.A. 42-704 by increasing the fee for incorporating an irrigation district from \$2.50 to \$50.00.

Real Estate Mortgages - Assignments and Discharges

H.B. 2398 requires that any assignment, discharge or satisfaction of a mortgage must be filed by a separate written instrument. Prior to this bill, marginal releases have been used.

Savings and Loan Associations - Real Estate Loans

H.B. 2545 amends K.S.A. 17-5512 to restrict the types of loans which may be prepaid from all real estate loans to home loans only. The bill further allows savings and loan associations, on a permissive basis, to prohibit or restrict prepayment on all loans other than home loans.

Securities Broker-Dealers - Interest Rates

S.B. 332 allows a broker-dealer to charge, receive or contract to receive, as compensation for advances made for the purchase of securities, a rate of interest not to exceed the higher of 10 percent per annum or the rate last obtained from a commercial lender plus an annual percentage rate of not to exceed one and one-half percent. The bill clearly restricts the enumerated interest rates to brokerage houses selling to customers who purchase securities on margin.

Uniform Commercial Code Fees

S.B. 493 amends several sections of the Uniform Commercial Code which deal with the uniform filing fee charged for the filing and indexing of financing statements. The fee is raised from one dollar to three dollars if the statement is in the standard form prescribed by the Secretary of State. Otherwise, the fee is raised from three dollars to five dollars. The fees for processing assignments and statements of release are also raised in the same amounts.

EDUCATION

(a) Elementary and Secondary

Certification of School Personnel

H.B. 2158 amends the law relating to fees for certificates for teachers and other school personnel. The statutory fee of five dollars for renewal or duplication of a certificate is changed to a fee established by the State Board of Education within a range of five to thirteen dollars.

On or before January 1 of each year, the State Board must determine the amount of revenue required to administer the certification function for the next fiscal year and set the fees (effective on the next July 1) at the level, within the prescribed range, necessary to support this activity.

Closing of Attendance Facilities

H.B. 2320 applies only to the Shawnee Mission school district (U.S.D. 512). The bill provides a new and specific method of closing attendance facilities.

Driver Training State Aid

H.B. 2555 relates to distributions from the State Safety Fund for the support of approved school district driver training programs. The annual distribution is increased from \$1.2 million to \$1.3 million. The date for the school district annual reports of participation in this program is changed from the month of June to August and the state aid distribution date is changed from October 1 to November 1.

Kansas State High School Activities Association

H.B. 2011 amends laws relating to the organization and function of the Kansas State High School Activities Association (KSHSAA). The main changes revise the selection, composition, and membership of the KSHSAA Appeal Board and subject KSHSAA to the provisions of the open meetings law.

A summary of the principal provisions of H.B. 2011 follows:

1. The KSHSAA Appeal Board will be composed of ten members -- five members of boards of education and five school administrators. (Under prior law the Appeal Board was composed of five members -- three board of education members and two school administrators -- who were selected by election from the membership of the Board of Directors.)
2. The Appeal Board will be selected by election from among KSHSAA member schools. Boards of education elect the board of education members and member schools elect the administrator members. No member of the Board of Directors is eligible for election to the Appeal Board.
3. A quorum of the Appeal Board requires six members. A majority vote (at least four) of the members present is required for any action of the Appeal Board.

4. Insofar as possible, the membership of the Appeal Board must be representative of all membership classifications of schools and all geographic areas of the state.
5. Those permitted to file appeals include any student, a student's parent or guardian, or any member school. (Prior law referred only to students as having access to the appeal process.)
6. A decision of the Appeal Board is final with regard to appeals resulting from a decision of the KSHSAA Executive Board or KSHSAA officer or employee. An Appeal Board decision is advisory only relative to appeals of decisions of the Board of Directors.
7. The hearing procedure allows 30 days for a notice of appeal to be filed upon publication of a decision by the Board of Directors or upon receipt by a party of a decision of the Executive Board or KSHSAA officer or employee. Whenever an appeal notice is given, the Appeal Board has a ten-day period in which to hear the appeal, unless an extension of that time is agreed upon by the parties. The decision or recommendation of the Appeal Board must be rendered in writing not later than five days after the close of the hearing.
8. KSHSAA is required to function in accord with the provisions of the open meetings law.

Petty Cash Funds

H.B. 2129 amends the law which governs school district petty cash funds. The statutory limits on petty cash funds are increased according to the following schedule:

<u>District Enrollment Category</u>	<u>Principal</u>		<u>Central Business Office</u>	
	<u>Prior Law</u>	<u>New Law</u>	<u>Prior Law</u>	<u>New Law</u>
Under 3,000	\$ 100	\$ 500	\$ 250	\$ 500
3,000-20,000	100	750	500	750
Over 20,000	100	1,000	1,000	1,000

School Boards - Lease of Property

H.B. 2195 permits a school board to act as a lessor of real or personal property (except for school buses). The former law allowed a board to act only as the lessee for the use of land and improvements.

School Buses - Contracts for Use

H.B. 2131 amends the law pertaining to transportation of students. Subject to certain conditions, the amendment allows a board of education to contract for the use of district-owned or leased school buses with the board of trustees of a community junior college for transportation of its students to or from community junior college functions or activities.

Prior law authorized such contracts with:

1. The governing body of any township, city or county for transportation of senior citizen groups or organizations, or
2. The governing authority of a nonpublic school for the transportation of its pupils to or from inter-school functions or activities.

School Closings Due to Hazardous Driving Conditions

H.B. 2127 relates to the definition of school day and school year. The main change is that the amount of time pupils have been in attendance at school will be considered a school day when the school board or its designee dismisses school early because of inclement weather which causes hazardous driving conditions. Prior to the amendment, pupils had to be in attendance for at least three hours on such days in order that the attendance could be counted as a school day for meeting the 180-day requirement.

School Finance

H.B. 2208 contains the major school finance changes, including:

1. Local Effort Rate (LER). The norm LER was reduced from 1.77 to 1.754 percent. (The LER of a district is applied to its district wealth in the computation of the local effort deduction as one step in determining the general state aid entitlement of a school district.)

2. Budget Appeal. A new budget appeal was added for increases in the rates or charges for certain utilities (water, heat, and electricity).

3. Capital Outlay Transfers and Expenditures. A school district is prohibited from making transfers from the general fund to the capital outlay fund unless the district has budgeted a capital outlay levy of at least 3.5 mills. Districts were authorized to make capital outlay expenditures from the general fund for acquisition of equipment and repair of school buildings.

Estimates under H.B. 2208, assuming 100 percent deduction of P.L. 874 receipts, are:

(In Millions)

	<u>School Year</u>		<u>Increase</u> <u>(1977-78</u> <u>Over</u> <u>1976-77)</u>
	<u>1976-77</u>	<u>1977-78</u>	
General Fund Budgets (Budget Control 105%-115%)	\$ 521.0	\$ 562.3	\$ 41.3
General State Aid	212.1	220.5	8.4
Total State Aid (general, transportation, income tax rebate)	262.4	275.6	13.2

The 1977 general fund property taxes for school districts are estimated to increase by about \$42.0 million statewide, about \$2.0 million less than if no changes had been made in the law.

School Finance - Enrollment of Vocational Students

H.B. 2010 contains an amendment to the school finance law which incorporated the substance of 1977 S.B. 77, pertaining to the determination of full-time equivalent enrollment in a district of pupils who are both regularly enrolled in a school program and in an approved vocational program. The amendment provides that any pupil in grades nine through twelve is counted as one full-time equivalent pupil in the district if the pupil's combined enrollment equals five-sixths of a school day.

H.B. 2010 also made various changes in the special education statutes. These changes are summarized under "Special Education Services - State Institutions."

School Finance - P.L. 874 Funds

S.B. 345 amends the School District Equalization Act (SDEA) to accomplish two purposes:

1. To exclude in computing a school district's local effort, and therefore its state aid entitlement, amounts received by the school district under the low-rent housing component of federal law (Title I, P.L. 874). Such amounts also would be excluded from the general fund operating expenses of the recipient school district.

2. To conform certain provisions of the SDEA to existing administrative policies. In determining local effort and computing state aid, all Title I, P.L. 874 receipts are taken into account except those specifically excluded by state law (20 U.S.C.A. 241-1(b) for disaster assistance). Prior to the passage of S.B. 345, the law referred to "deduction" of P.L. 874 funds under two specific sections of federal law. An amendment ensures that receipts from all such programs are included in determining a district's local effort, except those parts of the federal program which are specifically excluded by state law. (Under S.B. 345 these include the disaster relief and low-rent housing components.)

School Residence

S.B. 98, relating to the residence of children of school age, substitutes "lawful custodian" for "natural or legal guardian" in the law. Lawful custodian is defined as a parent, step-parent, foster parent, guardian, or other person having legal custody of a child or

a person who is liable by law to maintain, care for, or support the child. Prior law was regarded as not being sufficiently broad to include children living in foster care situations.

Special Education - Due Process

H.B. 2009 makes changes in the due process rights of a child or a child's lawful custodian concerning provision or denial by school districts of special education services for exceptional children. The main changes of the bill:

1. Insert the term "lawful custodian" to replace the terms "parents or guardians"; "lawful custodian" is a comprehensive term designed to refer to any person who has legal custody of a child or who is liable for the support of a child. If there is no such person, then some relative or other interested person would serve in the capacity of the lawful custodian. If such a person cannot be found, then the school board institutes proceedings under the juvenile code to determine whether the child is dependent and neglected. (The provision is designed to ensure that there is some responsible adult association with the child for the protection of the child's interests relative to special education services.)
2. Add additional due process rights, including issuance of subpoenas and cross-examination of witnesses. Also, the parties are given the right to have a record of the hearing made by mechanical or electronic recording or by an official court reporter.
3. Exclude from conducting a due process hearing any person who (a) is responsible for recommending the action on which the hearing is based, (b) has a personal or professional interest which would conflict with his or her objectivity, or (c) is an employee of the State Board of Education or of the school district involved in the child's education.
4. Require that the written result of any hearing be forwarded to the State Advisory Council for Special Education. (Any personally identifiable information would be deleted from this report.)

5. Allow a child or the child's lawful custodian to appeal the decision of the local school board to the State Board of Education. (When such an appeal occurs, the State Board reviews the hearing and decision by (a) examining the record of the hearing, (b) determining whether the hearing was consistent with the requirements of due process, (c) affording the parties opportunity for oral argument, and (d) rendering its decision on the appeal not later than five days after completion of the review.)
6. Require that the notice of a proposal to change the status of a child with regard to special education services be provided in writing in the principal language used in the home of the child.

Under the previous law, due process hearings were conducted at the school district level with appeals determined by the local board of education. H.B. 2009 establishes that a hearing is conducted by the local board, the results of which are subject to review by the State Board of Education upon appeal from the decision of the local board. Decisions of the State Board can be appealed to the District Court in accord with law.

Special Education Services - State Institutions

H.B. 2010 amends several statutes concerning special education services for exceptional children. The bill removed from the law the concept of specialized instruction. Specialized instruction consisted of programs of life and social adjustment given in a state institution under the jurisdiction of the Secretary of Social and Rehabilitation Services (SRS). The Secretary determined the standards for such programs. The new law requires state institutions to provide special education services for all exceptional children housed and maintained therein. Such services must meet State Board of Education standards.

Subject to the due process procedures of the special education law, an amendment to K.S.A. 1976 Supp. 72-976 relieves a school district from having to keep a child in regular school programs or to provide special education services (a) when the education of the child cannot satisfactorily be achieved thereby, and (b) when the child requires housing, maintenance, and special

education services provided at a state institution. If a child does not meet the criteria for admission to a state institution, he or she remains the responsibility of the school district.

The law contains an amendment to the School District Equalization Act to ensure that school districts do not benefit in terms of budget authority or general state aid by counting students who receive special education services at the expense of the state.

H.B. 2010 also contained an amendment to the school finance law. This change is summarized under "School Finance - Enrollment of Vocational Students."

Suspension and Expulsion of Pupils

H.B. 2130 establishes a rudimentary hearing in short-term suspension cases (five days or less). Due process at such hearings includes the right of the pupil (a) to be present at the hearing, (b) to be informed of the charges, (c) to be informed of the basis for the accusation, and (d) to make statements in defense or mitigation of the accusation. In cases where the presence of the pupil endangers others or interferes with the operation of the school, the pupil can be suspended immediately. The opportunity for a hearing must be afforded as soon thereafter as possible, but not later than 72 hours after the suspension has been imposed. A written notice of any short-term suspension must be provided to the student and the parent or guardian within 24 hours of the imposition of the suspension.

Other amendments increase the statutory due process protections in long-term suspension or expulsion cases. These include providing the person, hearing officer, member of a hearing committee, or board of education conducting the hearing the authority (and, in some cases, the duty) to petition the administrative judge of the judicial district requesting that the district court clerk be authorized to issue subpoenas for the attendance and testimony of principal witnesses, etc., to call and examine witnesses, to receive documentary and other evidence, and to take other actions necessary in accord with providing procedural due process. Whenever a witness appears in person at a hearing, either voluntarily or as the result of issuance of a subpoena, such witness may be confronted and cross-examined.

The former law, under certain circumstances, required the person or committee that conducted a hearing to report apparent violations of criminal statutes or city ordinances to the juvenile

court or the appropriate law enforcement agency. That requirement was eliminated.

EDUCATION

(b) Postsecondary (Includes Vocational Schools)

Campus Police Officers

H.B. 2376 amends K.S.A. 1976 Supp. 76-726 to: (a) change the term "campus policeman" to "campus police officer"; (b) exclude plainclothes investigators and departmental administrators from the requirement that a badge be worn and publicly displayed while on duty; and (c) grant campus police officers the same rights, protections, and immunities afforded to other peace and police officers in the performance of their duties.

Community Junior Colleges - Budget Appeal

H.B. 2672 permits a community junior college to request the State Board of Tax Appeals to grant the school additional budget authority due to increases in the rates or charges for certain utilities (water, heat, or electricity) when such increases cause operating expenses greater than the community junior college could otherwise budget or expend.

Community Junior College - Capital Outlay Levies and Bonds

S.B. 134 amends the law pertaining to community junior college tax levies for capital outlay by permitting the board of trustees of a community junior college district to make an annual capital outlay tax levy of up to one mill for a period of not more than five years.

The prior law authorized a one-mill levy for a community junior college district in which the total taxable tangible property valuation on June 30, 1968, did not exceed \$75 million. However, if the June 30, 1968, valuation exceeded \$75 million, the maximum annual tax levy for capital outlay was one-half mill. The one-half mill limitation applied to six community junior college districts.

Another amendment reduced from 10 percent to 5 percent the number of electors that must sign a protest petition in order to require an election on a resolution proposing a levy authorized under this law.

S.B. 416 specifically establishes a community junior college capital outlay fund. A second change is that under the previous law, after the first annual levy had been made, a community junior college board could issue general obligation bonds for capital outlay purposes against the capital outlay fund. An amendment permits boards of trustees to issue the bonds before the first levy has been made, if the levy has been duly authorized in accord with law.

Community Junior College and Washburn University Aid

H.B. 2557 increases credit hour state aid for the 19 community junior colleges and Washburn University. Credit hour aid for community junior colleges is increased from \$15.50 to \$16.50, resulting in additional FY 1978 aid of an estimated \$520,920. A similar increase for Washburn University (for enrollment of undergraduate resident students) will provide about \$108,000 additional aid to that school.

State Colleges - Name Changes

H.B. 2560 changes the name of Kansas State College of Pittsburg to Pittsburg State University, Fort Hays Kansas State College to Fort Hays State University, and Emporia Kansas State College to Emporia State University.

State Scholarship Program

S.B. 133 amends a statute pertaining to the state scholarship program. The amendment broadens the definition of "eligible institution" for the purpose of increasing the number of institutions which qualify under the state scholarship program.

The prior law permitted state scholarship recipients to use their awards to attend area vocational schools, community junior colleges, Kansas Technical Institute, state colleges and universities, Washburn University, and certain accredited independent institutions. The amendments extend this program to any institution which qualifies as an eligible institution for the federal

guaranteed-loan program. These include, additionally, certain proprietary schools, schools of nursing and cosmetology, and at least four sectarian colleges not previously authorized for program participation.

A new requirement is that any student who has applied for a tuition grant must indicate that fact when reporting his or her financial resources as must be done under this program. A student who has received a tuition grant must list the amount of that grant among the student's financial resources.

Student Loan Programs

S.B. 461 exempts from taxation by the state or its political subdivisions any revenue bonds or interest thereon issued by a "qualified nonprofit corporation" whose purpose is providing a student loan program in Kansas. Such a corporation must be approved as the single nonprofit corporation providing a statewide student loan program under the federal Higher Education Act of 1965 and be qualified to issue tax-exempt bonds under the Internal Revenue Code.

Viet Nam Era Educational Benefits

S.B. 195 amends the law which extends state-provided educational benefits to certain dependents of deceased persons who served in the military during the Viet Nam conflict. The prior law made these benefits available for the dependent of any person who died as a result of injuries suffered in the line of duty during the Viet Nam conflict. The amendment permits such benefits to extend to the dependents of military personnel who died of a service-connected disability suffered during the Viet Nam conflict.

Vocational Education Advisory Council

S.B. 368 amendments relate primarily to the State Advisory Council for Vocational Education and are designed to conform Kansas law to new requirements of 1976 federal amendments to the Vocational Education Act of 1963. The main changes:

1. Increase the membership of the State Advisory Council for Vocational Education from a minimum of 13 and a maximum of 17 members to a minimum of 20 and a maximum of 24 members.

2. Reduce the maximum term of Advisory Council members from four years to three years.
3. Delete the requirements of prior approval by the State Board of Education relative to (a) employment of Advisory Council staff, and (b) Advisory Council contracts for professional services.
4. Permit the Advisory Council, rather than the State Board of Education, to expend funds appropriated for the operation of such Advisory Council.

Vocational Education-Student Tuition

S.B. 318 amends the postsecondary aid program for area vocational and area vocational-technical schools. The amendment excludes from eligibility under this state aid program those postsecondary students whose tuition can be paid through the federal Comprehensive Employment and Training Act (CETA) or through other federal programs which will provide tuition payments for vocational training.

It is estimated that this change will result in an FY 1978 savings to the state of about \$600,000.

EDUCATION

(c) Other

Assistant Commissioners of Education

S.B. 97 deletes all references to a "deputy commissioner of education." An assistant commissioner may be designated by the State Board of Education or Commissioner to act on the Commissioner's behalf when he or she is absent or unable to perform official duties.

KUMC Parking Facility

S.B. 430 authorizes the State Board of Regents to construct a multi-level parking facility at the University of Kansas Medical Center. The Board of Regents is further authorized to issue revenue bonds for the purpose of paying all or part of the cost of

the construction project. It is anticipated that the construction cost of \$2,600,000 will be financed from the proceeds of such bond issue. An initial expenditure of \$120,000 from special revenue funds, including parking fees and gifts, will finance project planning.

S.B. 464 amends K.S.A. 1976 Supp. 75-5404 relating to architectural services for the State of Kansas. The amendatory language in this act exempts the multi-level parking facility construction project at the University of Kansas Medical Center as authorized by 1977 S.B. 430 from compliance with the requirements of subsection (a) of K.S.A. 75-5405 which prescribes the selection of an associate architect by a negotiating committee. The exclusion of this project from the provisions of K.S.A. 75-5404(a) will facilitate competitive bids on the project as a whole rather than on separate components. It is known that several firms specialize in parking facility construction and that considerable cost savings can be realized by having a single firm plan and construct the entire facility.

The act specifies that the multi-level parking facility construction project shall be prepared for competitive bids pursuant to K.S.A. 1976 Supp. 75-3739 and K.S.A. 75-3740, 75-3741, and 75-3742; and that fees paid to a firm for the planning component of this project shall not exceed the scale of fees provided an associate architect by K.S.A. 1976 Supp. 75-5410.

Land Exchange - Kansas State University and Kansas University

S.B. 438 allows Kansas State University to trade three parcels of land which it owns (one parcel consisting of 5.9 acres located in Riley County, Kansas, one parcel consisting of approximately 160 acres located in Clay County, Kansas, and one parcel consisting of 20 acres located in Pueblo County, Colorado) to the Kansas State University Endowment Association for a parcel of land consisting of 78 acres located in Riley County, Kansas.

Professional Negotiations

Sub. H.B. 2325 amends the professional negotiations law applicable to professional employees of school districts, community junior colleges, and area vocational-technical schools and adds new provisions. The most important changes include:

1. Impasse Procedure. Prior law contained no impasse resolution procedures. The new procedures include steps for declaration of impasse and for mediation and fact-finding. When either (or both) of the parties believes an impasse exists, a petition may be filed in the District Court of the county having jurisdiction in the home county of the school district or in the county in which the community junior college or area vocational-technical school is located. The petition requests the District Court to determine whether an impasse in the negotiations exists. The matter is advanced on the docket of the District Court and the judge is expected to hold a hearing thereon within five days after the day the petition is filed. (Saturdays, Sundays, and legal holidays are excluded.) If the judge determines an impasse exists, a finding to that effect is entered in the record and commencement of impasse resolution procedures or other appropriate relief is ordered. At the time of the entry of the order, the clerk of the Court notifies the Secretary of Human Resources. However, if the judge determines there is no impasse, the parties are directed to continue professional negotiations. The judge may, if it is believed warranted, retain jurisdiction in the matter.

Once the district judge has determined that impasse exists and the Secretary of Human Resources has been so notified, the Secretary, from a list he or she maintains, appoints an impartial mediator. When practicable, the services of the Federal Mediation and Conciliation Service are to be used.

The mediation process occurs mainly during a seven-day period after the appointment of the mediator. If, after seven days have passed, the mediator determines the impasse is not resolved, the mediator notifies the parties and the Secretary. Likewise, in the event one of the parties determines mediation has failed, the party may request the mediator to so notify the Secretary. If the mediator does not comply with this request, the party may file a request with the Secretary to appoint a fact-finding board.

Whenever notified of the failure of mediation to resolve impasse, the Secretary, from a list he or she maintains, appoints not more than three persons to serve as a fact-finding board. The fact-finders must be impartial, representative of the public, and not include any person who served as the mediator of the dispute. The fact-finding board has a period of ten days after its appointment to complete its work. This limitation can be extended for an additional seven days by mutual agreement of the two parties. The fact-finding board may function in a quasi-judicial manner in carrying out its responsibilities.

The process of fact-finding, in addition to the studies and inquiries the fact-finding board may conduct, involves a presentation by the parties of a description of the issues, including a specific description of each party's final position on each issue involved in the impasse. If either party fails to submit its final offer, that party's latest offer as determined by the fact-finding board serves as the final offer of the party. Upon the conclusion of its activities, the fact-finding board recommends either the final position of the employees or the employer on each of the impasse items. In other words, the fact-finding panel is free to choose from among the positions of the board or the employees on an issue-by-issue basis.

If no resolution of the impasse has occurred within the time in which the fact-finding board must complete its work, the board makes its report and recommendations privately to the parties and to the Secretary. Either of the parties may make the report public. The Secretary is required to make the report public ten days after submission to the parties, unless the parties have agreed to an extension of this deadline. Such an extension could not exceed seven days. In the case of an extension of the ten-day deadline, the Secretary makes the report public upon the expiration of the extension.

If the parties still have not reached agreement after the fact-finding report has been made public, the governing board takes such action as it deems to be in the public interest, including the interest of the professional employees involved.

Costs of impasse determination, mediation, and fact-finding are borne equally by the two parties.

2. Terms and Conditions of Professional Service - Defined.

A definition of what constitutes terms and conditions of professional service is added to the law. This list includes salaries and wages; hours and amounts of work; vacation allowance; holiday, sick and other leave; number of holidays; retirement; insurance benefits; wearing apparel; pay for overtime; jury duty; grievance procedure; disciplinary procedure; resignations; and termination of contracts. This listing is not exclusive. The parties may negotiate on such other matters as they mutually agree upon and which have a greater direct impact on the well-being of the individual employee than on the operation of the school system as a whole.

3. State Agency Role. The previous law assigned to the State Board of Education responsibilities for resolving unit determination questions and professional employee organization recognition disputes. Sub. H.B. 2325 assigns to the Secretary of Human

Resources these and certain additional administrative duties relative to the impasse procedure.

4. Prohibited Practices. The prior law contained no listing of prohibited employer or employee practices. Sub. H.B. 2325 contains such a listing. Prohibited practices of the employer include interfering with the rights of the professional employees to organize and participate in employee organizations; interfering or assisting in the formation or administration of a professional employees organization; encouraging or discouraging membership in a professional employees organization by discriminating in hiring or other conditions of employment; discharging or discriminating against a professional employee because he or she has filed a complaint or given any information under the act or because he or she has been represented by any professional employees organization; refusing to negotiate in good faith; denying rights accompanying formal recognition; refusing to participate in good faith in mediation, fact-finding, or provisions of contract interpretation arbitration agreements; or instituting a lock-out.

Prohibited employee practices include interfering with professional employees in the exercise of their rights under the law; interfering with a board with respect to its rights or selecting a representative for the purposes of professional negotiations or adjustment of grievances; refusing to negotiate in good faith; refusing to participate in good faith in mediation, fact-finding, or provisions of contract interpretation arbitration agreements; or engaging in a strike or any unlawful picketing.

Prohibited practices complaints are processed by the filing by either party of a petition in the District Court.

5. Exclusion of Administrators. Administrative employees are excluded from coverage under the professional negotiations law. Under prior law, administrators were included. They constituted a separate negotiation unit.

6. Negotiations Sessions - Open. An amendment requires that professional negotiation sessions be subject to the provisions of the Kansas open public meetings law.

7. Resolution of Recognition Disputes by the Secretary of Human Resources. Prior law allowed the State Board of Education to make a determination of recognition questions by either of two methods. The Board could conduct inquiries and investigations or hold hearings in order to make its decision, or it could conduct a secret ballot election to decide the question. The amendments

assigned this responsibility to the Secretary of Human Resources and deleted the inquiry, investigation, and hearing method while retaining the election method.

Proprietary Schools - Fees

H.B. 2132, which is designed to make the proprietary school certification and registration function fiscally self-supporting, makes the following changes:

1. Proprietary school certificates of approval are valid for one year. (Prior law permitted the issuance of such certificates for a maximum two-year period.)
2. Temporary (one year maximum) certificates of approval are abolished.
3. Fees for certificates of approval and registration of representatives are increased. A new fee schedule is established for out-of-state schools and representatives.

The new fee schedule (beginning in FY 1978) is as follows:

ANNUAL FEES

	<u>In-State Schools</u>	<u>Out-of-State Schools</u>
Initial Certificate of Approval	\$ 250	\$ 700
Renewal of Certificate of Approval	200	600
Initial Registration of a Representative	25	70
Annual Registration of a Representative	15	50

Scholarship Fund for the Blind

S.B. 421 abolishes the scholarship fund for the blind and transfers the remaining balance to the Special Bequest Fund of the Kansas School for the Visually Handicapped. The Department of Education indicates that the scholarship fund has a current balance of \$1,126.

School Buses - Definition

H.B. 2046 amends a provision of the motor vehicle laws which defines the term "school bus" to exclude from the meaning of that term buses which are designed and sold for operation as a common carrier in urban transportation.

Tuition Refunds - Board of Regents' Institutions

S.B. 422 authorizes the State Board of Regents to adopt policies governing the refund of any tuition, fees, or charges collected by the institutions. Subject to approval by the Director of Accounts and Reports of the procedure adopted, such direct refunds could be made from fee agency accounts. Without such statutory authority, the institutions would be required to make refunds only through the normal state warrant procedure.

Vocational Education Schools - Capital Outlay

S.B. 127 is the substantive basis for a vocational education capital outlay aid program that would be funded, at least partly, by state level contributions. Each year the area schools would receive such aid from funds available therefor in the amount determined by the State Board of Education, taking into account need and condition of existing facilities and equipment. The FY 1978 appropriation for this program from the federal revenue sharing fund is \$2.0 million.

ELECTIONS

Abstracts of Votes

S.B. 172 amends K.S.A. 25-3204 relating to the envelopes or containers of abstracts of the votes in national and state primary and general elections. S.B. 172 strikes the provision that envelopes for abstract mailing are to be preserved by the Secretary of State for two years after the election in which they were used.

Candidates for City Offices

S.B. 388 amends K.S.A. 1976 Supp. 25-2110, relating to candidates for city offices, to include filing provisions for candidates elected at large in city elections.

Candidates Names on Ballots

S.B. 387 amends K.S.A. 1976 Supp. 25-213 and K.S.A. 25-613, relating to candidates' names on ballots, to permit the names of precinct committeemen and committeewomen to appear on the ballot twice.

Conduct of Elections

S.B. 360 amends K.S.A. 25-413 to make it the duty of the clerks of the election to write on the poll books, at the end of such person's name, the word "Sworn," and to number the ballot on the upper right hand corner to correspond with the person's name on the poll books.

Designation of Voting Places

H.B. 2092 relates to elections and concerns the designation of voting places. The bill amends K.S.A. 25-2701 to allow, in cities which are incorporated in two counties, the county election officer to designate voting places located in a portion of the city within the other county to serve the voting needs of the citizens who reside in the first county.

Division of Township Into Precincts

S.B. 359 amends K.S.A. 25-2702, relating to the division of townships into precincts, and deletes the provision that a voter is not eligible to vote at any national, state, county or township election in any precinct of the township other than the one in which he or she resides.

Electronic Voting Systems

S.B. 356 authorizes the use of electronic or electro-mechanical voting systems. The bill authorizes the Secretary of State to approve marking devices and automatic tabulating equipment in a manner similar to which voting machines are presently approved under K.S.A. 25-1308 to 25-1311, inclusive.

Under this bill, before the Board of County Commissioners and the County Election Officer may purchase, lease or rent electronic or electromechanical voting systems, such change to the electronic voting system would be subject to the approval of the electorate. The bill further requires that the Secretary of State must examine and approve the electronic or electromechanical voting systems and no kind or make of such system can be used at any election unless and until it has been approved by the Secretary of State.

Inoperative Voting Machines

H.B. 2622 amends K.S.A. 25-1331 concerning situations when a voting machine becomes inoperative. H.B. 2622 provides that, in order to accommodate voters at the polls who cannot wait while a substitute machine is being procured, or if no other machine is available for use at an election and the impaired machine cannot be repaired in time to continue use thereof at the election, unofficial ballots made as nearly as possible in the form of official ballots shall be used, received by the board, and processed in the usual manner.

Irrigation Districts

S.B. 358 amends K.S.A. 1976 Supp. 42-706, relating to irrigation districts, and designates county election officers as the persons to whom votes are certified and oaths and bonds are filed. In addition, the county election officer determines the amount and

sufficiency of bonds required and makes provision for the election of directors of irrigation districts. Current law requires that the Secretary of State perform the duties mentioned previously. S.B. 358 directs that costs of the election are to be paid by the irrigation district. Current law provides for the state to pay the cost of the election of the irrigation district. Also, the filing requirement for candidates is changed from ten days to 30 days before the election.

Qualifications of Voters

S.B. 357 amends K.S.A. 25-215, relating to qualifications of voters at the primary election, and states that no person is entitled to vote at any national, state, county or township primary election unless he or she is a resident of the voting area, a citizen of the United States, at least 18 years of age, and registered. The amendment strikes a reference requiring a voter to be an elector of the precinct.

School Districts

H.B. 2217 amends K.S.A. 72-8001, 72-8002, 72-8006, and K.S.A. 1976 Supp. 72-8003, pertaining to procedures for change of method of election or voting plan in school districts.

An amendment to K.S.A. 72-8001 is designed to ensure that no change in method of election or voting plan can occur in a school district unless it is approved by a majority of the electors of the school district voting on the question. Present law is not clear that an election would be required in every case.

Other changes in the bill are technical in nature and are intended to clarify the existing law.

Standards of Accessibility for Voting Places

S.B. 283 prescribes standards of accessibility for voting places. The bill requires each voting place in which is to be held national, state, county, township, city and school primary and general elections to be accessible to and usable by elderly persons and by physically handicapped persons by complying when necessary with standards of accessibility.

The standards of accessibility are:

1. Doors, entrances and exits used to gain access to or egress from the voting place shall have a minimum width of 30 inches;
2. Any curb adjacent to the main entrance to the voting place shall have curb cuts or temporary ramps;
3. Any stairs necessarily used to enter the voting place shall have a temporary handrail and ramp; and
4. At the voting place, no barrier shall impede the path of the physically handicapped to the voting booth.

The bill further authorizes the county election officer to select a voting place not meeting the standards of accessibility prescribed above if no acceptable and accessible voting place is available within the precinct or other designated voting area, or it is anticipated that the voting place will be brought into compliance in the future, or the voting place will be temporarily made to comply with the standards for the time during which the polls are open.

In addition, the bill requires any county election officer who selects a voting place which does not meet the standards prescribed to report such selection to the Board of County Commissioners.

Terms of Office and General Ballot Form

S.B. 173 amends K.S.A. 25-616 relating to the terms of office of state officers and the general ballot form. The bill updates a statutory reference, makes terminology changes to include reference to both male and female gender and changes the term "Congressman" to "United States Representative."

In addition, S.B. 173 amends K.S.A. 25-4001 to include the offices of State Treasurer and Commissioner of Insurance which are now elected for terms of four years.

Time of Platform Meetings

H.B. 2347, as amended, concerns the time of platform meetings as presently provided for in K.S.A. 1976 Supp. 25-3810. The bill requires party platform committees to meet at the state capitol only on the last Tuesday of each month in which is held a primary election which nominates candidates for the Office of Governor. Party platform committees may meet more frequently if desired.

Voter Registration Records

S.B. 353 amends K.S.A. 25-2320 relating to distribution of voting registration records. The bill requires the county election officer to allow access to any person at any time during regular business hours, under supervision of the county election officer, for the purpose of examining the voter registration books. Any person may make a written request for a copy of the registration books at any time except during the 20 days immediately preceding any election.

The election officer is required to provide one or more copies which are accurate insofar as practicable of such books to the person making the request. The election officer shall provide such copies to the person within ten days following the request, and the cost of such copies shall be established by the county election officer. Such costs shall be the same for all persons requesting such copies. In addition, the bill defines use of voter registration lists to accompany the prohibition of their use for commercial purposes and makes their use for commercial purposes a Class C misdemeanor.

Water District Elections

H.B. 2522 amends K.S.A. 1976 Supp. 19-3507, relating to the withdrawal of candidates for water district elections, and prohibits any candidate for member of a water district board from withdrawing his or her candidacy after the deadline for filing the statements of candidacy with the election commissioner.

EMPLOYEE-EMPLOYER

Claims for Unpaid Wages

S.B. 272 establishes a quasi-judicial hearing procedure to be utilized by the Secretary of Human Resources in investigating and determining whether a valid claim for unpaid wages exists. If the Secretary determines that a valid claim exists, he or she can order that the unpaid wages and any applicable damages be paid. Appeals of the Secretary's order can be taken to the District Court, which would review the decision upon the record of the hearing.

Also, the Secretary is authorized to enter into reciprocal agreements with other states to collect wages from out-of-state employers and to perform reciprocal services for other states.

Employment Security Law

S.B. 391 amends the Kansas Employment Security Law to effect changes mandated by the Federal Unemployment Compensation Amendments of 1976, P.L. 94-566. Unless otherwise noted, the provisions will take effect on January 1, 1978.

Agricultural Workers. S.B. 391 amends the definition of "employer" in K.S.A. 1976 Supp. 44-703 to include under the Act agricultural employers: (1) who employed 10 or more agricultural workers for some portion of a day in each of 20 calendar weeks, regardless of whether the weeks were consecutive or not, or (2) who paid out \$20,000 or more in wages in any calendar quarter in the current or preceding calendar year.

Domestic Workers. Another amendment to the definition of "employer" extends coverage to domestic workers of employers who paid out \$1,000 or more in any calendar quarter in the current or preceding calendar year.

Employees of All Governmental Entities. The amendments to K.S.A. 1976 Supp. 44-703 also require extension of coverage to state and local government employees. The major employers affected are the State of Kansas, cities, counties, school districts, and other political subdivisions.

Coverage of governmental employees, however, would not be extended to elected officials, part-time policy advisors, members of the legislative and judicial branches, National Guard members, emergency employees hired in case of disaster, and inmates of custodial or penal institutions.

Financing Provisions. S.B. 391 increases the taxable wage base from \$4,200 to \$6,000, effective January 1, 1978. On and after July 1, 1977, any city, county, school district, or other governmental entity is authorized to pay the cost of providing benefits and, if authorized to levy taxes, may levy an additional tax to fund these unemployment insurance benefits. Any taxes levied by counties and cities for this purpose will be exempt from the property tax lid.

A new section permits a governmental entity to elect to finance benefit payments as a contributing employer, a reimbursing employer, or a rated governmental employer. The third option will permit governmental entities to pay at a fixed annual rate based upon the benefit cost experience of the entity.

Benefit Prohibitions. Benefit payments are prohibited for instructional, research, or principal administrative employees between terms of educational institutions if the employee has a contract or a reasonable assurance of employment for the forthcoming academic term. Benefit payments are also prohibited for non-professional employees of elementary and secondary educational institutions between terms if the unemployment is due to summer recess or if the individual has a contract or a reasonable assurance of employment for the forthcoming term. Also, professional athletes are denied benefits between seasons when re-employment is reasonably assured. Finally, payment of benefits to aliens will be permitted only if they are in a legal, permanent residence status.

S.B. 393 amends K.S.A. 44-704 concerning the extended unemployment benefit program of the Employment Security Law. The criteria for triggering the extended benefits program are changed to provide that these benefits would be paid either: (1) when there is a seasonally adjusted national insured unemployment rate of 4.5 percent or more for a 13-week period (the current week

and the 12 weeks immediately preceding it); or (2) the unadjusted state insured unemployment rate is 4 percent and the rate is 120 percent of the state's average insured unemployment rate for the corresponding 13-week period in the two preceding years; or (3) the state unadjusted unemployment rate equaled or exceeded 5 percent.

Under previous law, the extended program is triggered when either: (1) the national seasonal adjusted unemployment rate has been 4.5 percent or more for each of the previous three calendar months; or (2) the state unadjusted unemployment rate for a 13-week period (the current week and the 12 weeks immediately preceding it) is 120 percent of the state's average insured unemployment rate for the corresponding 13-week period in the two preceding years and is 4 percent or more.

Legal Defense of Public Employees

Under H.B. 2042, all political subdivisions (not just counties, cities, and school districts) would be permitted to defend any of their officers or employees (not just elected or appointed officials or appointed deputies or assistants) in legal actions arising in the course of employment. Authority to finance legal defense costs is expanded and local units may pay judgments against their employees, under certain limitations, for nonfeasance or misfeasance. Financing arrangements are specified by the bill.

The bill does not materially change the current situation insofar as state government is concerned. Its main effect is to affirm the present policy of the Attorney General, which is that legal defense may be provided for any state officer or employee for action while employed by any state agency.

Minimum Wage Law

H.B. 2549 establishes the state "Minimum Wage and Maximum Hours Law." The bill establishes a state minimum wage of \$1.60 per hour and prescribes standards for overtime compensation which would require, with certain exceptions, payment at one and one-half times the employee's hourly wage for hours worked in excess of 46 hours per week.

Employers subject to the federal Fair Labor Standards Act would be exempt from the state provisions. Also exempt would be: (1) agricultural employees; (2) domestic employees; (3) executive,

administrative, or professional employees; (4) federal employees; (5) commission-paid salesmen; (6) individuals who work gratuitously for nonprofit organizations; and (7) persons 18 years of age or less or 60 years or older employed on an occasional or part-time basis. Certain employees, such as firefighters, law enforcement personnel, and correctional officers, would be partially exempt from the overtime pay provision. With certain exceptions, employers would be prohibited from discriminating on the basis of sex with regard to employee wages. The Act will be administered by the Secretary of Human Resources who is authorized to appoint an advisory committee consisting of not more than three representatives each of employees, employers, and the general public. Penalty provisions for violations of the Act are also established.

The minimum wage law will take effect on January 1, 1978.

H.B. 2549 also made various changes in the statutes pertaining to the Workmen's Compensation Fund. These changes are summarized under "Workmen's Compensation Fund."

Prepaid Legal Benefits

S.B. 99 amends a section of the Public Employer-Employee Relations Act to include prepaid legal service benefits in the "conditions of employment" over which public employers and employee organizations can meet and confer.

Workmen's Compensation

S.B. 110 amends the Workmen's Compensation Act to increase the maximum allowable compensation for medical expenses. The maximum charge is increased from \$100 to \$150 in cases where an injured workman consults a physician of his own choice for examination, diagnosis, or treatment. Expenses for required physical examinations are increased from \$7 to \$15 per day living expenses and from 9¢ per mile to the rate prescribed for state officers and employees, currently 13¢ per mile.

The bill also adds a new provision to permit employers to estimate that they will not have a total gross annual payroll of more than \$10,000 and establishes an estimating procedure for employers who had no payroll for the preceding calendar year.

S.B. 160 amends the Workmen's Compensation Act to increase the maximum allowable burial expense from \$1,000 to \$2,000. The

bill also includes volunteer ambulance attendants and mobile intensive care technicians within the definition of worker for purposes of the Act.

S.B. 193 amends the Workmen's Compensation Act to permit an employee to receive both workmen's compensation benefits and federal old age social security benefits.

S.B. 198 amends the Workmen's Compensation Act concerning compensation where death results from a covered injury by deleting the social security offset provision. At present, this offset provision reduces a dependent's workmen's compensation benefits by 50 percent of the amount of social security benefits received.

S.B. 396 amends the Workmen's Compensation Act to require that, when an employer, partner, or self-employed person elects to come within the provisions of the Workmen's Compensation Act, the person would have to secure insurance coverage which must clearly indicate that the coverage includes such employer, partner, or self-employed person.

S.B. 410 makes the State Workmen's Compensation Self-Insurance Fund liable for claims remaining from the self-insurance program which existed prior to July 1, 1974, for institutional employees of the Division of Mental Health and Retardation Services of the Department of Social and Rehabilitation Services.

S.B. 410 also permits any school district, area vocational-technical school, or community junior college to act as a self-insurer under the Workmen's Compensation Act.

Workmen's Compensation Fund

H.B. 2549 amends statutes concerning the administration of the Workmen's Compensation Fund in an effort to control the accelerating costs associated with the administration of the fund. The main provisions of the bill as they relate to workmen's compensation are as follows:

1. Annual assessment for attorneys' fees and costs can be made in the same manner that assessments for medical and compensation payments are currently made against self-insurers and insurance carriers.

2. The Workers' Compensation Director can dismiss cases in which the Director determines that insufficient evidence exists to indicate involvement by the fund.

3. If it is determined that the fund is not liable, attorneys' fees can be assessed against the party who impleaded the fund.

4. In order to be relieved of liability for compensation, the employer is required to file notice that the employer had knowledge of the pre-existing handicap prior to the occurrence of a compensable injury. Knowledge of the worker's pre-existing handicap would be presumed if the worker misrepresents or conceals any facts concerning the handicap at the time the employer employs or retains the worker.

H.B. 2549 also enacted a state minimum wage law. These provisions are summarized under "Minimum Wage Law."

ENERGY AND NATURAL RESOURCES

Drainage Districts

S.B. 343 amends K.S.A. 25-661, an act concerning drainage districts. The amendment allows certain land subject to injury and damage from standing water but not resulting from overflow of some watercourse to be included in any such drainage district.

Energy Conservation

H.C.R. 5031 directs the State Corporation Commission to study the feasibility of permitting gas utilities under its jurisdiction to consider "conservation gas" (gas saved as the result of properly insulating homes, equipping thermostats with automatic controls, and installing furnace modifications designed to improve efficiency) as an additional natural gas supply option. The Commission will consider in its study the possibilities of financing these improvements by including the incurred costs in the rate bases of the utilities or recovering the costs from the benefitting customers. The study will also include an evaluation of the feasibility of permitting electric utilities to finance and install energy conservation improvements in residential structures and procedures for recovering the costs of the improvements.

Finally, H.C.R. 5031 directs the State Corporation Commission to study alternatives to existing rate structures of jurisdictional electric utilities. The Commission is to report its findings and recommendations to the President of the Senate and the Speaker of the House of Representatives by the 1978 Legislative Session.

Mines and Mining

S.B. 34 amends K.S.A. 49-201 and 49-210, and repeals various sections of the laws pertaining to mines and mining. The amendments to K.S.A. 49-201 clarify the language that requires current and accurate maps or plans of underground coal, rock, and limestone mines be filed with the Secretary of Human Resources. Clarification changes are made throughout the section. A number of sections are repealed by this bill which are either obsolete or are superseded by the federal rules and regulations of the Mining Enforcement Safety Act.

Amendments to K.S.A. 49-210 require every owner or operator of a mine in the state to submit yearly production reports to the State Geological Survey.

Municipal Energy Agencies

S.B. 152 authorizes the creation of new quasi-municipal corporations to be known as municipal energy agencies by any two or more cities operating electric generating systems in Kansas during 1976. Municipal energy agencies will have the authority to purchase, construct and operate facilities for the production and transmission of electricity or other energy for distribution through the distribution systems of member cities. They will also be authorized to acquire an interest in any electric power facility or transmission system. The bill specifies procedures to be followed in establishing a municipal energy agency and delineates the powers which the agency can exercise. A municipal energy agency is prohibited from contracting for the direct sale of electricity to any person other than to a member city of the agency or a utility operating an electric generating system. The agencies may finance their projects by the issuance of revenue bonds with a maturity of not more than 40 years. The activities and rates of these agencies will be subject to the jurisdiction of the Kansas Corporation Commission.

Rural Water Districts

H.B. 2067 allows owners of land within a rural water district who are inadequately served by the facilities of the district to petition the county commissioners to be released from that water district. To be valid the petition would need signatures from 75 percent of the owners of land desiring release within the district. After the granting of the petition, the secretary of the district shall transmit a copy of the certificate indicating the lands released to the Chief Engineer of the Water Resources Division of the State Board of Agriculture.

Sale of Water From State Storage

S.B. 404 amends K.S.A. 1976 Supp. 82a-1305 to make it clear that the Water Resources Board may sell surplus water available from state controlled storage on a short-term basis. No arrangement for the sale of surplus water can be made for a period in excess of one year or for an amount of the conservation storage capacity in excess of 10 percent of the yield capability unless the Governor has declared that an emergency exists.

Solar Easements

H.B. 2096 stipulates that easements obtained for the purpose of exposure of a solar energy device must be in writing and be recorded with the register of deeds. Certain information that must be included in an instrument creating a solar easement is specified in the bill.

A right presently exists in the common law for a landowner to acquire an easement for unobstructed sunlight from an adjacent landowner. The selling or granting of such an easement is entirely voluntary on the part of the parties involved. H.B. 2096 merely requires that future instruments creating solar easements be in writing, be recorded, and contain certain information.

Solar Energy - State Buildings

SCR 1601 directs the Secretary of Administration to consider the installation of solar energy heating and cooling systems and applications of energy conservation design procedures for all new state-owned construction projects. The resolution also directs the Secretary to explore and consider the feasibility of establishing solar demonstration projects in existing state-owned buildings.

Solar Energy and Energy Conservation Tax Incentives

H.B. 2618 provides a rebate of 35 percent of all ad valorem property taxes paid for buildings or additions which are equipped with a solar energy system capable of providing 70 percent of the energy necessary to heat or cool the building or addition. The rebate would be allowed for a maximum period of five years. The rebate will apply to the taxable years 1978 through 1985.

Applications for the rebate are to be made by individual taxpayers to the Department of Revenue, which will administer the rebate program and issue rebate warrants at least quarterly.

Also, H.B. 2618 allows for a state income tax deduction in an amount up to 50 percent or \$500, whichever is less, for the costs of labor and materials for the insulation of the taxpayer's principal dwelling. The materials used for insulation must meet the minimum criteria and standards of new construction prescribed by the Federal Housing Administration as modified by the Secretary of Revenue.

State Water Plan Amendments

S.B. 120 amends K.S.A. 1976 Supp. 82a-938 and 82a-939, statutes which are a part of the State Water Plan.

Amendments to K.S.A. 1976 Supp. 82a-938 change the actual completion date for various federal reservoirs listed in the "Table - Major Reservoirs in Kansas," which is a part of the statute; delete the estimated completion date for several federal reservoirs which are included in the table; change the long-range yields from acre-feet to million gallons per day; and change the conservation, sediment and total storage allocations for eight of the reservoirs.

Changes in K.S.A. 1976 Supp. 82a-939 result in the deletion of Buffalo Creek and Big Sugar Creek Watershed Districts from the "Table - Watershed Projects" in the statute and the addition of five new watershed districts -- Jacobs-Phenis Creeks, Upper Little Arkansas River, Labette and Hackberry Creeks, Cedar Creek, and Mill Creek Watershed Districts.

Water Appropriation Act

In enacting S.B. 4, the 1977 Legislature made major changes in the law under which water may be appropriated for beneficial use in Kansas. The most significant change in the state's basic water law is that which makes it unlawful, after January 1, 1978, for any person to appropriate or threaten to appropriate water (divert and use water) without having the prior approval of the Chief Engineer of the Division of Water Resources, State Board of Agriculture. The only water uses exempted from this requirement are: domestic use; the production and return of water containing more than 5,000 milligrams per liter chlorides in connection with the operation of oil and gas wells in accordance with permits issued by the Kansas Corporation Commission; the withdrawal and use of water from state storage under a contract with the state for the purchase of such water; and the diversion and use of not more than 15 acre feet of surface water impounded in a reservoir for beneficial purposes.

Under the provisions of S.B. 4, the diversion and use of water for other than exempted purposes will, after January 1, 1978, be subject to the procedures for acquiring a permit to appropriate water which are set forth in the existing water appropriation statutes.

S.B. 4 also creates, after January 1, 1978, a new type of permit under which water may be lawfully diverted and used -- a

temporary permit. A temporary permit to appropriate water or an extension of such permit can not be granted for more than six months under the provisions of S.B. 4. Such permit will be subject to all existing water rights and to the principle of beneficial use.

Another change resulting from enactment of S.B. 4 is the requirement that after January 1, 1978, the Chief Engineer is not to approve an application for a permit to appropriate fresh water or a temporary permit to use fresh water where other water is available for the proposed use and the use of such water is technologically and economically feasible.

Wholesale Water Supply Districts

H.B. 2319 authorizes the establishment of public wholesale water supply districts as new quasi-municipal corporations in Kansas. The districts can be formed by agreement between any county, township, city, town, water district, or other municipal corporation, quasi-municipal corporation or political subdivision of Kansas or any agency or instrumentality of this state or the United States. These districts will have the authority to acquire property by eminent domain; to purchase or lease facilities; and to construct and operate reservoirs, pipelines, wells, check dams, pumping stations, water purification plants and other facilities for the production, wholesale distribution and utilization of water. The districts have the authority to finance their projects by the issuance of revenue bonds with a maturity of not to exceed 40 years. Start-up costs of a district may be financed by the issuance of no-fund warrants. Agreements providing for the creation of these districts would be subject to the approval by the Attorney General.

HEALTH AND MENTAL HEALTH

Act for Obtaining Treatment for a Mentally Ill Person

H.B. 2569, which amends K.S.A. 59-2902, changes the definition of a "mentally ill person" as that term is used in the Act for Obtaining Treatment for a Mentally Ill Person by deleting the exclusion of persons who are mentally impaired "by reason of mental deficiency only" from the definition. The new definition of a "mentally ill person" is a person who is mentally impaired to the

extent that he is in need of treatment and who is dangerous to himself or others and who lacks sufficient understanding or capacity to make responsible decisions with respect to his need for treatment or who refuses to seek treatment. H.B. 2569 also changes the definition of "head of a treatment facility" in K.S.A. 59-2902 to include the designee of the chief medical officer of a medical care facility if the administrative director of the facility is not a physician.

Amendments to K.S.A. 1976 Supp. 77-201, the rules of statutory construction, conform the definition of a "mentally ill person" with the amended definition in the Act for Obtaining Treatment for a Mentally Ill Person.

Adult Care Homes

H.B. 2031 amends K.S.A. 39-935 and K.S.A. 39-936, statutes which are a part of the Act under which adult care homes are licensed and regulated by the Secretary of Health and Environment.

Other new provisions added to K.S.A. 39-935 by H.B. 2031 relate to licensing inspections and inspection reports. New provisions of the statute require that representatives of the licensing agency conduct at least one unannounced inspection of each adult care home in the state each year. The amendatory language requires that a copy of the inspector's preliminary report, jointly signed by the inspector and a representative of the adult care home being inspected, be left with the applicant for an adult care home license. Subsequent to the effective date of H.B. 2031, each adult care home will be required to post notice stating that the most recent state inspection report and related documents may be examined in the administrator's office. A home will be required to furnish copies of such reports and documents to persons who request them, providing the person or persons making the request agree to pay the cost of making copies.

Changes in K.S.A. 39-936 mandate adult care homes to furnish each resident and certain other persons with a statement setting out the home's general responsibilities and services and the daily or monthly charges therefor.

Adult Care Homes - Exemption

S.B. 490 amends K.S.A. 39-941, one of the statutes in the act under which adult care homes are licensed and regulated in Kansas. The 1977 amendment exempts adult care homes operated by a bona

fide nonprofit religious order exclusively for the care of members of the order from the licensing and regulatory requirements of the Kansas laws.

S.B. 490 was enacted in response to an Attorney General's opinion that infirmaries operated by several religious orders for the care of members of the order fell under the statutory definition of an "adult care home."

Affiliated Family Practice Residency Training Programs

S.B. 472 establishes as a state policy the promotion of family practice (family medicine) residency (postgraduate medical education) programs at locations in the state that do not currently have such programs - through affiliation agreements between the University of Kansas School of Medicine and qualified medical care facilities or nonprofit community corporations.

Under the authority of S.B. 472, the School of Medicine may enter into agreements with not more than four affiliates for the purpose of establishing family practice training programs. No affiliate may be located in a county with a population of more than 200,000. The bill also sets out those terms which must be included in any affiliation agreement and provides for reimbursement to an affiliate for the costs incurred in establishing an affiliate program and for the training of residents once an agreement has been entered into.

Pursuant to S.B. 154, the School of Medicine may reimburse an affiliate in an amount equal to 70 percent of the affiliate's program budget or up to \$60,000 for the first year of resident training, an amount equal to 60 percent of the program budget or up to \$80,000 for the second year of resident training, and an amount equal to 50 percent of the program budget or up to \$80,000 for the third year of resident training and succeeding years. Such reimbursement is in addition to reimbursement for residents' salaries in an amount equal to the usual base stipend for family practice residents.

Alcoholism Educational Programs

H.B. 2594 authorizes the municipal judge (in the case of an ordinance violation) and the judge of the District Court (in the case of a statute violation) to order a person found guilty of a crime

related to the use, possession, or ingestion of an alcoholic or cereal malt beverage to attend a suitable educational program. This is in addition to any present penalties. The program would deal with the effects of ingesting alcohol or other chemical substances by humans.

Commission on Health Care Costs

S.B. 454 creates a nine-member Commission on Health Care Costs which is directed to study the subject of health care costs as such costs affect Kansas residents, Medicare costs and the state-administered Medical Assistance program. The bill lists specific subjects which the Commission is to consider in carrying out the study directed by the Act. The Commission on Health Care Costs is to make an interim report of its findings and recommendations to the Legislature and Governor on or before December 15, 1977, and a final report on or before December 15, 1978.

Pursuant to the provisions of S.B. 454, the President and the minority leader of the Senate and the Speaker and the minority leader of the House are each to appoint one legislative member and one public member to the Commission. The chairperson is to be appointed by unanimous agreement of the four legislative leaders. Members of the Commission are to serve until December 31, 1978, the expiration date of the Act which creates the Commission.

The Commission is authorized to contract for professional services and to employ secretarial assistance within the limitations of appropriations.

Congenital Hypothyroidism - Detection and Treatment

H.B. 2508 amends K.S.A. 1976 Supp. 65-180, 65-181 and 65-183, statutes relating to educational programs, testing and reports concerning phenylketonuria. The 1977 amendments add congenital hypothyroidism and other diseases that may be detected with the same procedures to these statutes.

Under the provisions of H.B. 2508, the Secretary of Health and Environment is directed to carry out educational programs relating to congenital hypothyroidism; administrative officers of institutions and attending physicians caring for infants 28 days or less of age are required to carry out tests for congenital hypothyroidism or other diseases which can be detected by the same procedure; and persons having knowledge of congenital

hypothyroidism or other diseases which can be detected by the same testing procedure are required to report such cases.

County Hospital Boards

S.B. 63 amends K.S.A. 19-1803 and 19-1804, statutes under which county hospitals operate.

S.B. 63 authorizes a board of county commissioners to expand a county hospital board of trustees from the present statutory limit of five members to a seven- or nine-member board. In the absence of a resolution duly adopted by the appropriate board of county commissioners, county hospital boards will remain as five-member boards. The amendatory action also staggers the terms of a county hospital board of trustees according to the number thereof.

Changes in K.S.A. 19-1804 are primarily technical in nature to conform the provisions of the statute with the permissive authority to change the size of the hospital board of trustees amended into K.S.A. 19-1803.

Detention of Patients - SRS Facilities

S.B. 88 authorizes the superintendent of a treatment facility operated by the Department of Social and Rehabilitation Services to take such reasonable action as necessary to assure that a patient who has not been discharged or otherwise authorized to leave the treatment facility remains at the facility or is returned to the facility if he leaves. The new statute is made a part of the Act for Obtaining Treatment for a Mentally Ill Person.

Drug Labeling

S.B. 89 amends one of the statutes which make up the Kansas Food, Drug and Cosmetic Act. The statute, K.S.A. 1976 Supp. 65-669, relates to the labeling of drugs.

After the effective date of S.B. 89, a drug will be misbranded under Kansas law if any packaged form of the drug fails to include on the label the name and place of business of the manufacturer, the packer or the distributor. In the case of a prescription drug, the label of the drug, as it is received by a pharmacist, must bear the name and place of the business of the person responsible for the production of the finished dosage form of the drug, the packer and the distributor. The prescription drug as it is dispensed to the consumer will not be required to be so labeled.

Under the existing provisions of K.S.A 1976 Supp. 65-669, drug labeling requirements can be met either by placing the required information on the package form of the drug or by filing information about the finished dosage form with the Secretary of Health and Environment. Filing requirements will become mandatory when the 1977 amendments become effective.

Emergency Care - Relief From Liability

Therefor

S.B. 251 amends K.S.A. 1976 Supp. 65-2891, usually referred to as the "good samaritan act," to add persons who hold a valid certificate of completion of a course in first aid offered by the American Red Cross, the American Heart Association, or the Mining Enforcement and Safety Administration to the definition of "health care provider" in the statute.

K.S.A. 1976 Supp. 65-2891 provides immunity from civil damages in certain circumstances in which health care providers render emergency care or assistance.

Emergency Medical Services Communication

System

H.B. 2625 directs the Secretary of Health and Environment to establish, maintain and operate an emergency medical services communication system subject to the approval of the Secretary of Administration who has the responsibility for the coordination of telecommunication services pursuant to K.S.A. 1976 Supp. 75-4709. The Secretary of Health and Environment is also directed by H.B. 2625 to establish medical communication centers in various locations in the state. Such centers will receive requests for emergency medical assistance and coordinate the activities of ambulances with medical care facilities and other emergency public safety agencies. Pursuant to the provisions of H.B. 2625, the Secretary may provide mobile radio units to ambulance services in order that such services may have direct communication with medical communication centers.

H.B. 2625 delineates the authority of the Secretary of Health and Environment to contract for the establishment of an emergency medical services communication system, specifies certain requirements to be included in such contracts, and appropriates \$432,000 in federal revenue sharing funds for the communication system authorized by the act. The appropriated funds are to become available on July 1, 1977.

Emergency Medical Services Personnel

S.B. 56 amends the definition of an emergency medical service as it appears in K.S.A. 1976 Supp. 65-4301 to include persons licensed to practice medicine and surgery, licensed professional nurses, registered physician's assistants and certified ambulance attendants among those who can provide authorized emergency care. Prior to the 1977 amendment, only mobile intensive care technicians were included in the statute.

The bill also amends K.S.A. 1976 Supp. 65-4320 to provide that vehicles in use as emergency ambulances on July 1, 1975, may continue to be used for such purpose as long as the owner or lessee of the vehicle on July 1, 1977, continues to own or lease the vehicle. Amendments to K.S.A. 1976 Supp. 65-4316 are technical in nature.

Health Care Provider - Definition

S.B. 295 amends K.S.A. 1976 Supp. 40-3401, the definitions section of the Health Care Provider Insurance Availability Act, to include dentists certified by the State Board of Healing Arts to administer anesthetics and mental health centers or clinics licensed by the Secretary of Social and Rehabilitation Services to the definition of "health care provider" in the statute.

The effect of S.B. 295 is to require mental health centers and clinics and dentists certified to administer anesthetics to facilitate medical procedures to carry the "basic coverage" professional liability insurance required by K.S.A. 1976 Supp. 40-3402 and to participate in the Health Care Stabilization Fund created by K.S.A. 1976 Supp. 40-3403.

Health Care Provider Insurance Plan

S.B. 132 amends K.S.A. 1976 Supp. 40-3413, the statute which requires every insurer and every insurance rating organization to participate in a plan for the apportionment of applicants for health care provider professional liability insurance who are unable to obtain such insurance. The 1977 amendment changes the expiration date of the statute from July 1, 1978, to July 1, 1980. The amendment also provides that any plan created under the statute shall continue to exist beyond July 1, 1980, for the purpose of allowing policies then in effect to expire, for transferring any surplus to the Health Care Stabilization Fund, and for completing the payment of claims and receiving reimbursement therefor.

Hospital District Powers

H.B. 2112 expands the powers of hospital districts organized under K.S.A. 80-2113 et seq. to include the authority: (1) to acquire an existing privately-owned hospital; (2) to construct and operate a medical or dental clinic; and (3) to operate an emergency medical service. These hospital districts currently have the authority to construct and operate public hospitals and homes for the aged.

Imported Catfish - Labeling Thereof

S.B. 170 creates new Kansas laws relating to the sale of imported catfish which are sold or offered for sale for off-premise consumption.

Pursuant to the provisions of S.B. 170, no imported catfish may be sold or offered for sale at retail in Kansas for consumption off the premises where the fish is sold or offered for sale unless it is clearly labeled as having been imported. A violation of the provisions of S.B. 170 is made a Class C misdemeanor. The bill directs the Secretary of Health and Environment to adopt rules and regulations for the administration and enforcement of provisions of the Act.

Mentally Ill Persons - Procedure

H.B. 2048 amends K.S.A. 59-2912(d), which concerns the hearing on an application for a protective custody order, and also amends K.S.A. 59-2914, which concerns orders pursuant to an application for determination of mentally ill persons. The existing statute required the person against whom the application was filed to be present at the hearing, and specified that such person's presence could not be waived. H.B. 2048 inserts a waiver provision which requires the Court to find the person's presence to be injurious to such person's welfare in order to waive such person's presence at the hearing. However, if the person against whom the application is filed requests in writing to the Court or to such person's attorney that he or she be present at the hearing, then such person's presence could not be waived.

H.B. 2048 also amends K.S.A. 59-2908, which concerns a peace officer's authority to take a person into custody without a warrant, if the officer has reasonable belief, upon observation, that a person is mentally ill and is likely to do physical injury to himself

or others. If a peace officer takes such person into custody when the District Court is not open for business, old law provided that the person could be taken to a treatment facility, where the person would be examined by a physician on duty. H.B. 2048 provides for the case where no physician is on duty at the time the alleged mentally ill person is transported to a treatment facility. The bill requires that the examination be made within a reasonable time, not to exceed 17 hours.

Mental Retardation Governing Boards

S.B. 154 amends K.S.A. 19-4001, K.S.A. 1976 Supp. 19-4002 and 19-4007, statutes which are a part of the act under which community mental health centers and community facilities for the mentally retarded are organized and operate, and K.S.A. 1976 Supp. 65-4401, a part of the act under which state financial assistance is provided for such centers and facilities.

The amendments enacted by S.B. 154 allow a board of county commissioners to establish a mental retardation governing board which can then contract with nonprofit corporations to provide services for the mentally retarded. The amendment to K.S.A. 1976 Supp. 65-4401 changes the definition of "facility for the mentally retarded" to include a mental retardation governing board created by a board of county commissioners. The latter amendment makes such boards eligible for state financial assistance.

Osteopathic Student Aid

H.B. 2463 authorizes the State Board of Regents to enter into agreements with approved colleges of osteopathic medicine for admission of not to exceed ten Kansas students in the freshman class for those students who have agreed to enter practice in Kansas upon completion of their intern training or family practice residency training program for a minimum of two consecutive years. The State Board of Regents is authorized to pay to any approved college or colleges of osteopathy the sum of \$6,000 for each of the four years that each such student is enrolled in the college with the stipulation that, in consideration of such payment, the college will accept as full tuition from each Kansas student the same amount that such student would pay to the University of Kansas School of Medicine assuming he or she had been enrolled in such school during his or her first year of admission to said college of osteopathic medicine.

The bill also provides that the State Board of Regents shall provide each student with whom it had entered into agreement a loan in the amount of \$3,000 for each year such student is enrolled in the college of osteopathic medicine. The student must execute a note payable to the State of Kansas as evidence of the loan made, which loan will bear interest at the annual rate of six percent until paid. If the student enters practice in Kansas within six months after completion of intern training or residency training in family practice, and does complete two full years of consecutive practice after entering practice in Kansas, the note will be forgiven, together with all accrued interest. The Board is further authorized to enter into agreements with not to exceed ten students who are or will be enrolled in the second, third, or fourth years of education in September 1977 in a college of osteopathic medicine. Under these additional agreements, the Board of Regents will loan to each such student the sum of \$6,000 for each academic year remaining in said student's education at an approved college of osteopathic medicine; the terms and conditions of each of these loans will be similar to those offered to entering freshman students. In order to implement the program for Fiscal Year 1978, the Legislature appropriated \$150,000 from the State General Fund to the State Board of Regents to finance the first year costs of the program.

Pharmacy Practice - Authorized Agents

S.B. 116 amends K.S.A. 1976 Supp. 65-1625, one of the statutes which make up the Pharmacy Act. The bill changes the definition of "manufacture" as the term is used to make it clear that an authorized agent, acting under the direct supervision of a registered pharmacist, is not to be considered a manufacturer of drugs under the Act.

Practice of Optometry

S.B. 126 amends K.S.A. 65-1501 and K.S.A. 1976 Supp. 65-1508, statutes which are a part of the optometry law of Kansas.

The amendment to K.S.A. 65-1501 revises the definition of the practice of optometry to include the use of certain topical pharmacological agents (anesthetics, mydriatics, and cycloplegics) for diagnostic purposes. The revised definition states that the practice of optometry does not include: the use of drugs for therapeutic purposes, surgery, or the use of drugs for diagnostic purposes except by an optometrist who has successfully completed an examination on the use of pharmacological agents approved by the Board of Examiners in Optometry.

New provisions added to K.S.A. 1976 Supp. 65-1508 by S.B. 126 authorize optometrists, persons licensed to practice medicine and surgery who have completed an approved postgraduate program in ophthalmology, and persons practicing as full-time ophthalmologists on July 1, 1977, to employ not more than three assistants to perform certain procedures which may be performed by licensed optometrists. The amendatory language specifies that the examination procedures which may be performed by an assistant are limited to those stated in the statute, that such procedures must be performed under the immediate personal supervision of and in the office of an optometrist or ophthalmologist, and that certain procedures are prohibited from being carried out by an assistant. Ophthalmic dispensers are not to be considered assistants under the law.

Psychologists Board of Examiners - License Fees

H.B. 2265 amends K.S.A. 74-5311 to authorize the Board of Examiners of Psychologists to charge an initial examination fee not to exceed \$100, the revenue from which is credited to the Psychologists Fee Fund. The agency was charging an initial examination fee of \$30.

The bill also amends K.S.A. 1976 Supp. 74-5339 to permit the Board to prescribe a reinstatement fee not to exceed \$100. Under prior law, the application fee for reinstatement was statutorily set at \$50.

Safe Drinking Water

In enacting S.B. 22, the Legislature amended existing laws and added new provisions to the Kansas law which will enable Kansas to qualify to administer the requirements of P.L. 93-523, the federal Safe Drinking Water Act, within the state. The federal act requires that all water supply systems which provide water to the public meet certain standards of quality (primary drinking water standards), keep records, monitor water supplies, and provide notice to consumers of variances and exemptions from the primary drinking water standards as well as notice of failure to meet such standards.

In general, S.B. 22 expands the existing definition of a public water supply to include any system which provides piped water for human consumption if the system has at least 10 service connections or regularly serves an average of at least 25 individuals daily

at least 60 days out of the year; directs the Secretary of Health and Environment to adopt state drinking water standards which are at least as stringent as the National Primary Drinking Water Standards, including regulations relating to monitoring, analysis and testing, records and contaminant levels; authorizes the Secretary to grant variances and exemptions from the standards; provides for the assessment of fines for violations of state law or standards; and specifies those acts which are prohibited by law and are subject to civil penalties.

Solid and Hazardous Waste Disposal

In enacting H.B. 2559, the 1977 Legislature amended and extended the act under which solid waste management and disposal is regulated to include specific provisions relating to the management and disposal of hazardous wastes -- those industrial and other wastes which, because of their form, quantity or combination, are hazardous to health or to the environment. In general, H.B. 2559 requires the Secretary of Health and Environment to adopt rules and regulations relating to all phases of the handling, storage, and disposal of hazardous wastes; makes it unlawful to construct, alter or operate a hazardous waste processing facility or storage or disposal area without first obtaining a permit from the Secretary; places certain duties on the Secretary and persons engaged in the management or disposal of hazardous wastes; establishes a criminal penalty for violations of specified acts; authorizes the Secretary of Health and Environment to assess civil penalties; and makes certain changes in the statutory provisions relating to solid waste management and disposal.

Statewide Health Coordinating Council

H.B. 2374 amends two statutes which are a part of the Kansas Health Planning and Development Act, K.S.A. 1976 Supp. 65-4705 and 65-4706.

Amendments to K.S.A. 1976 Supp. 65-4705, which creates the Statewide Health Coordinating Council, authorize the chairmen of the House and Senate Committees on Public Health and Welfare to designate another person to serve on the Council in their place. Language added to K.S.A. 1976 Supp. 65-4706 makes it clear that if the Committee chairmen designate another person to serve as voting members of the Council, the designee serves at the pleasure of the Committee chairman.

INSURANCE

Abstracters - Bonding and Insurance

S.B. 117 amends K.S.A. 58-2802 to increase from \$1,000 to \$2,500 the amount of deductible permitted abstracters on their insurance policies for errors and omissions as determined by the Abstracters' Board of Examiners.

Cancellation of Insurance Agency Contracts

H.B. 2286 establishes minimum notice requirements which must be met before an insurance agent's contract with an insurance company could be cancelled. Any such contract which has been effective for more than one year may not be cancelled by the insurance company except by mutual agreement or unless the company had given notice to the agent 90 days prior to such cancellation. Violations of these provisions would be violations of the Unfair Trade Practices Act. Excluded from the provisions of the bill are instances where the Insurance Commissioner determines that nonrenewal or policy limitation is necessary to preserve insurance company solvency or to protect policyholders' interests.

Disability Insurance - Social Security Offset

H.B. 2632 amends K.S.A. 40-2209 and 40-2210 to impose limitations on the ability of insurers to deduct Social Security benefits from the benefits being paid under a disability income policy. Some disability income policies provide that any amounts received in Social Security benefits may be deducted from disability payments. As a result, increases in Social Security benefits to persons receiving disability payments under such contracts result in such payments being reduced by the same amount as the Social Security benefits were increased. H.B. 2632 provides a remedy whereby only the Social Security benefits being received at the time disability benefits become payable can be deducted. This retains the premium saving feature of the Social Security offset provision but gives the insured rather than the insurer the benefit of future Social Security increases.

Group Life Insurance - Limitations

H.B. 2524 amends K.S.A. 1976 Supp. 40-433, which concerns group life insurance, and deletes provisions which limit the amount of such insurance coverage for any individual to \$100,000. Thus, there are no longer statutory limitations on such policies.

Insolvent or Impaired Insurers

H.B. 2289 establishes priorities for the distribution of assets of an insolvent or impaired insurer. In the event that an insurer is declared either insolvent or impaired by the Insurance Commissioner as provided by law, the priority of distribution of the general assets of the company will be as follows:

1. Administrative costs of the receiver and certain other reasonable administrative costs;
2. Wages owed to employees of the insurer, subject to certain limitations;
3. Claims by policyholders, beneficiaries, etc., as well as claims of the Kansas Insurance Guaranty Association and Kansas Life and Health Insurance Guaranty Association;
4. All other claims.

Other provisions of the bill require the District Court to appoint the Insurance Commissioner as receiver under certain conditions, who then determines the amount available for disbursement and performs certain other duties. The receiver is also directed to establish procedures for the proratable allocations to the Kansas Insurance Guaranty Association or the Kansas Life and Health Guaranty Association. Certain other procedures are established under the bill.

Insurance - Mortgage Guaranty Insurance Act

S.B. 375 establishes the Mortgage Guaranty Insurance Act by requiring, as a condition for doing business in this state, a certificate of authority issued by the Commissioner of Insurance. In addition, the bill prescribes certain standards for the operation and regulation of the mortgage guaranty insurance business.

Insurance - Treatment for Alcoholism

S.B. 105 amends K.S.A. 1976 Supp. 40-1809 and 40-1909 to require every insurer who issues group accident and sickness, medical or hospital expense insurance policies which provide reimbursement or indemnity for treatment in a medical care facility to make available, by affirmative offer, reimbursement or indemnity for the treatment of alcoholism. Treatment may be given in either a licensed medical care facility or in a facility licensed for the treatment of alcoholism. The group policy must extend coverage for a minimum of 30 days per year.

Life Insurance - Payment of Benefits

H.B. 2241 concerns the payment of benefits from life insurance policies. The bill requires any insurer admitted to transact life insurance in Kansas to pay interest on any proceeds from a life insurance policy due but not paid ten days after receipt of proof of death. The interest rate is to be not less than the current rate of interest on death proceeds left on deposit with the insurer computed from the date of death. This interest requirement does not apply if the beneficiary of a policy elects to receive the proceeds by any means other than a lump sum.

Motor Carrier Accident Reporting

S.B. 59 amends K.S.A. 1976 Supp. 66-1129 to allow the Corporation Commission, through administrative rules and regulations, to establish a method and a time limitation for the reporting of motor carrier accidents.

No-Fault Insurance Amendments

In general, H.B. 2490 amends the enforcement portions of the Kansas Automobile Injury Reparations (No-Fault Insurance) Law and responds to a recent court decision concerning the law.

In Eason v. Farmers Insurance Co. (221 Kan. 415 (1977)) the Supreme Court considered the portions of the No-Fault Insurance Law which govern reimbursement of Personal Injury Protection (PIP) benefits. The Court stated in the syllabus to the decision that K.S.A. 1976 Supp. 40-3113(a) operates to limit a PIP insurer's right to reimbursement. Moreover, the Court pointed out that priority is given by the statute to reasonable attorney's fees and expenses

incurred by the injured insured in obtaining recovery over the reimbursement rights of the PIP insurer where the recovery is less than the sum of PIP benefits, reasonable attorney's fees and expenses.

H.B. 2490 repeals 40-3113 and establishes a new section which directs an insurer to be subrogated to the extent of duplicative PIP benefits provided in the event of recovery from a tortfeasor. If a judgment is recovered by the injured party in such subrogation action, the amount of judgment actually paid which is in excess of the amount of PIP benefits paid must be credited against future payment of PIP benefits. Attorney fees will be paid proportionately by the insurer and the injured party. If a recovery is obtained pursuant to the contributory negligence statutes, H.B. 2490 authorizes the reduction of the insurer's right of subrogation by the percentage of negligence attributable to the injured person. If an injured party fails to commence an action against the tortfeasor within 18 months of the accident, then such failure will operate as an assignment to the insurer of any cause of action in tort which the injured party (or dependents) may have against such tortfeasor.

Amendments concerning enforcement provisions of the No-Fault Insurance Law include the following:

1. Penalty provisions are increased for failure to maintain motor vehicle liability insurance or operating a motor vehicle without maintaining financial security from a Class C (up to one month in jail, \$500 fine, or both) to a Class B (up to six months in jail, \$1,000 fine, or both) misdemeanor.
2. Already-existing penalties for failure to have or maintain financial security in effect are supplemented by requiring that the Director of Motor Vehicles, upon receipt of an accident report, must suspend:
 - a. The license of each driver involved in the accident;
 - b. The registrations of all vehicles owned by the owner of each vehicle involved in the accident;
 - c. The privilege of operating a vehicle within the state if the driver is a nonresident;

- d. The owner's privilege to operate or permit the operation within Kansas of any vehicle owned by him.

These suspensions would be effective for one year or until proof of financial security has been filed with the Director. However, These suspension requirements would not apply:

- a. To the driver or owner if the owner had in effect at the time of the accident an automobile liability policy as required by law which covered the vehicle involved in the accident;
 - b. To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy covering vehicles driven but not owned by him;
 - c. To any self-insurer;
 - d. To any person who has been released from liability, or who has been finally adjudicated not to be liable with respect to the accident;
 - e. To the driver or owner of any vehicle which was exempted by law.
3. The Director is required to report cases where a nonresident's privilege to drive in Kansas is revoked by reason of failure to maintain financial security. Such reports would be sent to the Motor Vehicle Administrator in the nonresident's home state. The Director of Motor Vehicles would also be authorized to enter into reciprocal agreements with other states for purposes of implementing this law.
 4. New language is inserted into K.S.A. 1976 Supp. 40-3118 to the effect that no motor vehicle liability insurance policy or renewal may be terminated by the insured by either request or nonpayment of premium unless the insurer mails the Director notice of such termination within 20 days

of the termination date. The new language specifies that receipt of such notice by the Director would constitute prima facie evidence that no financial security exists for vehicles covered by the policy. Present law will then govern notice and hearing requirements, as well as penalties: vehicle registration could be revoked and driver's license suspended for 60 days.

5. Amendments to K.S.A. 1976 Supp. 40-3118(b) make several minor changes. This statute presently provides, (and by Committee amendment will continue to provide) in general, that no motor vehicle liability insurance policy can be terminated by the insurer by either cancellation or by failure to renew without notice to the insured and to the Director. Further amendments require the notice of termination to the insured speak of possible suspension of the owner's driver's license and of the penalty for not maintaining continuous financial security.
6. Under K.S.A. 1976 Supp. 40-3118(c), if a vehicle owner is unable to demonstrate proof of financial security at the hearing on revocation of registration, the Director must revoke the registration for 60 days. H.B. 2490 requires the Director to revoke the registration for 60 days and to suspend the owner's driver's license, unless the failure to maintain continuous financial security is due to a cause other than negligence or intentional disregard of the law.
7. Various technical amendments are made to conform statutes to these amendments.

Products Liability Insurance - Reports from Insurers

H.B. 2410 requires every insurer providing product liability insurance in Kansas to file certain reports with the Commissioner of Insurance. The reports will cover any claim or action for damages for personal injury, death or property damage allegedly caused by a defect in the insured's product and whether the claim resulted in a final judgment or settlement or in a disposition not resulting in payment on behalf of the insured.

Also required is information about: whether reserves are set by the insurer for product liability claims for losses incurred but not reported (IBNR); all reserves established in connection with the insurer's product liability line; the treatment of such reserves for federal income tax purposes; the dollar amount in product liability premiums collected in Kansas and in all states, beginning with calendar year 1977; and the dollar amount of product liability premiums for primary coverage and for excess coverage in Kansas and in all states.

Further details are required, and such reports are required to be made public by the Insurance Commissioner. H.B. 2410 also waives any liability on the part of an insurer, agent or employee for any action taken pursuant to these reporting requirements.

Professional Liability Insurance Reports

H.B. 2611 amends K.S.A. 1976 Supp. 40-1126, which requires reports from insurers who provide professional liability insurance to health care providers. H.B. 2611 extends the reporting requirement to insurers providing professional liability insurance to attorneys and persons engaged in certain technical professions (engineering, land surveying, architecture and landscape architecture). In addition to information presently required, such reports will be required to list the amount of premiums charged for such insurance.

Trust Companies - Limitation of Powers

S.B. 409 amends K.S.A. 17-2002 to prohibit trust companies, created after the effective date of the act, from selling title insurance or surety bonds without being organized under the appropriate insurance statutes and licensed by the Commissioner of Insurance to do business in this state. Those trust companies engaged in the surety bond and title insurance businesses prior to the effective date of the act are excluded from the act.

JUDICIARY

(a) Civil Matters

Divorce Actions

Senate Sub. for H.B. 2165 amends three statutes which concern actions for divorce, separate maintenance or annulment. An amendment to K.S.A. 60-1604 requires petitions filed in such cases to state the names and ages of any minor children of the marriage. After the petition has been filed, existing law (K.S.A. 60-1607) authorizes the judge to make orders covering a list of several matters, and the bill expands this list to include an investigation into any issue involved in the action by supporting court personnel. An amendment made by the bill to K.S.A. 60-1608 authorizes the judge to order that either or both parties to the action obtain counseling. Such counseling would be for the purpose of informing the parents of the mental and emotional impact of the divorce or separate maintenance on the children. The cost of such counseling would be assessed as costs in the case.

Estates of Absentees (MIAs)

H.B. 2103 amends K.S.A. 59-2705, which concerns the settlement of estates of absentees. The bill allows judicial proceedings to be instituted, upon petition of any person interested in the estate, to terminate the trust estate of any person reported by the U.S. Department of Defense as being missing in action for more than three years. The District Court is prohibited, however, from declaring the absentee in such circumstances to be deceased.

Law of Attachment - Amendments

S.B. 349 remedies deficiencies in the Kansas law of attachment which were pointed out by the Kansas Supreme Court in Hillhouse v. City of Kansas City, Missouri (221 Kan. 369), and makes certain other changes to K.S.A. 60-702 et seq. Major changes include the following:

1. Under S.B. 349, a judge of the District Court will issue orders of attachment instead of the District Court Clerk as provided in the past.

2. Under old law, the plaintiff was not required to post a bond or other security if the defendant was a foreign corporation or nonresident. S.B. 349 requires a bond in every case except in actions instituted on behalf of a county or the state.
3. The affidavit filed by the plaintiff seeking attachment presently is required (under old law and under S.B. 349) to state that the plaintiff has a just claim against the defendant and the amount the affiant believes the plaintiff ought to recover (see K.S.A. 60-704). S.B. 349 adds to the requirements for the affidavit by requiring the grounds and specific facts upon which the attachment is sought to be specified.
4. Old law (K.S.A. 60-712) did not provide for an immediate hearing on a motion to dissolve an attachment. S.B. 349 requires such hearing to be held within five days of the filing of the motion.
5. An amendment to K.S.A. 60-706(b) allows compensation for two persons who assist with appraisal and inventory of the defendant's property to be fixed by the court and assessed as additional court costs. Old law did not provide any compensation to such persons.
6. S.B. 349 amends K.S.A. 60-707, which concerns the bond which the defendant may post in order to regain his property. Previously, such bond was required to be in an amount equal to twice the amount of the plaintiff's claim or twice the appraisal of the property. S.B. 349 changes this to an amount either: (a) equal to the amount of the plaintiff's claim; (b) equal to the amount of the appraisal; or (c) such lesser amount as the court may determine. Also, under the bill, discharge of the attachment is accomplished upon the filing of the bond.

Redemption of Real Property - Liens

H.B. 2156 amends K.S.A. 1976 Supp. 60-2414 relating to the real estate mortgage redemption law: (1) to allow a waiver or reduction of the redemption period to be included in the terms of

the original loan to a general and limited partnership in the same manner previously allowed in loans to corporations; (2) to allow a waiver or reduction of the redemption period to be included in the terms of the original loan to an individual in the same manner previously allowed in loans to corporations except loans for a single family residence, duplex or agricultural land where a waiver or reduction of the redemption would still be prohibited; (3) to apply the reduction or waiver of the redemption period to all persons receiving title from the original mortgagor.

Further amendments apply to subsection (o) of K.S.A. 1976 Supp. 60-2414, which specifies that real estate once sold upon order of sale or special or general execution shall not again be liable for sale for any balance due upon the judgment or decree under which the same is sold, or any judgment or lien inferior thereto. The amendment clarifies that such liens include unadjudicated junior liens filed after the date of judgment in the District Court to foreclose the senior lien against such real estate.

Small Claims Procedure - Appeals

S.B. 100 amends K.S.A. 61-2709, concerning appeals from actions pursuant to the Small Claims Procedure Law. The bill provides that such appeals will be tried de novo before a District Judge or an Associate District Judge other than the judge from which the appeal is taken. The right to trial by jury is preserved on appeal, and the bill specifies filing and notice provisions. Under S.B. 100, a decision in such appeal could be further appealed to the Court of Appeals.

Transfers to State Security Hospital

H.B. 2262 deletes the requirement in K.S.A. 1976 Supp. 76-2460 that a person transferred to the State Security Hospital at Larned by the Secretary of Social and Rehabilitation Services (SRS) be assigned separate quarters from those transferred from penal institutions or committed thereto by courts pursuant to the Kansas Code of Criminal Procedure. The bill also amends K.S.A. 59-2917a so that in the case of the person transferred to the State Security Hospital by the Secretary of SRS, when the Court determines that treatment can be provided in a facility other than the State Security Hospital, the Court would be authorized to order the Secretary to make the transfer to another treatment facility as soon as possible.

Wage Garnishment for Alimony
and Child Support

S.B. 308 amends K.S.A. 60-2310, which concerns definitions and restrictions used in the statutory provisions for wage garnishment. The bill makes the restrictions on the amount of disposable earnings subject to wage garnishment applicable to garnishment for alimony payments, unless the Court orders otherwise. The bill also prohibits a Court from making the restrictions on the amount of disposable earnings subject to garnishment inapplicable to child support, when garnishment for child support has been made for the same pay period that garnishment is being sought for alimony, and when the garnishment for child support has exceeded the amount provided for by K.S.A. 60-2310(b).

JUDICIARY

(b) Criminal Matters

Criminal Appeals - County
and District Attorneys

House Sub. for S.B. 247 requires the Attorney General to invoke the assistance of the County or District Attorney in criminal appeals. The reasonable costs of such assistance is required to be paid by the Board of County Commissioners.

Defendants Found Incompetent
to Stand Trial

Sub. for H.B. 2570 amends K.S.A. 22-3302 and 22-3303, concerning defendants found incompetent to stand trial.

Under the bill, such defendants may be committed for evaluation and treatment to an appropriate institution for up to 90 days, unless the institution's chief medical officer certifies to the Court that the defendant "has a substantial probability of attaining competency to stand trial in the foreseeable future." In that case, the Court would order the defendant to remain in an appropriate institution for up to six months or until the defendant attains competency, whichever occurs first.

If the chief medical officer finds that the defendant does not have a substantial probability of attaining competency, or if the officer certifies that the defendant has such probability yet the defendant in fact does not attain competency within the prescribed time, then the Court would order the Secretary of Social and Rehabilitation Services (SRS) to commence involuntary commitment proceedings.

New Section 3 of Sub. for H.B. 2570 provides for a court-ordered discharge of the defendant when involuntary commitment proceedings are commenced by the Secretary of SRS, as described above, and either: (1) the defendant is subsequently not committed to a treatment facility; or (2) the defendant is committed to a treatment facility, and subsequently discharged, as provided by law.

Evidence in Sex Offense Cases

H.B. 2260 directs every physician who is available or on call at a medical care facility (as defined by K.S.A. 1976 Supp. 65-425(h)) to perform a physical examination of persons who may be victims of rape, sodomy, aggravated sodomy, incest, aggravated incest, or indecent liberties with a child or ward. The bill requires that, upon written request of a law enforcement officer and with the reported victim's consent, the physician examine the reported victim for the purpose of gathering evidence of such crime. If the physician refused to perform such examination, the prosecuting attorney could seek a mandatory injunction against the physician — i.e., the physician could be enjoined to perform the examination. Costs of conducting the examination would be paid by the county where the alleged offense was committed.

Habitual Violator Amendments

H.B. 2306 amends the list of crimes in K.S.A. 1976 Supp. 8-285 under which, if convicted of three or more times, a person is considered to be an "habitual violator." The bill adds to the list violations of the requirement to maintain motor vehicle liability insurance coverage set out in K.S.A. 1976 Supp. 40-3104. Thus, under H.B. 2306, three or more convictions of failing to maintain motor vehicle liability insurance coverage, for example, fit the definition of "habitual violator."

Kansas Correctional Institution for Women - Parole

S.B. 166 specifies that the Kansas Correctional Institution for Women is an institution for both felons and misdemeanants. Although an individual inmate at KCIW is under the jurisdiction of the Secretary of Corrections, under this bill the sentencing court may place any female misdemeanor on parole.

Crime of Public Intoxication Repealed

H.B. 2595 repeals the statute which defines the crime of public intoxication.

Unlawful Use of a Financial Card

S.B. 317 amends K.S.A. 21-3729, concerning unlawful use of a credit card. The term "financial card" is substituted for "credit card," since the former term can include debit cards (which are used for transactions at automated teller installations). The crime includes using a financial card without the cardholder's consent, knowingly using a financial card (or a card number) which has been revoked or canceled, or using a falsified, mutilated, altered or non-existent financial card. If any of these acts is done with intent to defraud and for the purpose of obtaining money, property or services valued at \$50 or more, then under present law the crime is a class E felony (1-5 years or \$5,000 or both). Otherwise, the crime is a class A misdemeanor (one year or \$2,500 or both).

JUDICIARY

(c) Other

District Court Facilities

H.B. 2640 amends K.S.A. 1976 Supp. 20-356 to allow any county in which new divisions of the District Court are created to issue general obligations bonds to pay for additional courtrooms and equipment. These bonds would be outside the bonded debt limit of counties. The bill also amends K.S.A. 1976 Supp. 19-15,123 which authorizes additional facilities for the Sedgwick County District Court to permit the issuance of general obligation bonds outside

the county's bonded debt limit for this purpose. The county already has the authority to issue no fund warrants for the construction of additional facilities.

District Court - Judges Pro Tem

H.B. 2187 amends K.S.A. 1976 Supp. 20-310a, which relates to the appointment of judges pro tem. Under the bill, a judge pro tem could be appointed whenever the departmental justice for the judicial district has not assigned a District Judge or Associate District Judge from another judicial district. Presently, and in addition to the just-stated condition, a judge pro tem may be appointed whenever another District Judge or Associate District Judge is unavailable.

The bill further authorizes the Administrative Judge to appoint one or more judges pro tem for the limited purpose of hearing the original trials of actions filed pursuant to the Small Claims Procedure Act. Such pro tems would have only such judicial power and authority as is necessary to hear such actions.

H.B. 2187 also directs each Administrative Judge to file annual reports with the Judicial Administrator concerning the use and compensation of judges pro tem.

District Courts - Miscellaneous Amendments

House Sub. for S.B. 324 amends a number of statutes concerning court procedures. Most of the amendments are technical in nature, but some of the more significant amendments are summarized below.

The bill increases the jurisdiction of a District Magistrate Judge from \$2,000 to \$3,000, and removes the provision that would have authorized an appeal on the record in a criminal case heard by a District Magistrate Judge. Thus all criminal appeals from a District Magistrate Judge will be de novo.

The bill amends K.S.A. 60-2202 and 60-2418, which relate to judgment liens on real property. The changes do away with the judgment lien docket. Any judgment in an action commenced pursuant to Chapter 61 of the Kansas Statutes Annotated which is filed for lien purposes after July 1 will be entered in the judgment docket and that docket will be numerically indexed to show new

Chapter 61 judgments entered in the judgment docket. (See also the summary below of House Substitute for S.B. 325 for other amendments to these statutes.)

K.S.A. 60-2203 - inadvertently repealed last session - is replaced by House Sub. for S.B. 324. The new section allows a notice of a pending lawsuit to be filed in a county other than where the action is pending and thus gives the same lien rights as if the action had been commenced in the county where the notice was filed.

Amendments to several statutes authorize a Judge of the District Court to retain any honorarium received for performing a marriage ceremony if the ceremony is performed after regular office hours.

House Substitute for S.B. 325 also makes a number of technical amendments to statutes related to the District Court. Some of the more significant amendments are summarized below.

The bill clarifies that the Chief Clerk of the District Court is to be selected from among the several clerks of the District Court of the various counties in a multi-county judicial district. A majority of the District Judges must approve the appointment of a Clerk of the District Court in each county.

Other provisions in House Sub. for S.B. 325 authorize a Clerk of the District Court (in addition to any Judge of the District Court) to issue a marriage license.

The bill also relates to lis pendens. The amendments provide that once a final judgment has been rendered, a plaintiff who has filed a copy of the petition in another county must then file a copy of the judgment with the Register of Deeds in that county.

Grants to District Courts

H.B. 2642 appropriates \$1,725,000 in federal revenue sharing funds to the Unified Judicial Department for the purpose of grants to counties to help defray costs of court unification. The bill provides for allocation of the funds to each county on the basis of \$20,000 per district judge in each judicial district. In multi-county judicial districts the money will be proportioned among the counties on the basis of the district court caseload for FY 1976. In addition, a grant of \$4,395 will be made to each county having a district magistrate judge.

Other provisions of H.B. 2642 require counties to provide benefits for district court employees whose salary is paid by the county with benefits equal to those provided other state employees. Specifically, counties must offer health care benefits equal to those provided by the state to other employees, or must enroll the employees in the state health insurance program and remit to the state the cost of employer and employee premiums.

H.B. 2642 also amends K.S.A. 20-349 as it relates to budget control for the district courts. It gives county commissioners final authority to determine and approve the budget for district court operations payable by their county, provided that the county does not reduce the budget under the level appropriated in 1976. County commissioners are also given expenditure control for salaries and wages of associate district judges, district magistrate judges and other job positions included in the approved budget. The bill also stipulates that budgets must be submitted on forms prescribed by the judicial administrator and must list all salaries for individual job positions. At present, county commissioners have the authority to approve budgets but do not have expenditure control authority over salaries.

Judicial Pay Plan

S.B. 460 requires the Supreme Court to establish a pay plan, a personnel plan and an affirmative action plan for the hiring of minority persons for all non-judicial personnel of the Supreme Court and Court of Appeals. The pay plan and personnel plans must include job descriptions, qualifications of employees, salary ranges, and vacation and sick leave policies. The plans are to be submitted to the Legislature on or before January 15, 1978.

The bill also sets the salaries of law research clerks at \$15,000 for the first year and \$16,000 for the second year, applicable to clerks appointed after the effective date of the Act. Law research clerks on staff prior to the effective date of the Act are not subject to those salaries. At present, law research clerks have annual salaries of \$17,952.

Marriage - Adjudicated Incapacitated Persons

H.B. 2221 repeals the statutes which seek to regulate marriage of adjudicated incapacitated persons. Prior to July 1, 1977, women under 45 and men of any age who were adjudged incapacitated were prohibited by K.S.A. 23-120 from either intermarrying or marrying any other person. This statute is

repealed, and the remaining statutes repealed by H.B. 2221 required applicants for a marriage license to answer questions about their personal history with respect to adjudicated incapacitated persons; precluded the performance of marriage ceremonies for adjudicated incapacitated persons; and specified the penalty for violating these statutes (not more than \$1,000, three years imprisonment, or both).

Post-Sentence Examinations - KCIW

S.B. 165 requires that females sentenced to the Kansas Correctional Institution for Women undergo a post-sentence examination similar to the examination provided to male felons at the Kansas Reception and Diagnostic Center.

Powers of Law Enforcement Officers

S.B. 370 codifies the extent to which city and county law enforcement officers may exercise their powers as law enforcement officers. Under the bill, sheriffs and their deputies may exercise their powers anywhere within the county and in any other county when in fresh pursuit of a person. Law enforcement officers employed by any city may exercise their powers anywhere within their city's boundaries, and upon such property outside the city as may be owned by the city, and in any other place when in fresh pursuit of a person. Any law enforcement officer requested to assist in areas other than those allowed under the above provisions, if in uniform at the time, is authorized to exercise law enforcement powers.

Prosecuting Attorneys' Training Fund

H.B. 2282 establishes a prosecuting attorneys' training fund, consisting of certain fees paid by the District Court Clerk (in each county) to the County Treasurer. The fund will be financed by a 50¢ additional fee in actions pursuant to the Juvenile Code, the Act for Obtaining Treatment of a Mentally Ill Person, the traffic laws, fish and game laws, and motorboat laws, and by a 50¢ fee deducted from the docket fee allowed in each criminal case. The bill also requires an annual report from each county and district attorney of the amount of revenue generated from such fees and the amount and purpose of each expenditure from the fund.

Selection of the Supreme Court Justices

S.B. 354 amends K.S.A. 25-111 and K.S.A. 1976 Supp. 25-113 relating to selection of justices of the Supreme Court. S.B. 354 corrects the internal references to the Kansas Constitution.

JUVENILES

Child Abuse

In enacting S.B. 62, the Legislature amended and expanded the Kansas Child Abuse and Neglect Reporting Act which was renamed, pursuant to S.B. 62, the Kansas Child Protection Act. Amendments to the existing statutes change the standard for reporting child abuse from a reasonable belief that child abuse has taken place to suspicion of child abuse; add licensed optometrists, practitioners of Christian Science, the chief administrative officer of a medical care facility and persons licensed to provide child care and their employees to those who are required by law to report suspected child abuse; and require the Department of Social and Rehabilitation Services to take steps to protect the child if investigation of a report of child abuse results in reasonable grounds for suspicion of abuse.

New provisions resulting from passage of S.B. 62 authorize a peace officer to take a child into custody when, in an investigation of suspected child abuse, the officer has reasonable grounds to believe that continuing in the place or in the custody of the person in whose care the child is found would present an imminent danger to the life or health of the child. Persons who are required by law to report suspected child abuse are also required to notify the appropriate coroner if they have reasonable cause to believe that a child has died from injuries resulting from physical or mental abuse or neglect. Coroners are mandated to carry out certain responsibilities in the event such a report is made to them. Other new provisions require the Secretary of Social and Rehabilitation Services to carry out an educational program relating to child abuse and reporting and prohibit an employer from employing sanctions against an employee who reports suspected child abuse.

Juveniles - Residential Care Facilities

H.B. 2610 creates a new statute which authorizes the Secretary of Social and Rehabilitation Services to establish and

operate residential care facilities, in institutions under the jurisdiction of the Secretary, for children placed in the custody of the Secretary. Under the provisions of H.B. 2610, any residential care facility established pursuant to the statute will be under the supervision of the superintendent of the institution in which the residential care facility is located and all employees of the facility will be appointed by the superintendent.

H.B. 2610 will allow children to be admitted to residential care facilities established at SRS institutions without admission to the hospital as voluntary or involuntary patients.

LOCAL GOVERNMENT

Alcohol-Related Offenses

H.B. 2588 directs that no city, county or other political subdivision may adopt any local ordinance, law or resolution which makes an offense subject to sanction of public intoxication in and of itself, being a common drunkard, or being found in enumerated places in an intoxicated condition. Offenses involving driving under the influence of alcohol and related offenses are excluded from the provisions of H.B. 2588.

Industrial Revenue Bonds

S.B. 434 requires cities that propose to issue industrial revenue bonds for public sale to file notice at least 30 days prior to the bond sale with the Kansas Securities Commissioner. The notice must include the name of the lessee, the guarantor, the fiscal agent, the underwriter, and all attorneys involved; the estimated total cost of the project and the face amount of the bond issue; a copy of the lease to be executed by the city for the project; and various other information listed in the Act. Industrial revenue bonds cannot be issued unless the Kansas Securities Commissioner determines that all information and documents are complete and timely filed. The bill authorizes the Securities Commissioner to set reasonable filing fees to defray the cost of reviewing these notices. Cities also are required to notify the board of county commissioners prior to the issuance of any industrial revenue bonds involving projects located outside a city's corporate limits.

Investment of Local Public Moneys

S.B. 10 amends the general local government investment law (K.S.A. 12-1675) to delete the requirement that local units must have authority to levy taxes in order to make the investments permitted under that law. Now, any governmental entity or subdivision having authority to receive and expend public moneys may invest under the general law moneys not immediately required for the purposes for which they were collected or received, if the investment is not regulated by another state law.

S.B. 12 amends numerous statutes to: give local units subject to the general local government investment law (K.S.A. 12-1675 et seq.) the option of investing certain moneys or funds as authorized by the general law; eliminate (in a few statutes) overly broad or poorly defined investment authority and substitute therefor investments allowed under the general law or investments in federal obligations; allow local units to invest certain funds under the general law, but restrict the authority to invest such funds in federal obligations or bonds to moneys not needed for more than six months from the date of investment; and permit unified school districts to invest their capital outlay funds under the general law or in federal obligations, i.e., the same investment authority that applies to county building funds.

Law Enforcement Officers - Minimum Training

H.B. 2155 amends K.S.A. 1976 Supp. 74-5608 to stipulate that no person may be permanently appointed as a police officer or law enforcement officer unless such person has satisfactorily completed 200 hours of the appropriate training. The present requirement is 160 hours of training. Appropriate conforming amendments are also made by H.B. 2155.

Municipal Revenue Bond Advance Refunding

S.B. 446 authorizes any municipal or quasi-municipal corporation which has issued revenue bonds or industrial revenue bonds prior to the effective date of this act to refund these bond issues in advance of their first call date. The bill sets a \$1 million minimum aggregate amount for which the advance refunding tool can be utilized. Until the call date of the refunded issue, proceeds from the sale of advance refunding bonds must be placed in escrow with a Kansas bank having full trust powers and invested in direct

obligations of which the principal and interest are unconditionally guaranteed by the United States. The proceeds of the advance refunding bond issue then are used to retire the bond issue outstanding.

Regional Planning Funding

H.B. 2037 establishes a new formula for the distribution of state aid money to metropolitan and regional planning commissions. It provides that each commission shall be entitled to a grant of \$5,000. Any additional state moneys appropriated shall be allocated on the basis of the extent of local participation in each commission to be measured by: (1) the proportion of cities and counties within the planning jurisdiction which participate in the commission, (2) the proportion of the population and land area within the participating cities and counties to the entire planning jurisdiction, and (3) the per capita amount of local cash contributions to the planning commission. The bill also adds community development to the list of planning areas that must be considered by these commissions.

H.B. 2539 contains an appropriation of \$195,000 to the Department of Administration for state aid to metropolitan and regional planning commissions.

Salaries and Benefits - Local Officials

H.B. 2532 repeals statutes which set or authorize salaries for county commissioners. County commissioners now will be responsible for setting their own salaries by ordinary resolution under their home rule powers. Legislation enacted last year made county commissioners responsible for setting salaries for other county elected officials.

H.B. 2049 repeals K.S.A. 19-212e which limited the amount of group life insurance that could be carried on any county official or employee to \$10,000 and limited the amount a county could contribute toward premiums for life, medical and other insurance to the cost of a single person's premium. Counties now will be responsible for setting their own limits in regard to employee insurance program under their home rule powers.

H.B. 2420 allows townships to pay their elected officials (trustees, clerks, and treasurers) not to exceed \$25 per full day or not to exceed \$15 per any day in which less than four hours is spent

attending to township business. Township officers formerly received \$12 per day in counties that had not adopted the county unit road system and \$2 per day in counties that had adopted the unit road system.

S.B. 299 allows certain drainage district boards to raise their own compensation and the compensation of drainage district assessors to an amount not to exceed \$35 per day. The previous compensation rate for these officials was \$5 per day.

Sale of County Property

H.B. 2094 amends K.S.A. 19-211 concerning the sale of county property. A unanimous vote of the board of county commissioners and publication of notice of the sale in a newspaper was required for the sale of property valued between \$5,000 and \$20,000; an election was required on the question of the sale of property valued over \$20,000. H.B. 2094 raises the property value limits requiring a unanimous vote to between \$25,000 and \$100,000, requires published notice once each week for three consecutive weeks, and requires an election on the question of the sale of property valued over \$100,000.

Sheriff's Qualifications

H.B. 2089 amends K.S.A. 1976 Supp. 19-801b to delete residency requirements for persons who are candidates for appointment or election to the office of sheriff. The law previously required that a person be a resident of and domiciled within the county for at least 12 months immediately preceding July 1 of the election year. Any person now who is a qualified elector of the county is eligible to hold this office.

RETIREMENT

Board of Regents

S.B. 423 provides unclassified employees in the Office of the State Board of Regents the opportunity to elect to transfer from KPERS to a valid annuity contract (TIAA) with a company contracted with by the State Board of Regents. Similar legislation enacted by the 1976 Legislature provided unclassified employees of

the institutions under the management of the State Board of Regents who were in non-teaching positions and were members of KPERS the same opportunity to transfer to TIAA. In addition, the bill provides for immediate membership in KPERS for those individuals who transferred membership to TIAA under provisions of the 1976 legislation and whose positions, subsequent to the transfer of membership, were transferred to the classified service, thereby making them ineligible for continued TIAA membership.

KPERS - Arrearage Withdrawal and Death Benefits

S.B. 435 establishes the right of a participating employer to receive a refund of payment of an arrearage obligation of employee contributions under certain circumstances from the member's account in the KPERS fund. (An arrearage obligation results if an employer fails to withhold employee KPERS contributions for an employee who is a member of the KPERS system and fails to make the employer contributions for that employee.) The first requirement is that the employer must have paid an arrearage obligation of employee contributions that the employer was required to pay. The second requirement is that the employment of the member by the participating employer has been terminated and the third requirement is that the member is eligible to withdraw his or her accumulated contributions in accordance with K.S.A. 1976 Supp. 74-4917. No refund may be made from the KPERS fund if the member has withdrawn his or her accumulated contributions.

S.B. 435 also liberalizes the KPERS accidental death benefit to allow a totally disabled and dependent child to continue to receive accidental death benefits payments until the death of the beneficiary or until the beneficiary is no longer totally disabled. The current statute sets a maximum age of 18 for benefit payments to all children.

KPERS - Designation of a Trust for Insured Death Benefits and Accumulated Contributions

H.B. 2082 establishes that a KPERS member may file a designation of a trust with the KPERS Board. If there is a designated trust at the time of the member's death, the member's insured death benefit and the member's accumulated contributions would be paid to the trust in lieu of the member's beneficiary. If no will is admitted to probate within nine months after the death of the member or no trustee qualifies within nine months or if the

designated trust fails, the insured's death benefit and accumulated contributions will be paid to the member's beneficiary. H.B. 2082 also clearly establishes that a KPERS member may nominate a conservator for beneficiaries who are minor children or incompetent persons. The conservator may be nominated by will or as otherwise provided by law.

KPERS - Legislative Review of Distribution of Participating Service Costs

H.B. 2041 reaffirms the funding philosophy that the cost of participating service credit be shared between the employee and the employer. After receipt of the report of the actuary of each three-year general investigation of the actuarial experience of the system, H.B. 2041 would require the KPERS Board of Trustees to make a report to the Legislature indicating the changes in the participating service costs since the previous investigation and in the rates of contributions for employees and employers during the period. Participating service costs are defined as all costs of the KPERS system other than those attributable to past service, administration, the insured death benefit, the insured disability benefit, and post-retirement benefit increases. H.B. 2041 also clarifies that the KPERS system costs of the post-retirement benefit increases of 1972 and 1973 and the "one-time" benefit increase of 1976 be made a part of the past service costs of each of the participating employers. At the time the increases were granted, they were generally considered as a part of the participating service cost of the system.

Local Police and Fire Pensions

H.B. 2446 amends K.S.A. 1976 Supp. 12-5002 concerning minimum funding standards for local police and fire pension plans to allow cities to phase in these minimum standards over a three-year period. The bill amends legislation passed in 1976 which requires that from and after January 1, 1978, all cities choosing to maintain local police and fire pension plans must fund them on an actuarial reserve basis. Minimum annual rates of contribution are required to amortize the unfunded liability of active members over a period of not more than 40 years and of retired members over a period of not more than 20 years. H.B. 2446 allows cities to pay one-third of what is determined to be their annual minimum funding rate in 1978, two-thirds of this rate in 1979 and the full minimum rate beginning in 1980. There are 23 cities affected by this legislation.

Retirement Increases - State Programs

S.B. 365 authorizes a one-time post-retirement benefit payment for retirants, joint annuitants, and beneficiaries of retirants of the various state retirement programs equal to five percent of the retirant's annual benefit. In no event would the one-time benefit be less than \$20 or more than \$200. The benefit would be paid in the form of a "thirteenth check" payable on October 1, 1977. The benefit would apply to persons retiring prior to January 1, 1975.

Withdrawal of Employee Retirement Contributions and Purchase of Participating Credit for Military Service - KPERS

S.B. 228 stipulates conditions under which KPERS contributors, terminating employment with a participating employer, may withdraw their accumulated KPERS retirement contributions. The bill allows KPERS contributors no longer employed by the participating employer to withdraw their accumulated contributions as soon as the KPERS system has credited all proper contributions and processed the withdrawal application. Current statutes require 120 days to elapse prior to such withdrawal of accumulated KPERS contributions.

Additionally, S.B. 228 extends time limitations in which KPERS members may purchase participating credit for periods of active military service. The bill provides that members who are eligible on July 1, 1974, must elect to start purchasing such participating service credit on or before July 1, 1978, and that persons becoming members after that date must elect to start purchasing such participating service credit within four years after becoming a member. The existing statute requires that members desiring to purchase participating credit for military service must do so within two years.

STATE GOVERNMENT

(a) Budget

General Budget Summary -
Fiscal Years 1977-78

A preliminary analysis of appropriations made by the 1977 Legislature indicates that the authorized expenditures from all funds total \$1.747 billion for FY 1977 and \$1.807 billion for FY 1978. The revised expenditures authorized for FY 1977 represent an increase of \$218.0 million, or 14.3 percent, above actual FY 1976 expenditures. The FY 1978 approved budget of \$1.807 billion is an increase of \$60.0 million, or 3.4 percent, above FY 1977. It is projected that the State General Fund will finance 47.1 percent of the total expenditures in FY 1977 and 47.0 percent in FY 1978. The remainder of the budget is funded from federal categorical grants, numerous earmarked special revenue funds and the Federal Revenue Sharing Fund.

The following table summarizes the estimated expenditures for both fiscal years, providing a summary of the Governor's recommendations as contained in the Governor's Budget Report; amendments submitted by the Governor during the legislative session; and adjustments in appropriations adopted by the Legislature:

EXPENDITURES AUTHORIZED BY THE
1977 LEGISLATURE

(Millions of Dollars)

	<u>Governor's Recommen- dations</u>	<u>Governor's Amendments</u>	<u>Legis- lative Changes</u>	<u>Total</u>
<u>FY 1977</u>				
State Gen. Fund	\$ 820.1	\$ 1.0	\$ 2.5	\$ 823.7
Fed. Revenue				
Sharing Fund	20.3	--	(1.6)	18.6
All Other Funds	<u>901.4</u>	<u>7.4</u>	<u>(4.1)</u>	<u>904.7</u>
Total	<u>\$ 1,741.8</u>	<u>\$ 8.4</u>	<u>\$ (3.2)</u>	<u>\$1,747.0</u>
<u>FY 1978</u>				
State Gen. Fund	\$ 846.8	\$ 3.8	\$ (.5)	\$ 850.1
Fed. Revenue				
Sharing Fund	29.7	--	2.1	31.8
All Other Funds	<u>915.4</u>	<u>2.9</u>	<u>6.8</u>	<u>925.1</u>
Total	<u>\$ 1,791.9</u>	<u>\$ 6.7</u>	<u>\$ 8.4</u>	<u>\$1,807.0</u>

NOTE: Amounts may not add due to rounding.

The legislative changes for FY 1977 include both the fiscal impact of new legislation and legislative adjustments to the budget as recommended by the Governor. The major legislative change in FY 1978 was the addition of \$4.4 million from the State General Fund for implementing H.B. 2208 which amended the School District Equalization Act. Continuation of the Ports of Entry also increased both State General Fund receipts and expenditures in FY 1978 by approximately \$1.7 million above the Governor's recommendations. Implementation of H.B. 2010, which requires special education services provided by state institutions for the mentally ill and retarded to meet standards approved by the State Department of Education, necessitated additional funding of \$.3 million in FY 1978. The Legislature also authorized \$1.3 million from the State General Fund and an estimated \$1.0 million from

special revenue funds above the Governor's budget recommendation to permit an increased level of salary plan adjustments for classified state employees.

The following table presents a breakdown of the total FY 1977 and FY 1978 budgets by major category of expenditure:

**AUTHORIZED EXPENDITURES FROM ALL FUNDS
FOR FISCAL YEARS 1977 AND 1978**

(Millions of Dollars)

	<u>FY 1977</u>	<u>FY 1978</u>	<u>Inc. FY 1978 Over FY 1977</u>	
			<u>Amount</u>	<u>Percent</u>
State Operations	\$ 647.8	\$ 700.6	\$ 52.8	8.15%
Fed. & State Aid to Local Units of Government	495.9	524.5	28.6	5.78
Other Assistance, Grants and Ben.	<u>392.9</u>	<u>389.7</u>	<u>(3.2)</u>	<u>(0.81)</u>
Subtotal - Op. Expen.	\$ 1,536.6	\$ 1,614.8	\$ 78.2	5.09%
Capital Improve.	210.4	192.2	(18.2)	(8.67)
TOTAL EXPEN.	<u><u>\$ 1,747.0</u></u>	<u><u>\$ 1,807.0</u></u>	<u><u>\$ 60.0</u></u>	<u><u>3.43%</u></u>

NOTE: Amounts may not add due to rounding.

More than one-half (50.6 percent) of the total budget for FY 1978 is estimated to be expended for program costs other than state operations and capital improvements. The \$192.2 million estimated expenditure for capital improvements includes \$156.0 million for highway improvements.

The following table illustrates the distribution by function of government of the approved FY 1977 and FY 1978 budgets:

AUTHORIZED EXPENDITURES FROM ALL FUNDS FOR
FISCAL YEARS 1977 AND 1978 BY FUNCTION OF
GOVERNMENT

(Millions of Dollars)

Function of Government	FY 1977	FY 1978	Inc. FY 1978 Over FY 1977	
			Amount	Percent
General Government	\$ 108.8	\$ 117.9	\$ 9.1	8.39%
Public Welfare	433.0	428.2	(4.9)	(1.12)
Ed. and Research	775.7	824.9	49.1	6.34
Public Safety	43.9	41.4	(2.5)	(5.70)
Conservation of Ag. and Nat. Resources	22.8	22.3	(0.5)	(2.28)
Health and Hospitals	87.2	88.7	1.5	1.66
Recreational and Historical	6.7	6.0	(0.7)	(9.75)
Highway and Other Transportation	<u>269.0</u>	<u>268.7</u>	<u>(0.3)</u>	<u>(0.11)</u>
TOTAL EXPEND.	<u><u>\$1,747.0</u></u>	<u><u>\$1,797.9</u></u> ^(a)	<u><u>\$50.9</u></u> ^(a)	<u><u>2.91%</u></u> ^(a)

a) Does not include an estimated \$9,100,000 for salary plan revision.

NOTE: Amounts may not add due to rounding.

The above table does not reflect the estimated expenditure of \$9.1 million for the salary plan revision for classified employees authorized by the 1977 Legislature. Allocations to individual agencies from the State General Fund and adjustments in special revenue funds expenditure authority will be made by the State Finance Council prior to the beginning of FY 1978.

State General Fund Budget

The authorized expenditures from the State General Fund for FY 1977 total \$823.7 million, an increase of \$122.2 million, or 17.4 percent, above actual FY 1976 expenditures. The principal factors contributing to the significant increase include the substantial adjustments in school equalization state aid and budget increases authorized a year ago for the Board of Regents institutions. The other principal factor contributing to the growth between the two

years was the additional funding provided a year ago for support of programs administered by the Department of Social and Rehabilitation Services and the supplemental appropriation of \$17.0 million approved by the 1977 Legislature.

The approved FY 1978 budget provides for the expenditure of \$850.1 million from the State General Fund, an increase of \$26.4 million, or 3.2 percent, above FY 1977 estimated expenditures. The following two tables summarize FY 1978 State General Fund expenditures by major category of expenditures and by major function of government:

AUTHORIZED EXPENDITURES FROM THE STATE GENERAL FUND FOR FISCAL YEARS 1977 AND 1978

(Millions of Dollars)

	<u>FY 1977</u>	<u>FY 1978</u>	<u>Inc. FY 1978 Over FY 1977</u>	
			<u>Amount</u>	<u>Percent</u>
State Operations	\$ 301.4	\$ 324.1	\$ 22.7	7.55%
State Aid to Local Units of Government	355.3	377.9	22.6	6.36
Other Assistance, Grants and Benefits	<u>158.3</u>	<u>144.4</u>	<u>(13.8)</u>	<u>(8.75)</u>
Subtotal - Operat- ing Expenditures	\$ 815.0	\$ 846.5	\$ 31.5	3.87%
Capital Improvements	<u>8.7</u>	<u>3.7</u>	<u>(5.1)</u>	<u>(57.94)</u>
TOTAL EXPENDI- TURES	<u>\$ 823.7</u>	<u>\$ 850.1</u>	<u>\$ 26.4</u>	<u>3.21%</u>

NOTE: Amounts may not add due to rounding.

**AUTHORIZED EXPENDITURES FROM THE STATE GENERAL
FUND FOR FISCAL YEARS 1977 AND 1978 BY FUNCTION
OF GOVERNMENT**

(Millions of Dollars)

Function of Government	FY 1977	FY 1978	Inc. FY 1978 Over FY 1977	
			Amount	Percent
General Government	\$ 62.4	\$ 66.3	\$ 3.9	6.18%
Public Welfare	160.6	148.4	(12.2)	(7.60)
Ed. and Research	520.0	549.1	29.1	5.60
Public Safety	28.0	29.3	1.3	4.62
Conservation of Ag. and Natural Resources	8.5	8.4	(0.1)	(1.18)
Health and Hospitals	41.6	41.3	(0.2)	(0.55)
Recreational and Historical	2.6	2.2	(0.4)	(15.63)
Highway and Other Transportation	—	0.1	0.1	—
TOTAL EXPEN- DITURES	<u>\$ 823.7</u>	<u>\$ 845.1^(a)</u>	<u>\$ 21.4^(a)</u>	<u>2.60%^(a)</u>

a) FY 1978 amounts do not include \$5,000,000 appropriated to the State Finance Council for salary plan revision. Addition of the \$5,000,000 would make the total increase \$26.4 million.

NOTE: Amounts may not add due to rounding.

The overall \$26.4 million increase in approved FY 1978 State General Fund expenditures above the estimated level for FY 1977 is accounted for by numerous increases, both major and minor. However, some reductions in costs account in part for the relatively low (3.2 percent) increase above FY 1977. A principal factor contributing to the minimal overall increase is the shifting in FY 1978 of the Homestead Property Tax Relief payments (\$11.0 million) from the State General Fund to the Federal Revenue Sharing Fund. The following listing identifies selected areas of expenditure increases and decreases approved for FY 1978:

	Millions of <u>Dollars</u>
Revision of the Civil Service salary plan	\$ 5.0
6-7 percent salary increases for the faculty of institutions under the Board of Regents	6.9
7.5-12 percent increases in O.O.E. support for institutions under the Board of Regents	3.5
Increased support for Regents' institutions due to enrollment growth	1.0
State aid for public schools, including 20 percent income tax rebate	13.2
Contributions to the Kansas Public Employees Retirement System for local school employees	2.6
Shifting of Homestead Property Tax Relief Program to Federal Revenue Sharing Fund (previously funded from State General Fund)	(11.0)
State aid to community junior colleges	1.3
State aid for school lunch programs	.5
State aid for vocational education programs	.1
State aid to Washburn University	.2
State aid for special education programs	3.3
Utility costs - Regents' Institutions	.8
State aid programs administered by Social and Rehabilitation Services	(2.6)
Computer improvements at Regents' Institutions	.6
Other	<u>1.0</u>
TOTAL	\$ 26.4

State General Fund Balance

Based on passage of appropriation measures and certain other bills affecting State General Fund receipts and expenditures, the June 30, 1978, unencumbered balance in the State General Fund is estimated to total \$94.9 million. This is a reduction of \$9.4 million from the estimate contained in the 1978 Governor's Budget Report, but is only \$1.6 million less than the Governor's projected balance after taking into account his budget amendments.

The \$9.4 million reduction in the estimated June 30, 1978, State General Fund balance is the result of a combination of factors. The Governor submitted budgeted amendments increasing his original recommended expenditures for Fiscal Years 1977 and 1978 by the total amount of \$4.8 million. The Legislature further

authorized expenditures for Fiscal Years 1977 and 1978 totaling \$2.0 million more than recommended by the Governor. Finally, revenues for the two-year period are now estimated at \$2.6 million less than reflected in the Governor's Budget Report. This reduction is due largely to the estimated loss of \$3.0 million in sales tax receipts in FY 1977 due to the Supreme Court ruling that held one subsection of the sales tax law unconstitutional. Other legislation enacted by the Legislature will result in an estimated increase of \$.4 million in receipts.

The \$2.0 million increase in expenditures approved by the Legislature is due to the funding required for implementation of legislation, other than appropriation bills, enacted by the Legislature. Legislative action on the basic appropriations measures recommended by the Governor for Fiscal Years 1977 and 1978 reduced the Governor's recommended budget by \$5.1 million. However, other legislation enacted required additional expenditures of \$7.1 million. The principal legislation affecting expenditures was H.B. 2208, which modified the School District Equalization Act and increased expenditures by \$4.4 million above the level recommended by the Governor, and S.B. 204, which continued the Ports of Entry and required additional expenditures of \$1.7 million, but which also increased estimated receipts by \$1.5 million.

The Legislature enacted several bills which will have significant impact on State General Fund receipts. S.B. 49, which exempted prescription drugs from the state sales tax, will reduce revenues in FY 1978 by an estimated \$3.7 million. S.B. 494, which increased the income tax personal exemption to \$750 and revised the tax rate structure, will reduce FY 1978 income by an estimated \$2.2 million. However, H.B. 2396, which increased liquor gallonage and cereal malt beverage taxes, will increase FY 1978 receipts by an estimated \$4.7 million, including the tax on inventories on hand as of July 1, 1977.

The following table reflects estimated State General Fund receipts, expenditures, and balances for Fiscal Years 1977 and 1978, comparing the original Governor's recommendations; the amended Governor's recommendations, and the impact of the Supreme Court ruling on sales tax receipts; and the final estimates based upon legislative actions.

STATE GENERAL FUND - PRELIMINARY ESTIMATES OF
RECEIPTS, EXPENDITURES AND BALANCES

(Millions of Dollars)

	<u>FY 1977</u>	<u>FY 1978</u>
<u>Governor's Original Budget</u>		
Est. Beginning Balance	\$ 179.2	\$ 122.6
Est. Receipts	763.6	828.5
Est. Funds Available	<u>\$ 942.8</u>	<u>\$ 951.2</u>
Est. Demands	820.1	846.8
Est. Ending Balance	<u>\$ 122.6</u>	<u>\$ 104.3</u>
 <u>Governor's Amended Budget</u>		
Est. Beginning Balance	\$ 179.2	\$ 118.6
Est. Receipts	760.6	828.5
Est. Funds Available	<u>\$ 939.8</u>	<u>\$ 947.1</u>
Est. Demands	821.2	850.7
Est. Ending Balance	<u>\$ 118.6</u>	<u>\$ 96.5</u>
 <u>Impact of Legislation and Appropriations*</u>		
Est. Beginning Balance	\$ 179.2	\$ 116.2
Est. Receipts	760.7	828.9
Est. Funds Available	<u>\$ 939.8</u>	<u>\$ 945.0</u>
Est. Demands	823.7	850.1
Est. Ending Balance	<u>\$ 116.2</u>	<u>\$ 94.9</u>

NOTE: Totals may not add due to rounding.

Imprest and Change Funds

S.B. 429 increases the size of imprest funds authorized for State Board of Regents' institutions in accordance with the following schedule:

<u>Institution</u>	<u>Old Limit</u>	<u>New Limit</u>
University of Kansas	\$25,000	\$ 40,000
University of Kansas Medical Center	10,000	25,000
Kansas State University	20,000	35,000
Emporia Kansas State College	6,000	21,000
Kansas State College of Pittsburg	7,000	22,000
Fort Hays Kansas State College	10,000	25,000
Wichita State University	10,000	25,000

As a result of the increases, the Director of Accounts and Reports will transfer \$15,000 on July 1, 1977, from the State General Fund to each of the institutional imprest funds.

Additionally, S.B. 429 permits the Director of Accounts and Reports to establish a maximum of \$20,000 for each change fund administered by the Regents' institutions. Statutorily, the institutions were previously authorized to maintain change funds of only \$5,000.

S.B. 429 also establishes an imprest fund of \$2,500 for the Kansas City Work Release Center. A transfer of \$2,500 will be made on July 1, 1977, from the State General Fund to this new imprest fund.

STATE GOVERNMENT

(b) Officers and Employees

Classified Employees - Employment Security Benefits

S.B. 426 establishes that a classified state employee who appeals a dismissal, demotion, or suspension to the state civil service commission and succeeds in having the action reversed shall receive the salary lost by reason of the dismissal, demotion, or suspension minus the amount of employment security benefits the employee may have received. The current law makes no adjustment for employment security benefits.

Secretary of Corrections - Term of Office

S.B. 442 stipulates that the Secretary of Corrections is to serve at the pleasure of the Governor. Under prior law, the Secretary held a four-year term of office.

State Employee Pay Raises

H.B. 2658 modifies the pay plan applicable to classified and classified-exempt state employees by increasing each step of the salary ranges by 3 percent or \$25 per month, whichever results in the lower amount of increase. In addition, employees on a salary step of F or above who are not eligible for a longevity increase in FY 1978 are granted a raise of 2 percent, effective on the first day of the payroll period in which the employee's normal pay review occurs during FY 1978.

The Legislature appropriated \$5 million from the state general fund to finance that fund's share of the cost, and authorized increases in expenditure limitations on special revenue funds and appropriated amounts necessary to pay the salary increases from such funds.

State Employees - Payroll Deductions

S.B. 220 authorizes payroll deductions for state officers and employees for the purpose of purchasing U.S. savings bonds. The Secretary of Administration, upon the recommendation of the Director of Accounts and Reports, will adopt rules and regulations to implement the payroll deduction plan.

The act will take effect on January 1, 1978.

Subsistence Allowances

S.B. 462 permits state officers and employees, upon written permission of the Secretary of Administration and subject to regulations adopted by the Secretary, to receive subsistence allowances while staying: (a) in Topeka; (b) in any other place where the officer or employee is continuously stationed or to which travel occurs in excess of half time for more than three months; or (c) in the domicile of the officer or employee.

STATE GOVERNMENT

(c) Organization

Advisory Council on Ecology

H.B. 2224 repeals K.S.A. 1976 Supp. 74-6101 through 74-6103 and abolishes the Advisory Council on Ecology.

American Revolution Bicentennial Commission

S.B. 385 abolishes the American Revolution Bicentennial Commission.

Commodity Commissions

S.B. 2 establishes, within the Market Division of the State Board of Agriculture, three separate commissions to recommend policy for the marketing and research of corn, grain sorghums and soybeans. To finance the programs of promotion and research of these commodities, S.B. 2 provides for the assessment of refundable levies on each bushel of corn, grain sorghums, and soybeans sold in Kansas.

Department on Aging ✓

H.B. 2173, the Kansas Act on the Aging, creates a new state agency, the Department on Aging. Pursuant to H.B. 2173, the responsibilities now assigned to the Services to the Aging Section of the Department of Social and Rehabilitation Services will be transferred to the newly created Department on Aging on July 1, 1977.

H.B. 2173 also creates the position of Secretary of Aging. The Secretary, who is to be appointed by the Governor with the consent of the Senate, will be responsible for the administration of the new department and for carrying out a number of specific functions specified in the 1977 act.

On July 1, 1977, the new Department on Aging will become the single state agency for receiving and disbursing funds made available under the Older Americans Act and other federal programs for the aging. At the same time the powers, duties,

functions, records, property and personnel of the existing Services to the Aging Section will be transferred to the new department.

The Kansas Act on the Aging also creates an 11-member Advisory Council on Aging. The members of the Council are to be appointed by the Governor and at least six of the members are to be senior citizens. The Council is to provide advocacy for the aging, review and comment on the Department's reports, prepare an annual report evaluating the level and quality of services and facilities for the aging provided by state agencies, review the comprehensive plans prepared by the Department, review the disbursement of public funds, consult with the Secretary of Aging, and serve as an advisory committee to the Governor and Department.

Historic Preservation

S.B. 130 designates the State Historical Society as the State Historic Preservation Agency and establishes a State Historic Sites Board of Review. The Agency is granted certain powers with regard to historic preservation activities and is designated as the official state agency to administer federal funds under the National Historic Preservation Act of 1966. S.B. 130 also establishes a procedure whereby the State Historic Preservation Officer may investigate and comment upon any public project which would damage or destroy certain historic properties, including the power to require a court review of the decision to continue the project.

Kansas Crippled Children's Commission

H.R. 6018 is a resolution approving Executive Reorganization Order 15 abolishing the Crippled Children's Commission and transferring its powers, duties and functions to the Secretary of Health and Environment.

E.R.O. 15 abolishes the Kansas Crippled Children's Commission and creates an Advisory Commission for Crippled Children within the Department of Health and Environment. The powers, duties and functions of the Crippled Children's Commission are transferred to the Secretary of Health and Environment. The services provided by the Crippled Children's Commission will be provided under a new combined effort of the Crippled Children and Maternal and Child Health staff of the Department of Health and Environment.

The transfer of the Kansas Crippled Children's Commission to the Department of Health and Environment was requested by the Kansas Crippled Children's Commission and the Secretary of the Department of Health and Environment. The reason for the transfer is to integrate prevention, treatment and rehabilitative services for the handicapped child. The appointed Crippled Children's Commission is to be retained as an advisory body to the Secretary of Health and Environment. The existing staff and offices of Crippled Children's Services will be retained in Wichita.

H.B. 2667 brings about statutory changes necessitated by legislative approval of Executive Reorganization Order 15 which transferred the functions of the Kansas Crippled Children's Commission to the Secretary of Health and Environment. H.B. 2667 repeals K.S.A. 1976 Supp. 74-3401 and K.S.A. 74-3402, statutes which created the Commission, and amends K.S.A. 74-3403 through 74-310 and K.S.A. 1976 Supp. 65-5a04 and K.S.A. 65-5a05 to replace statutory references to the Commission with references to the Secretary of Health and Environment.

Ports of Entry

S.B. 204 authorizes and directs the Secretary of Revenue to reorganize the Ports of Entry and gives the Secretary broad discretionary authority and powers to use in carrying out this reorganization. Weight stations, formerly under the Department of Transportation are transferred to the Department of Revenue, effective July 1, 1977. After January 1, 1978, the Ports of Entry and weight stations as they now exist are to be abolished and the Secretary of Revenue is given the authority to close, combine, or up-grade the permanent facilities of the former ports and weight stations or to utilize mobile portable facilities as he deems necessary. Employees working in reorganized and renamed Motor Carrier Inspection Stations are to be vested with the power and authority of law enforcement officers as designated by the Secretary of Revenue.

Motor carriers will no longer be required to stop and "clear" a port of entry if they are properly registered with various state agencies and have the appropriate clearance. However, failure to have proper registration or clearance under the act carries a \$250 fine, and criminal penalties are provided when a driver fails or refuses to obtain proper registration or clearance when directed by an agent of the Secretary of Revenue or a member of the highway patrol. In addition, the fine for operating without proper KCC authority is increased from \$25 to \$100. Violation of motor carrier insurance requirements still carries criminal penalties and a maximum \$500 fine.

The Secretary of Revenue, the Secretary of Transportation, the Superintendent of the Highway Patrol and the Kansas Corporation Commission are directed to cooperate in the establishment of a centralized office to act as a clearinghouse in the issuance of various motor carrier permits, clearances, and operating authorities provided for in the act. The centralized office is to be under the Secretary of Revenue; however, final authority for the issuance of the various licenses and permits will still remain with the issuing agency. In addition, the Secretary of Revenue may contract with private individuals or firms after July 1, 1978, to issue certain licenses and permits for a fee not to exceed 8 percent of total receipts and a minimum of \$25 per month and a maximum of \$1,500 per month. A bond, not to exceed \$25,000, may be required as a condition to these contracts.

Whenever any conflict between the cooperating agencies arises in the disposition of any power, function, or duty established by this Act, the Governor is directed to resolve the conflict, with his decision being final.

Transporting of vehicles used solely in the custom combining business is to be exempt only from the requirement to obtain KCC operating authority.

The following fees have been increased, created, or eliminated under this act as noted:

<u>Fee</u>	<u>Authority</u>	<u>Old Amount</u>	<u>New Amount</u>	<u>Effective Date</u>
Interstate Motor Fuel Use Permit	K.S.A. 1976 Supp. 79-34,109	\$ 3.00	\$ 5.00	7-1-77
Reciprocity Permits	K.S.A. 8-149(f)	1.00	3.00	1-1-78
LFCL Trip Permits	S.B. 204, Sec. 23	--	5.00	7-1-77
Motor Carrier Special Registrations	S.B. 204, Sec. 21	2.50	5.00	1-1-78
Port Clearance Fee	K.S.A. 55-514	.50	--	1-1-78

The net effect of these fee increases will be to generate an estimated additional \$.7 million in special funds revenue in Fiscal Year 1978, and \$1.0 million in Fiscal Year 1979 and subsequent years.

Public Television Board

Sub. S.B. 205 creates the Kansas Public Television Board which will consist of three members: The Secretary of Administration, the Executive Officer of the State Board of Regents, and the Commissioner of Education. The Board is authorized to administer all funds, public and private, available for public television and to enter into whatever contracts are necessary to administer the act.

The Board may grant, to the extent funds are available, moneys for the purpose of planning the activation of public television channels and broadcasting facilities; assisting in annual operating costs of public television stations; and providing station interconnection facilities and services.

The bill also abolishes the existing Public Television Commission and the position of executive secretary of the commission.

State Board of Embalming - License Requirements

H.B. 2162 amends K.S.A. 65-1701 and 65-1701a to permit applicants for a license to practice embalming to become eligible for examination by either: (a) completing 60 semester hours of college or university courses and graduating from a 12-month course in mortuary science; or (b) graduating from a junior college, college, or university with an AA degree in mortuary science.

Under the previous statute, an applicant could become eligible for examination only by completing 60 semester hours and graduating from a nine-month course in mortuary science.

State Economic Opportunity Office

H.B. 2592 amends K.S.A. 1976 Supp. 74-6901, 74-6902 and 74-6904 and establishes a State Economic Opportunity Office within the Department of Social and Rehabilitation Services. The Director of Economic Opportunity is to be appointed by the Secretary of Social and Rehabilitation Services. The Director is to

be in the classified service of the Kansas Civil Service Act and is to receive an annual salary fixed by the Secretary with the approval of the Governor. The person who was employed as Director immediately prior to the effective date of H.B. 2592 is to continue as Director, is to obtain permanent status in the classified position of Director without examination and without a probationary period, and is to retain all retirement benefits.

H.B. 2592 authorizes the transfer of officers and employees from the Economic Opportunity Office in the Office of the Governor to the State Office of Economic Opportunity in the Department of Social and Rehabilitation Services. The authority to determine which officers and employees will be so transferred is given to the Director of Economic Opportunity.

The Secretary of Social and Rehabilitation Services is to appoint other personnel as he or she deems necessary. Such personnel are to be in the classified service of the Kansas Civil Service Act. Personnel employed immediately prior to the effective date of H.B. 2592 who are continued in employment shall obtain permanent status in their classified position without examination and without a probationary period.

State Library

H.B. 2579 amends K.S.A. 46-1214 and K.S.A. 1976 Supp. 46-152, 46-1212, 46-1213 and 75-2537 relating to the State Library. H.B. 2579 abolishes the Legislative Reference Library and the position of Director of Legislative Reference. Under the provisions of H.B. 2579, the State Librarian assumes the responsibilities for providing informational services to the legislative branch.

Youth Center at Atchison

H.B. 2593 ceases the operation of the Youth Center at Atchison as a separate state institution. The Youth Center at Atchison will, instead, be operated as a part of the Youth Center at Topeka. The institution will continue to be referred to as the Youth Center at Atchison.

STATE GOVERNMENT

(d) Other

Administrative Rules and Regulations

S.B. 470 amends various statutes relating to administrative rules and regulations of state agencies and legislative review thereof. The major provisions of the bill are as follows:

1. A Joint Committee on Administrative Rules and Regulations is established. The Committee, which will consist of five Senators and seven Representatives, will review all rules and regulations filed with the Revisor of Statutes and may introduce such legislation as it deems necessary.

2. At any time prior to adjournment sine die, the Legislature may: (a) adopt a concurrent resolution modifying or rejecting any proposed permanent rule and regulation; or (b) enact a bill to amend or revoke any existing permanent or temporary rule and regulation. (Rules and regulations formerly called "emergency" have been redesignated as "temporary regulations.")

3. The deadline for filing permanent rules and regulations is changed from October 1 to December 31; the effective date of such rules and regulations is changed from February 15 to May 1 of the year following the filing date. No rules and regulations may be filed after December 31 or prior to May 1 in any year.

A temporary rule and regulation filed after October 1, 1976, and on or before December 31, 1977, will not be effective after April 30, 1978. A temporary rule and regulation filed during 1978 and any year thereafter will not be effective after April 30 of the year following the year in which it is filed.

4. No state agency can adopt any rule and regulation which is identical to or substantially identical to a rule and regulation previously rejected or revoked by the Legislature, within one year after such rejection or revocation.

5. The State Rules and Regulations Board will now consist of the Attorney General, the Secretary of State, and the chairperson of the Joint Committee on Administrative Rules and Regulations. The Revisor of Statutes, formerly a member of the Board, will serve as secretary to the Board.

6. Proposed rules and regulations will be submitted to the Secretary of Administration for approval as to organization, style, orthography, and grammar.

7. If a public hearing was held prior to the adoption of a rule and regulation, the state agency filing the rule and regulation must include, as a part of the financial or fiscal impact statement, a statement specifying the time and place at which the hearing was held and the attendance at the hearing.

8. The bill also makes necessary technical and conforming amendments.

Engineering Contracts for State Agencies

H.B. 2172 establishes a negotiating procedure for the procurement of engineering services by state agencies. Each agency head is authorized to prepare a list of qualified firms to provide engineering services; to conduct negotiations with not less than three firms; and to select from among the firms, on a rotational basis, the firm to provide the engineering services.

A negotiating committee would be convened to secure a contract for engineering services: (1) whenever it became necessary in the judgment of the head of the agency for which a project is proposed, or (2) in any case where the total cost of the proposed project is expected to exceed \$100,000. The negotiating committee would be composed of the head of the state agency for which the project is proposed, or a person designated by the agency head; the Secretary of Administration, or a person designated by the Secretary; and the chief administrative officer of the state institution for which the project is proposed, or other person designated by the agency head if the project is not planned for a state institution.

The agency head would prepare a list of at least three and not more than five of the most highly qualified engineering firms and submit the list to the negotiating committee. The negotiating committee would conduct discussions with each of the firms on the list and then select one firm to provide the necessary engineering services. The negotiating committee would then negotiate a contract with the selected firm. Provision is made for further negotiation with other firms on the list if a satisfactory contract with the selected firm cannot be reached.

Kansas Commission on Civil Rights

S.B. 369 amends the Kansas Act Against Discrimination to exempt from the reporting requirements of K.S.A. 44-1030 contractors who (1) employ four or fewer employees or (2) have contracts with a governmental entity totaling \$5,000 or less during the fiscal year of the entity. The Commission on Civil Rights could still require reports from contractors found not in compliance with the Act. Contractors are required to inform the Commission of their recruiting methods only upon its request.

The bill also prohibits a contractor from discriminating on the basis of a physical handicap unrelated to a person's ability to engage in a particular work.

Kansas Energy Office

H.B. 2582 amends K.S.A. 1976 Supp. 74-6807, a section of the statutes concerning the Kansas Energy Office. The bill permits the Director of the Energy Office to adopt, amend or revoke any rules and regulations promulgated by the agency for the purpose of establishing a system of priorities for allocation of energy resources in an emergency situation. It also specifies a penalty for intentional violation of any rule or regulation adopted under the statute which authorizes an energy emergency.

Legislative Division of Post Audit - Access to Agency Records

S.B. 33 amends K.S.A. 1976 Supp. 46-1106 to authorize Legislative Division of Post Audit access to all books, records, and files, confidential or otherwise, of state agencies. Division staff members will be subject to the same duty of confidentiality and the same civil and criminal sanctions imposed upon state agencies with respect to such books, records, and files. However, the Legislative Post Auditor is empowered to release such confidential information to the Attorney General in the case of any apparent violation of penal statutes or instances of misfeasance or nonfeasance pursuant to K.S.A. 1976 Supp. 46-1106(d). The Attorney General is empowered to institute legal proceedings based upon the transmitted confidential information. The bill specifies that these provisions should not be construed to supersede applicable provisions of federal law.

S.B. 33 also amends K.S.A. 39-713b to make confidential client files of the Department of Social and Rehabilitation Services available to the Legislative Post Auditor. Several Department of Revenue statutes are also amended to allow certain Department of Revenue records to be made available to the Legislative Post Auditor.

Manufacture of Corporation Commission Identification Tags

S.B. 60 allows the State Corporation Commission to have its KCC Identification Tags manufactured in the same manner as the Department of Revenue contracts for the manufacture of motor vehicle number plates. This legislation requires that the Corporation Commission contract for such manufacture through the Secretary of Revenue.

Printing of Legislative Bills

H.B. 2602 deletes the requirement that 350 sets of bound unauthenticated copies of enrolled bills and resolutions be printed following each Legislative Session. In the past, these sets had been distributed to members of the Legislature, various state agencies, and each county clerk. The bill also makes other changes in the procedure for printing legislative bills and resolutions.

Private Detectives - License Renewal

H.B. 2191 amends K.S.A. 1976 Supp. 75-7b07 which concerns renewal of private detective's licenses. Under the bill, a license renewal application will be required to contain only information which has changed since the original application was filed, although a new photograph will be required every three years. In addition, the requirement that five citizens sign the application would be waived under certain conditions.

Real Estate Commission - Appeals and Trust Accounts

H.B. 2248 authorizes a District Court to order a stay of any ruling or order of the Kansas Real Estate Commission pending resolution of the respondent's appeal in a license revocation or

suspension proceeding. The stay could be ordered only on the condition that the respondent has filed a bond in an amount set by the Court which would be payable for the use and benefit of members of the public who may sustain pecuniary loss because of the licensee's action.

This bill also authorizes the Commission to petition the appropriate District Court to enjoin further activity of a real estate broker where trust accounts are suspected to be in jeopardy because the broker has acted in violation of statutory requirements.

Real Estate Commission - License Fees

H.B. 2244 amends K.S.A. 58-3014, relating to real estate brokers and salesmen, to: (a) establish a grace period for license renewal; and (b) require that late renewals pay an additional \$50 fee. This bill allows licensees to renew their licenses until June 30 of the year following the license expiration date, provided that the renewal fee and an additional late fee of \$50 is paid.

Sale of Park Permits

H.B. 2576 authorizes the Director of the State Park and Resources Authority to employ park managers or rangers needed to maintain order within the state parks. The bill also authorizes the sale of park permits by city and county clerks or persons appointed by them to sell permits to the public. A penalty is imposed for anyone using a state park who fails to purchase a park permit.

The Park and Resources Authority has discontinued the rangerette program. H.B. 2576 provides another means whereby the public can purchase park permits.

State Capitol Murals

H.B. 2509 reconstitutes the State Capitol Murals Committee consisting of the Governor, the President of the Kansas Arts Commission, the Secretary of the State Historical Society, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate and the Minority Leader of the House of Representatives. Any of the members of the Committee may appoint a person to serve in lieu of the member. The Governor or his designee serves as chairperson of the Committee.

The Committee is to meet on call of the chairperson and is to select an artist to recreate and execute interpretations of mural sketches by John Steuart Curry.

The bill appropriates \$40,000 as a supplemental from the State General Fund for Fiscal Year 1977, with a provision for reappropriation to Fiscal Year 1978.

State Office Building Operating Funds

S.B. 487 amends K.S.A. 75-3615 and repeals K.S.A. 1976 Supp. 75-3615(a), relating to the State Office Building Operating Fund. The bill requires all revenue derived from the operation of buildings covered by the statute to be deposited monthly to the State Treasurer and credited to the State Office Building Operating Fund. Moneys from this fund are to be used to pay the cost of furnishing, equipping, operating, and maintaining such buildings, as well as other purposes that may be prescribed or required by the Legislature. Previous statutes limited the use of revenue to operation of the State Office Building and to the repayment of bonded indebtedness.

TAXATION

Amendments to 1976 Solar Tax Credit Law

S.B. 14 clarifies certain provisions in the solar tax rebate law passed in 1976. The bill specifies that: (1) both the income tax credit and increased amortization provisions are to apply to taxpayers who installed a solar energy system upon real property used in a trade or business; and (2) if the business containing the solar energy system is sold during the 60-month accelerated amortization period, that portion of the amortization not utilized by the original owner can be transferred to the purchaser.

The bill also specifically defines two types of solar energy systems eligible for a tax credit under the act: (1) solar systems and (2) wind systems. This amendment limits the application of the credit and amortization provisions to only those systems converting solar energy into heat, electrical or mechanical energy and transferring that energy to the point of use or to storage.

Homestead Property Tax Relief

S.B. 336 authorizes acceptance of claims filed after the deadline in cases of sickness, absence or disability of the claimant.

Income Tax

S.B. 494 makes major amendments to the Kansas individual income tax by: (1) freezing the standard deduction to the provisions in the federal code effective on December 31, 1976; (2) keeping itemized deductions in conformity with the code (with an adjustment to compensate for the federal "zero rate bracket" concept if the federal government adopts it); (3) increasing the personal exemption to \$750; (4) eliminating the optional tax tables; (5) adding three additional tax brackets with higher tax rates that would increase the tax rate on single returns from 6½ percent to 7½ percent for taxable incomes between \$10,000 and \$20,000, to 8½ percent for taxable incomes between \$20,000 and \$25,000, and to 9 percent for taxable incomes above \$25,000 (the brackets on joint returns would be twice these amounts); (6) providing an additional personal exemption for persons qualifying as heads of households; and (7) providing for either a fixed or variable withholding rate at the discretion of the Secretary of Revenue to insure proper withholding consistent with the taxpayer's expected liability.

The provisions of S.B. 494 will reduce estimated tax receipts by approximately \$2.2 million in FY 1978, \$1.6 million in FY 1979, and \$.5 million in FY 1980. In subsequent years this bill is estimated to generate greater revenues than under the current law due to the higher rates in the additional brackets and the effect of income inflation.

Income Tax - Interest Penalty

S.B. 335 creates a separate 6 percent interest penalty for failure to comply with estimated tax requirements. The penalty is not imposed if the declaration and payment is at least 80 percent (formerly 70 percent) of the current year's tax liability.

Inheritance Tax

H.B. 2643 defines "step-child" and makes step-children Class A heirs under the state inheritance tax.

Liquor Taxes

H.B. 2396 as amended by H.B. 2670 will increase liquor gallonage and cereal malt beverage taxes as follows:

	<u>Former Tax Rate</u>	<u>New Tax Rate</u>
Alcohol and Spirits	\$1.50/gallon	\$2.50/gallon
Beer over 3.2%	.15/gallon	.18/gallon
Light Wine	.20/gallon	.30/gallon
Strong Wine	.50/gallon	.75/gallon
Beer under 3.2%	.15/gallon	.15/gallon

These tax rate increases are expected to generate an estimated \$4.8 million; \$4 million to offset the revenue loss in S.B. 49 from exempting drugs and medical devices from the sales tax, and some \$800,000 (1/10 of tax on alcohol and spirits) to finance a newly created community alcoholism and intoxication program fund. In addition, an inventory tax equal to the difference between the old and new tax rates is levied on all inventories on hand on the effective date of the act.

Local Tax Authority

S.B. 327 revises the procedures under which cities may exercise their constitutional home rule authority to levy taxes for revenue purposes by clarifying the responsibility for the conduct of elections under the act, specifying that the first of three required election notice publications must be made at least 21 days prior to the election, and permitting 10 percent of the electors voting at the last preceding regular city election to file a petition requiring the governing body to submit to referendum a proposition to levy a tax or other revenue measure. Also, the governing body may submit a tax levying ordinance to a referendum without a petition.

S.B. 327 also provides parallel procedures to govern the exercise of statutory home rule taxing authority by counties, including the requirement of a two-thirds vote of the governing body, but allowing 5 percent of the qualified electors to petition for a vote. In addition to a provision under which 10 percent of the qualified electors could initiate a county tax referendum, the governing bodies of one or more cities containing 25 percent of the population of the county also could do so.

(Note: S.B. 27 was vetoed, with the result that cities, under home rule authority, may levy sales taxes, with state collection if the rate is 0.5 percent and the base is the same as the state tax. County authority to levy sales taxes of either 0.5 percent or 1 percent, subject to a mandatory election, continues in effect under the 1976 law.)

Property Tax

S.B. 304 amends K.S.A. 1976 Supp. 79-201c, Third, to exempt from property taxation all lands used exclusively as graveyards and thus makes the statutory language agree with a Supreme Court decision invalidating an attempted revision to limit the exemption to individually owned cemetery lots.

S.B. 384 (as amended by S.B. 480): (1) cancels any tax owed by a taxpayer on oil or gas royalty interests having a tax situs in the same taxing district if the total amount owed is less than two dollars; and (2) authorizes, if consented to, assessment to the owner of the entire valuation of a gas lease where the gas is being delivered into interstate commerce.

S.B. 450 reduces the state institutional building fund levy from one-half mill to 4/10 of one mill for 1977 only, and levies a tax of 1/10 of one mill for 1977 only for a new correctional institutions building fund.

H.B. 2456 exempts from ad valorem property taxation real and personal property owned by groundwater management districts.

H.B. 2615 requires the Director of Property Valuation to devise or prescribe guides showing fair market value of personal property. If the Director prescribes a standard industry guide, he must furnish each county with one copy of such guide. The Director is given discretion as to the number of copies of guides prepared by his office which will be provided.

Property Tax Exemptions

H.B. 2292 will liberalize a property tax exemption statute for adult care homes, private children's homes, and certain housing for the elderly operated by non-profit corporations to allow such homes to qualify for a property tax exemption if their charges to residents reflect either "below cost" pricing or charges based upon the lowest feasible cost, taking into account reasonable interest on indebtedness and depreciation.

The law formerly provided the exemption only to homes which have "below cost" pricing. The "lowest feasible cost" criteria is similar to federal guidelines used to determine eligibility for non-profit status for federal income tax purposes.

Property Tax Lid

H.B. 2228 exempts community junior college districts from the property tax lid, thus permitting such districts to levy an amount to fund their operating budgets based upon budget limitations in K.S.A. 1976 Supp. 71-607 et seq.

H.B. 2563 increases the amount that may be levied outside the tax lid for mental health and mental retardation activities established under K.S.A. 19-4004 and 19-4011 from .5 mill to .75 mill.

Enactments granting additional exemptions from the tax lid aggregate levy limitations applicable to counties and cities were:

<u>Bill</u>	<u>Levy Limit</u>	<u>Purpose</u>
S.B. 380 ^(a)	.4 mill	Maintenance and operation of Sedgwick County Coliseum (limit, two years)
S.B. 391	None	Payment of employment security costs under K.S.A. 1976 Supp. 79-710 and P.L. 94-566
S.B. 486 ^(a)	2 mills	Law enforcement, ambulance, and fire fighting equipment for certain cities
H.B. 2042	None	Payment of judgments against officers and employees and payment of defense costs in actions against officers and employees
H.B. 2222 ^(b)	None	Additional tax levies for operation of certain county hospitals provided for under K.S.A. 1976 Supp. 19-1809
H.B. 2368 ^(a)	2 mills	Ambulance equipment for Ellis County
H.B. 2455 ^(a)	1 mill	Golf course operation in Stanton County

- a) Subject to protest petition.
b) Voter approval mandatory.

Sales Tax

S.B. 49 makes major changes to the state sales tax by: (1) rewriting K.S.A. 1976 Supp. 79-3603(p) into two new sections which separate those provisions relating to the application of the tax on installation or application of tangible personal property in connection with construction of buildings (real property) from those provisions relating to the application of the tax on repair, servicing, alteration, or maintenance of tangible personal property; (2) providing that no tax shall apply on services rendered in installing or applying tangible personal property in connection with the original construction of a building, facility or highway, with facility (replaces the term "structure" in the current law) being defined in detail; (3) including in the definition of "original construction" the restoration, reconstruction or replacement of

highways and bridges and of a building or facility damaged or destroyed by fire, flood, storms, or explosion; (4) including under 79-3603(q) a tax on the service of repairing, servicing, altering, or maintaining tangible personal property that has been and is fastened to, connected with or built into real property; (5) amending K.S.A. 1976 Supp. 79-3606(g) to exempt sales of services employed in the remanufacture, modification, and repair of aircraft for use in interstate or foreign commerce or outside the United States; (6) amending the audit document requirements on sales tax exempt purchase for contractors erecting public buildings; (7) exempting purchases of groundwater management districts from the sales tax; and (8) exempting sales of drugs, insulin, and prosthetic and orthopedic appliances from the sales tax.

Enactment of S.B. 49 restored the sales tax on certain labor services which had been declared unconstitutional by the Supreme Court on March 5, 1977, thereby preserving roughly \$19.0 million in annual sales tax receipts. The elimination of drugs and medical devices reduces annual revenue an estimated \$4.1 million, while increasing liquor gallonage and cereal malt beverage taxes in H.B. 2396 raises approximately the same amount.

Transient Guest Tax

S.B. 37 authorizes the governing body of any county or city to impose a tax of up to 2 percent of gross receipts from the rental of rooms in hotels, motels or tourist courts, to provide funds for promotion of tourism and conventions. (Previous authority was limited to one county or cities therein.)

TRANSPORTATION

(a) Motor Vehicles

Driver's License Classifications

S.B. 153 makes a technical change to clarify the classification of a Class C motor vehicle. This bill also allows any person employed as an automotive mechanic who possesses a Class C driver's license to test drive any Class A or Class B motor vehicle on the highways of the state to determine its proper performance.

Driver's License Examinations

H.B. 2307 amends K.S.A. 8-241 to require a person to submit to a driver's license examination upon such person's conviction of a traffic violation relative to a motor vehicle accident instead of such person's arrest for a traffic violation in connection with a motor vehicle accident.

Dump Trucks - Exception From Motor Carrier Statutory Provisions

H.B. 2604 clarifies situations under which dump trucks are exempt from the statutory provisions relative to motor carriers. H.B. 2604 specifically excludes, from the classification as motor carriers, dump trucks transporting calcium chloride and concrete to construction sites for highway maintenance or for construction projects.

Emergency Vehicles

S.B. 181 amends present law to allow drivers of authorized emergency vehicles, responding to emergency calls, to cautiously proceed through toll booths on roads or bridges after slowing down and picking up or delivering toll cards.

Fleet Utility Trailers

S.B. 407 authorizes a five-year registration for fleet utility trailers. A fleet utility trailer is defined as any trailer of a rental fleet of 250 or more trailers, each of which is registered for an empty weight of 2,000 pounds or less and a gross weight of not more than 8,000 pounds. Such utility trailers can be registered for a five-year period with the fee to be paid annually. The registration of utility trailers would be accompanied by a fee apportioned according to the proportion of trailers operated in the state to the total trailers operated in the fleet. If, in any year subsequent to the first year of a registration period, the number of trailers operated within the state increases, the Division of Vehicles will require the owner to register such additional trailers for the remainder of the registration period.

Marking of Certain Vehicles

H.B. 2052 amends present law to remove the requirement that the owner's name and address and the gross weight of the truck be painted on a truck with a gross weight of less than 12,000 pounds. This information, painted on the truck, will continue to be required for those trucks in gross weight classifications of more than 12,000 pounds.

Movement of Equipment on Highways

H.B. 2274 amends K.S.A. 1976 Supp. 8-128 to allow self-propelled cranes and earthmoving equipment, equipped with pneumatic tires, to travel state-maintained roads and highways on Saturdays and certain of the less observed legal holidays. Such equipment will continue to be prohibited from traveling on state roads and highways on Sundays and major legal holidays.

Non-Transparent Windows

H.B. 2357 prohibits the operation of motor vehicles registered in Kansas which are equipped, on the windshield, side wings or side windows on either side forward of the operator's seat, with one-way glass or other covering material which substantially impairs the ability to see into the vehicle. This bill also prohibits such reflective or non-transparent material on head lamps of motor vehicles registered and operated on highways in Kansas.

Perfection of Vehicle Security Interests

S.B. 382 amends current law relating to the perfection of vehicle security interests by the Department of Revenue to provide that a dealer or secured party may, within five days of its execution, mail or deliver a notice of security interest, together with a fee of \$1.50 (previously \$1.00) to the Department of Revenue. The notice of security interest would then be retained by the Division of Vehicles until such time as it receives an application for a certificate of title to the vehicle described on the notice. This notice will be used for the purpose of insuring that any security interest in a vehicle appears on the certificate of title issued for the vehicle.

Personalized License Plates

H.B. 2062 allows owners of motorcycles, and trucks in the weight category under 16,000 pounds, to purchase personalized number plates. Motorcycles would be issued plates which contained not more than five letters or numbers, or a combination thereof; trucks or passenger vehicles would be issued plates which contained not more than seven letters or numbers, or a combination thereof. H.B. 2062 also allows the transfer of personalized plates from one vehicle to another when both vehicles have the same owner.

Registration of Motor Vehicles, Motorized Bicycles and Trailers

H.B. 2095 makes various amendments to the present statutes relative to the registration of motor vehicles and trailers by:

1. Amending the definition of motorized bicycle;
2. Exempting motorized bicycles from motor vehicle liability insurance requirements;
3. Requiring visual examinations for the license to drive motorized bicycles;
4. Exempting motorized bicycle dealers from registering as motor vehicle dealers; and
5. Making certain technical clean-up changes.

The bill also provides that the term "gross weight," as used in determining weight registration categories for vehicles of less than 12,000 pounds, not include the weight of a travel trailer being used for personal recreational purposes. In addition, H.B. 2095 exempts non self-propelled vehicles, used for the transportation of hay or forage, from registration as a trailer.

Restricted Driver's Licenses

S.B. 129 amends K.S.A. 8-237 by clarifying the provisions relative to the operation of motor vehicles by drivers with restricted driver's licenses. In addition to previous provisions, S.B. 129 specifically allows the operation of a motor vehicle by a driver with a restricted license when the driver is going to or from any farm-related work.

Surrender of Driver's License and Blood
Alcohol Tests

S.B. 76 allows a person who is halted for violation of traffic laws to surrender his valid driver's license in lieu of a cash bond. If cash bond is given, S.B. 76 also allows the surrender of a bank card draft from any valid credit card approved by the Division of Vehicles.

The bill also amends present Kansas statutes relative to chemical tests to determine blood alcohol. These statutes are amended to exempt from civil or criminal liability any person causing the taking of or taking blood for such blood alcohol test when such tests are performed in a competent manner by qualified individuals.

TRANSPORTATION

(b) Roads and Highways

Cost of Interstate Bridge Construction

H.B. 2177 permits the state to pay the actual cost of that portion of a bridge located within state boundaries when such structure crosses the state boundary. H.B. 2177 amends K.S.A. 1976 Supp. 68-1611 which allowed the state to assume only one-half of the cost of a bridge crossing the state's boundary.

MISCELLANEOUS

Bingo

H.B. 2045 amends and supplements the existing laws under which games of bingo may be lawfully conducted.

Following an interim study of the licensing, administration, regulation and operation of bingo in Kansas, the 1977 Legislature enacted H.B. 2045 which amends and supplements the existing laws under which games of bingo may be lawfully conducted.

H.B. 2045 clarifies a criminal code statute to make it clear that games of bingo conducted pursuant to state law do not constitute a "bet" or "consideration" under the gambling laws of the

state and creates a new crime, illegal bingo operation. Illegal bingo operation is a Class A misdemeanor. In addition, the bill amplifies the definitions of the types of nonprofit organizations which are eligible to be licensed to conduct bingo, setting clear guidelines for the Secretary of Revenue to follow in determining whether an organization qualifies under the law.

H.B. 2045 places a prohibition on the granting of a license to conduct bingo to an organization whose officers or directors have been convicted of or have pleaded guilty or nolo contendere to a gambling law violation and requires that a written lease be submitted with a license application if the proposed licensee intends to conduct bingo on leased premises. The new provisions also restrict rental payments to a fair and reasonable value, which rent may not be more than 50 percent of the net proceeds from a session of bingo after the payment of prizes and taxes unless the Secretary finds that such restriction should be waived. Under the provisions of H.B. 2045, no organization will be eligible for a license to operate bingo unless it has been in existence continuously in Kansas for a period of 18 months.

H.B. 2045 changes the present law to allow the spouse of a member of an organization licensed to conduct bingo or an auxiliary member to participate in the operation of bingo, to prohibit the owner or lessor of premises leased for bingo or his employees from playing bingo or participating in conducting bingo on the leased premises, to prohibit persons convicted of illegal gambling from participating in the management and operation of bingo, to lower the aggregate value of prizes which may be offered in a single day by a licensee from \$1,750 to \$1,200, to prohibit more than one licensee from conducting bingo games at a licensed location in one day, to place restrictions on advertising bingo, and to prohibit certain activities by lessors of premises leased for bingo.

H.B. 2045 also raises the gross receipts tax on bingo from 2 to 3 percent, with proceeds from the additional one-percent rate to be deposited in the state general fund. Revenues from the two-percent rate will continue to be returned to the counties and cities in which licensed bingo premises are located. New provisions of H.B. 2045 authorize the Secretary of Revenue to assess penalties for late payment or failure to pay the gross receipts tax.

Gas Stoves - Vents

S.B. 82 requires that gas stoves in any public building be properly connected with a chimney or other outlet. Violation of this provision is a Class C misdemeanor.

Hunting and Fishing on Private Lands

H.C.R. 5027 requests cooperation and communication between the Forestry, Fish and Game Commission, the hunting and fishing populace and owners and occupants of private lands in the state. The purpose of this cooperation and communication is to promote and maintain a sense of trust and understanding with respect to the rights, duties, and privileges of each group as regards hunting and fishing on private lands.

The Forestry, Fish and Game Commission is directed to disseminate the resolution throughout the state and publish it in the Commission's magazine and newsletter.

Kansas Boiler Safety Act

S.B. 7 enacts the "Kansas Boiler Safety Act."

The major provisions of the bill are as follows:

1. The Secretary of Human Resources is directed to establish a state program of steam boiler inspections and to adopt rules and regulations for the safe construction, installation, inspection, maintenance, and repair of steam boilers in the state.

2. The Secretary is required to appoint a Chief Inspector to administer the Boiler Safety Act. Specific occupational and professional requirements are established for the position of Chief Inspector, who will be in the unclassified civil service. Deputy inspectors are also authorized by the bill.

3. Special inspectors, employed by insurance companies licensed to operate in the state or approved by the Kansas Antique Engine Show Safety Association, could also be used to inspect boilers. Boilers inspected by special inspectors would be exempt from state inspection.

4. All steam boilers in the state (excluding certain boilers such as antique or fire engine boilers, refinery boilers, railway boilers, boilers used for oil and gas production, farm boilers, and

private residence heating boilers) will be required to undergo an annual inspection, conducted either by a state inspector or by a special inspector. A state inspection certificate will be issued for those boilers which meet the standards established by the Secretary of Human Resources.

5. After July 1, 1978, it will be unlawful for any person to operate a steam boiler in Kansas without a valid inspection certificate. Violation of the act constitutes a Class C misdemeanor.

6. Certificate inspection fees for boilers inspected by state inspectors range from \$12-\$45. Other inspections, including shop inspections or special inspections, made by state inspectors will be charged at the rate of \$75 for four hours. A certificate fee of \$5 will also be required for the issuance of a valid inspection certificate.

7. No city, county, or other political subdivision is permitted to pass any laws, ordinances, or resolutions establishing standards for the construction, installation, inspection, maintenance, or repair of steam boilers.

8. The mandatory insurance requirement of K.S.A. 1976 Supp. 44-912 is repealed.

Kansas Open Meetings Act

S.B. 5 amends the Kansas Open Meetings Act in the following manner:

1. A new section is included to define the term "meeting" as any prearranged gathering or assembly by a majority of a quorum of the membership of a body or agency subject to the Act for the purpose of discussing the business or affairs of the body or agency.

2. K.S.A. 1976 Supp. 75-4318 is amended to declare that exceptions to the open meetings requirements could be established only by state or federal law or rules of the Kansas House or Senate, including impeachment inquiries. However, administrative bodies exercising quasi-judicial functions will not be required to hold open meetings when deliberating matters relating to such quasi-judicial function.

3. The notice provision is expanded to include both regular and special meetings. It will be the duty of the presiding officer, or the person who called the meeting, to furnish the required notice

of date, time, and place of the meeting to any person requesting the information. K.S.A. 1976 Supp. 75-4318 is also amended to permit the use of photographic lights, in addition to cameras and recording devices, in all public meetings, subject to reasonable rules.

4. K.S.A. 1976 Supp. 75-4319 is amended to require any motion to recess to an executive meeting to include a statement of: (1) the justification for closing the meeting, (2) the subjects to be discussed during the executive meeting, and (3) the time and place at which the open meeting will resume. The motion to recess, including the required statement, would have to be recorded in the minutes of the meeting and be maintained as a part of the permanent records of the body. Discussion during the executive meeting would be limited to those subjects stated in the motion.

5. No subject could be discussed at any closed or executive recess except for the following:

- a. personnel matters of non-elected personnel;
- b. consultation with the attorney for the body or agency that would be deemed privileged in the attorney-client relationship;
- c. employer-employee negotiations;
- d. confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and proprietorships;
- e. matters relating to actions adversely or favorably affecting a person as a student, patient, or resident of a public institution, except that any such person shall have the right to a public hearing if he or she so requests; and
- f. preliminary discussions relating to the acquisition of real property.

6. Any person who knowingly violates the Act would be liable for the payment of a civil penalty in a sum set by the Court of not more than \$500 for each violation. Any binding action taken at a meeting not in substantial compliance with the Act would be voidable in an action brought by the Attorney General or county or district attorney within ten days by the District Court. Civil penalties recovered by the Attorney General would be paid into the state general fund; civil penalties recovered by a county or district attorney would be paid into the county general fund.

Private Club Law - Amendments

S.B. 414 amends two statutes relating to the regulation of private clubs to:

1. Permit, upon the death, insolvency, or bankruptcy of a Class B club licensee, an executor, administrator, or trustee to operate the club under Court order until the expiration of the license, but in no case longer than one year after the death, insolvency, or bankruptcy of the licensee; and
2. Insert a new reference to the Internal Revenue Code, Section 501(c) (19), which refers to veterans' organizations. This change is to conform the statute with recent modifications in the Code which established a new section dealing with veterans' organizations.

Public Assistance Recipients, Reporting

H.B. 2589 amends K.S.A. 39-7196 to require recipients of public assistance to report any change in their circumstances which would affect their eligibility to receive assistance or the amount of such assistance they receive. The statute previously placed a duty on such recipients to report only changes in income or property.

Unlawful Hunting on Private Lands

H.B. 2213 imposes additional penalties for persons convicted of unlawfully hunting (which includes fishing) upon another person's property without permission. In addition to any sentence and fine imposed under the present statute, the Court would have discretion to require forfeiture of the convicted person's license. After the first conviction, the Court would be required to take the person's license. The additional penalty will also apply to anyone convicted of hunting on posted land without the owner's permission.

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- 168 FY 78 Legislative Departments
- 175 FY 78 General Government Agencies
- 208 FY 77 Supplementals for various state departments and institutions
- 311 FY 78, 79 and 80 Capital improvements at various educational institutions
- 321 FY 78 Educational agencies, except higher education
- 322 FY 78 Institutions of higher education
- 323 FY 78 Agricultural and Natural Resource Agencies

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- 2249 FY 77 Emergency supplementals for Insurance Department and various state institutions
- 2251 FY 78 Various state regulatory agencies
- 2329 FY 77 Supplementals for various state departments, regulatory agencies and institutions
- 2509 FY 77 State Capitol Murals Committee
- 2521 FY 78 Adjutant General, Penal Institutions and other agencies
- 2539 FY 78 Department of Administration, Finance Council, and recreational/historical agencies
- 2552 FY 78 Department of Transportation and Highway Patrol
- 2553 FY 78 Public health and welfare agencies
- 2554 FY 78 State hospitals and related institutions
- 2625 FY 78 Emergency medical services communications system (Department of Health and Environment)
- 2642 FY 78 Grants to counties for financing of courts
- 2658 FY 78 Salaries of state officers and employees
- 2661 FY 77 and 78 Omnibus bill

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