

Approved \_\_\_\_\_

Date

2-25-85  
sh

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at \_\_\_\_\_  
Chairperson

1:30 a/m./p.m. on February 18, 1985 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Research  
Bill Wolff, Research  
Norman Furse, Revisor  
Sue Hill, Secy. to Committee

Conferees appearing before the committee:

Barbara Sabol, Secy. of Department of Health and Environment.

Visitor's register, (see Attachment No. 1.)

Chairman called meeting to order and recognized Secy. Sabol, who presented members with hand-out, (Attachment No. 2.), briefing on Kansas Credentialing program, and (Attachment No. 2-A), is in form of a bill request for providing for licensure of occupational therapists and occupational therapy assistants by the State Board of Healing Arts. She spoke to this request, giving background of the study conducted by Statewide Health Coordinating Council in 1978. She also mentioned that there will be a further bill request at a later date that will include respiratory therapists. Bill request this date if enacted would be known as the Occupational Therapy Practice Act. She gave briefing on what other states have done in regard to this type of credentialing process, surveys done, etc.

The technical committee, the Statewide Health Coordinating Council, and Department of Health and Environment all recommend the occupational therapists be licensed on two levels, as occupational therapists, and occupational therapists assistants, and this is the request today.

Following Secretary Sabol's comments, Rep. Buehler moved that this request be honored, and the bill be introduced. Rep. Harder seconded, and motion carried.

Briefings on HB 2185

Chair recognized Emalene Correll from research, and she gave a comprehensive briefing on HB 2185. This bill changes the system for providing screening of infants for, hypothyroidism, galactosemia, and phenylketonuria. Currently this screening can be done by either state laboratories, or private laboratories, but the bill would change this to having all screening tests done by Dept. of Health and Environment in state labs, and done at no charge to the consumer. Private labs, or county labs could no longer do this testing. In paragraph (d), it speaks to some necessary treatment, which is diet related to specific cases.

Briefing on HB 2208

Norman Furse, revisor gave briefing on this bill, saying basically it prohibits any person from requiring a person to accept medical treatment, or transportation to a medical facility for treatment, if said person objects to treatment or transportation "in writing", because of religious grounds. The balance of the bill is definitions, etc., and does not affect the substance of the bill. Line 26 indicates language, "in writing".

HB 2018, Sub-committee report.

Chair recognized chairman of sub-committee on HB 2018 Rep. O'Neal, and he gave an in-depth overview of their findings. (Attachment No. 3, 3-A, and 4.) give details. Attachment No. 4, indicates the change in language to insert on line 433, "in determining whether a mentally handicapped person is qualified or competent, the employer

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S, Statehouse, at 1:30 /a.m./p.m. on February 18, 1985

Sub-committee report on HB 2018 continues:

may consider, in addition to any other factors relating to qualifications and competency, the behavioral manifestations of the handicapping condition." Rep. O'Neal indicated further line changes, line 125, and these changes speak to the rentals, and real estate contracts these handicapped persons may choose to go into. The record, or history of mental illness is addressed, and he spoke of additional in-put from conferees in the designing of changes made in the new balloon. He stated they are looking to the bill from the standpoint of how it could be enforced, and the problems of enforcement that may take place.

Rep. Buehler, and Rep. Bideau both added their comments to HB 2018, and stated they worked through difficult meetings together and have reached a compromise that is before the committee today for their consideration. With the exception of broadening the definition of "handicapped", this is an unanimous committee report. Rep. Buehler spoke to his differences with the other members of the sub-committee and pointed out his objection to the language added on line 128 and line 544.

Rep. Wagnon moved to adopt the sub-committees report and amend the bill in accordance with the proposed changes on balloon, (Attachment No. 4.), motion seconded by Rep. Runnels. There was lengthy discussion, and Rep. Wagnon and Rep. Runnels withdrew their motions.

Rep. Wagnon then moved to adopt the committee report without including the language on line 128 and line 544 of HB 2018, which states, "or has a record of history of impairment. Motion seconded by Rep. Green. More lengthy discussion. Show of hands vote indicated 12 in favor and 6 against, to adopt this committee report.

Rep. Wagnon then moved to amend HB 2018, by adding the language on line 128, and 544, which states, "or has a record of history of impairment.", motion seconded by Rep. Blumenthal.

Rep. Friedeman made a substitute motion to move HB 2018 out favorably as amended per sub-committee report., seconded by Rep. Buehler. More discussion ensued.

Rep. Friedeman and Buehler then withdrew their substitute motion.

On original motion to amend, Chair then asked for show of hands, vote indicated 10 for and 7 against. Motion carried. Rep. Friedeman on record as voting no. (Bill now has been amended to read exactly as sub-committee suggested).

HB 2018 open again for consideration. Rep. Branson moved we report HB 2018 out of committee favorably as amended, seconded by Rep. Wagnon.

Rep. Buehler made a substitute motion to table HB 2018, seconded by Rep. Green. More discussion, a request for a time limit for tabling was rejected by Rep. Buehler, and vote taken, indicated 6 for and 11 against, motion to table failed.

Vote taken to pass HB 2018 out favorably as amended, question called, vote indicated 11 for, and 6 against. HB 2018 is passed as amended. Rep. Buehler on record as a no vote.

Chairman thanked the sub-committee for their diligent and laborous work on this bill, and for the attention and sincere consideration by committee members on HB 2018.

Meeting adjourned.

GUEST REGISTER

Date 2-18-85

HOUSE

PUBLIC HEALTH AND WELFARE

NAME	ORGANIZATION	ADDRESS
Mike Hinds	Kansas Respiratory Therapy Soc.	1112 W. 6 <sup>th</sup> Topeka, KS
Jim McBride	United Way	5100 W 10 <sup>th</sup> Topeka
John Kell	MH/RS ; KPCDD	State Office Bldg on 5 <sup>th</sup> floor
Elizabeth L Taylor	Ks Occupational Therapy Assn	Topeka
Elizabeth Carlson	Bd of Healing Arts	Topeka 503 KS AVE
J. Schneider	SRS	St. Office Bldg
B. Sabol	D H + E	Forbes Field Topeka
Frances Kestner	Ks Assn of Physical Therapy	3310 W 7 <sup>th</sup> St
Joanne Hill	Ks Assn of Physical Therapy	1237 Bell 2001 Topeka
Steve Goodman	Dept. Human Resources	Topeka
Dana Futura	<del>xxxx</del> KCCI	Topeka

Attn. #1  
2-18-85



## BRIEFING

## KANSAS CREDENTIALING PROGRAM

## INTRODUCTION

In 1978, the Statewide Health Coordinating Council did an indepth study of the Kansas credentialing process for health care personnel. The outgrowth of this study was a report entitled: "Report on Criteria for Credentialing of Health Care Personnel in Kansas." The report was one of the first of its type in the United States.

In 1980, largely because of the SHCC recommendations contained in this report the Kansas Legislature enacted K.S.A. 65-5001 et seq which stipulate that health occupation groups seeking to be credentialed (licensed or registered) by the State must submit an application to the Secretary of Health and Environment (KDHE) for review. The purpose of the Kansas credentialing program is to provide a thorough analysis and recommendations to the Kansas Legislature when health occupations are seeking credentialing by the State.

The analysis and recommendations as to whether a particular occupational group should be credentialed are based on the premise that state regulation should only be imposed when it is necessary to protect the health, safety, and welfare of the public. This program is advisory to the Legislature and does not actually regulate occupations; legislative action is required before an occupation can be licensed or registered.

## OTHER STATES

In 1984, the staff of the Office of Health and Environmental Planning at KDHE did a study of other states' credentialing processes and compared our State's process to others. Of the twenty states surveyed\*, only three -- Minnesota, Michigan, and Virginia -- had developed formal procedures for evaluating a health group prior to legislative review. According to the Alpha Center, a health planning research group in Maryland, the Kansas program, as well as the programs of the three states just mentioned, are leaders in the credentialing field.

## PROCEDURE

The current credentialing process in Kansas takes approximately five to six months to complete. The attached chart shows the process from start to finish. In a nutshell, the steps include:

1. Notice of intent to apply filed;
2. Secretary of KDHE determines if group fits statutory definition;
3. Group submits detailed application;
4. Staff does analysis of application;
5. Technical committee, appointed by the Statewide Health Coordinating Council (SHCC), reviews application. (Often takes as many as five meetings);

6. SHCC reviews committee's recommendation and reports to Secretary;
7. Secretary examines findings and recommendations. Recommends action to Legislature.
8. Legislature makes final decision on credentialing.

#### OCCUPATIONAL THERAPISTS AND RESPIRATORY THERAPISTS

Two groups before the Legislature this year which have proceeded through the credentialing process are Occupational Therapists and Respiratory Therapists. The technical committee, the SHCC, and the Secretary of KDHE recommend that Occupational Therapists be licensed on two levels: occupational therapist and occupational therapist assistant. Respiratory Therapists requested one entry level of licensure. In this case, however, both the technical committee and the SHCC recommended that this group not be credentialed. The Secretary of KDHE did not accept these recommendations for the following reasons:

1. No laws govern the standard of practice and their effective enforcement in Kansas;
2. The standards for professional performance are not enforceable because organization involvement is on a voluntary basis;
3. Certification, licensing or accreditation of facilities is not necessarily correlated to employing competent Respiratory Therapist staff;
4. No federal government credentialing mechanisms exist;
5. All members of the applicant group are not required to graduate from an accredited educational institution or training program;
6. There are no legal or professional requirements for on-the-job training programs for Respiratory Therapists; and
7. The previous application for credentialing by Occupational Therapists was approved by a Technical Committee, the SHCC and the Secretary, and a recommendation was made to the Legislature. The practices of Respiratory Therapists could lead to untoward health effects at least as serious as those of Occupational Therapists.

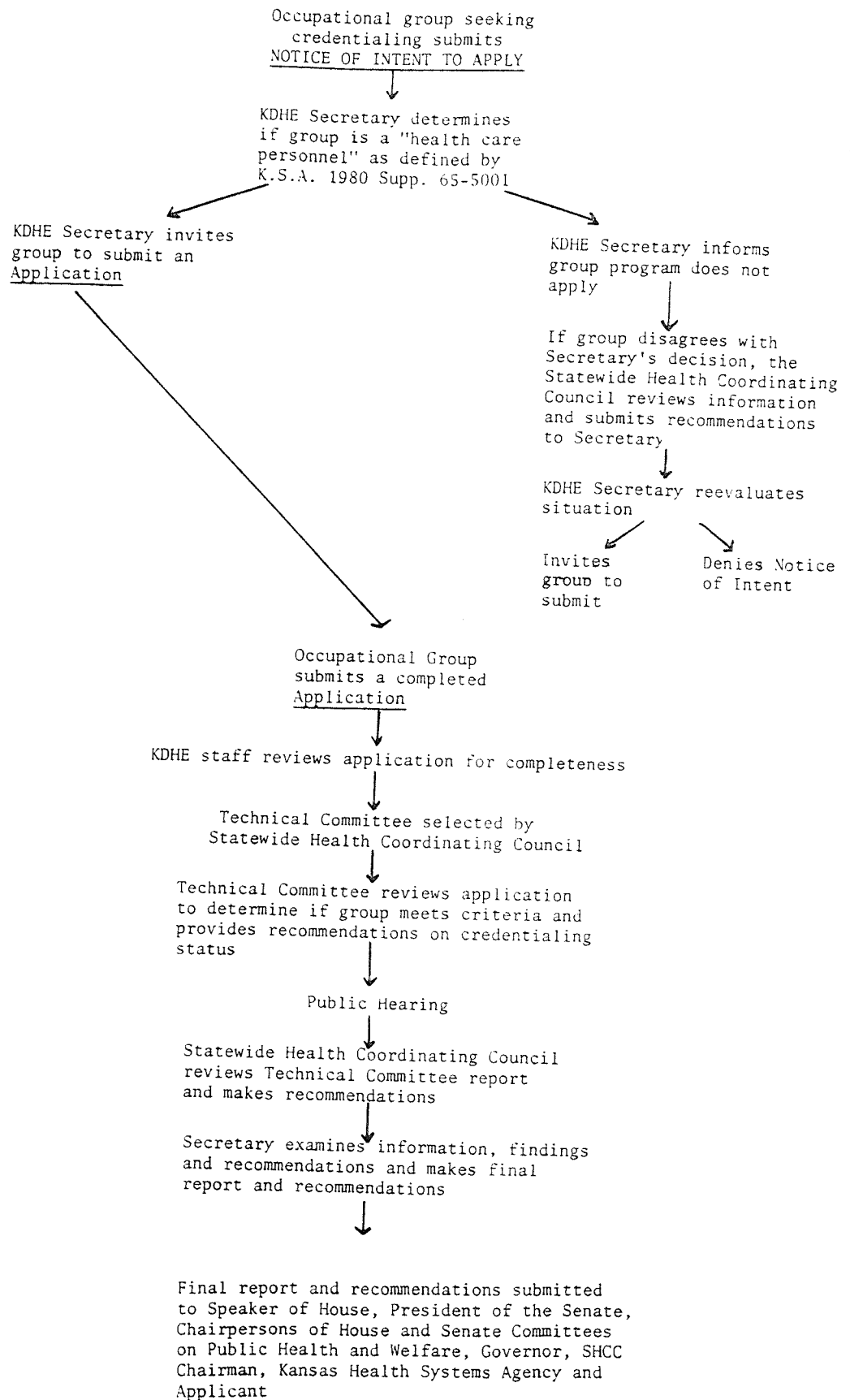
Thus, the final recommendation of the Secretary of KDHE is that both Occupational Therapists and Respiratory Therapists be licensed by the State of Kansas.

---

\*The 20 states contacted were: Arkansas, California, Connecticut, North Dakota, South Dakota, Delaware, Indiana, Iowa, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Mexico, New York, Pennsylvania, Texas, Virginia, Washington, and Wisconsin.

Presented by: Barbara J. Sabol, Secretary  
Kansas Dept. of Health and Environment

KANSAS CREDENTIALING PROGRAM'S  
REVIEW PROCESS  
1985



ATTN # 2  
2-18-5

-----BILL NO.-----

BY-----

An ACT concerning occupational therapy; providing for licensure of occupational therapists and occupational therapy assistants by the State Board of Healing Arts; establishing an occupational therapist council; declaring certain acts to be unlawful and providing penalties therefore; amending K.S.A. 75-3170a and repealing the existing section.

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

Section 1. Title of act. This act shall be known and may be cited as the occupational therapy practice act.

Sec. 2. Definitions. As used in this act:

(a) "Board" means the State Board of Healing Arts.

(b) "Occupational Therapy" is a health care profession employed under the supervision of a medical doctor in the therapy, rehabilitation, diagnostic evaluation, care, and education of individuals who are limited by physical injury or illness, psychosocial dysfunction, developmental or learning disabilities, or the aging process in order to maximize independence, prevent disability and maintain health. Specific occupational therapy services include:

- (1) Administering and interpreting tests necessary for effective treatment planning;
- (2) Developing self-care and daily living skills (i.e., feeding, dressing, hygiene and homemaking);
- (3) Designing, fabricating, applying and/or training in the use of selected orthotics, upper extremity prosthetics, or adaptive equipment;
- (4) Developing sensory integrative skills and functioning;
- (5) Using therapeutic activity and exercise to enhance functional and/or motor performance;

Attn. 2-A  
2-18-5



(6) Developing prevocational/vocational work capacities and play/leisure skills; and

(7) Adapting environment for the disabled.

(c) "Occupational therapist" means a person licensed to practice occupational therapy as defined in this act.

(d) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of or with the consultation of an occupational therapist.

(e) "Occupational therapy aide" means a person who assists in the practice of occupational therapy, who works under the direct supervision of an occupational therapist or an occupational therapy assistant and whose activities require an understanding of occupational therapy but do not require professional or advanced training in the basic anatomical, biological, psychological and social sciences involved in the practice of occupational therapy.

(f) "Person" means any individual, partnership, unincorporated organization or corporate body.

Sec. 3. The Board, in the manner hereinafter provided, shall administer the provisions of this act.

Sec. 4. License required.

(a) No person shall practice occupational therapy or hold himself or herself out as a occupational therapist or an occupational therapy assistant, or hold himself or herself out as being able to practice occupational therapy or to render occupational therapy services in the state unless he or she is licensed in accordance with the provisions of this act.

(b) Only an individual may be licensed under this act.

Sec. 5. Persons and practices not affected. Nothing in this act shall be construed as preventing or restricting the practice, services, or activities of:

(a) Any person employed as an occupational therapist or occupational therapy assistant by the government of the United States, or any agency of it, if such person provides occupational therapy solely under the direction or control of the organization by which he or she is employed;

(b) Any person pursuing a supervised course of study leading to a degree or certificate in occupational therapy in an educational program approved by the Board if such activities and services constitute a part of a supervised course of study and if such person is designated by a title which clearly indicates his or her status as a student or trainee;

(c) Any person fulfilling the supervised field work experience requirements of Section 8, if such activities and services constitute a part of the experience necessary to meet the requirements of that section;

(d) Any person employed by or working under the supervision of an occupational therapist as an occupational therapy aide;

(e) Any person performing occupational therapy services in this state who is not licensed under this act, if such services are performed for no more than ninety (90) days in a calendar year in association with an occupational therapist licensed under this act and if (A) such person is licensed under the law of another state which has licensure requirements recognized by the Board of this state as equal to or greater than the licensure requirements of this state, or (B) such person meets the requirements for certification as an occupational therapist registered (O.T.R.) or a certified occupational therapy assistant (C.O.T.A.) established by the American Occupational Therapy Association (A.O.T.A.); or

(f) Persons licensed or registered to practice any branch of the healing arts, licensed professional nurses, licensed practical nurses, physical therapists, clinical psychologists or social workers from using occupational therapy procedures incidental to their profession when practicing their profession under the statutes applicable to their profession.

Sec. 6. Limited permit. The Board may grant a limited permit to persons who have completed the education and experience requirements of this act. This permit shall allow the person to practice occupational therapy in association with a licensed occupational therapist registered and shall be valid until the date on which the results of the next qualifying examination have been made public. This limited permit may be renewed by appeal to the Board if the applicant has failed the examination.

Sec. 7. Occupational therapist council.

(a) There is established an occupational therapist council to assist the Board in carrying out the provisions of this act. The council shall consist of five members, all citizens and residents of the State of Kansas. One member shall be a physician licensed by the Board to practice medicine and surgery. One member shall be the Secretary of the Board of Healing Arts. Three members shall be occupational therapists. The Board shall appoint persons to membership on the council for terms of four (4) years each with one new member being elected each year. The Board may delegate powers and duties granted to the Board under this act to the council as it deems proper, including the examination of applicants and the carrying out of the mechanics and procedures necessary to administer this act. No member shall serve more than two (2) successive terms on the council. The Kansas Occupational Therapy Association shall recommend occupational therapists to the Board in a number equal to at least twice the vacancies to be filled, and the Board shall appoint members to fill the vacancies from the submitted list. The Board shall, insofar as possible, appoint persons from different geographical areas and persons who represent various types of occupational therapy treatment.

Sec. 8. Requirements for licensure. An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application on forms provided by the Board, showing to the satisfaction of the Board that the applicant meets the following requirements:

(A) Education: Applicant shall present evidence satisfactory to the Board of having successfully completed the academic requirements of an educational program in occupational therapy recognized by the Board.

(B) Experience: Applicant shall submit to the Board evidence of having successfully completed a period of supervised field work at a minimum recognized by the Board.

(C) Examination: An applicant for licensure as an occupational therapist or as an occupational therapy assistant shall pass an examination as provided for in Section 9 of this act.

(D) An applicant may be licensed as an occupational therapist or as an occupational therapy assistant without a certificate of proficiency in the basic sciences from the Board if the applicant fulfills the provisions of this act and any rules and regulations adopted pursuant to authority granted by this act.

Sec. 9. Examination for licensure.

(a) Each applicant for licensure under this act shall be examined by written examination to test the applicant's knowledge of the basic and clinical sciences relating to occupational therapy, and occupational therapy theory and practice, including the applicant's professional skills and judgment in the utilization of occupational therapy techniques and methods, and such other subjects as the Board may deem useful to determine the applicant's fitness to practice. The Board shall approve an examination for occupational therapy assistants and establish standards for acceptable performance.

(b) Applicants for licensure shall be examined at a time and place and under such supervision as the Board may determine. Examinations shall be given at least twice each year at such places within this state as the Board may determine and the Board shall give reasonable public notice of such examination at least sixty (60) days prior to their administration.

(c) Applicants may obtain their examination scores and may review their papers in accordance with rules and regulations established by the Board.

Sec. 10. Waiver of requirements for licensure.

(a) The Board may waive the examination and grant a license to any person certified prior to the effective date of this act as an occupational therapist registered (O.T.R.) or a certified occupational therapy assistant (C.O.T.A.) by the American Occupational Therapy Association (A.O.T.A.). The Board may waive the examination, education, or experience requirements and grant a license to any person certified by A.O.T.A. after the effective date of this act if the Board determines that the requirements for such certification are equivalent to or exceed the requirements for licensure under this act.

(b) The Board may waive the examination, education, or experience requirements and grant a license to any applicant who shall present proof of current licensure as occupational therapist or occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure determined by the Board to be equivalent to or exceed the requirements for licensure under this act.

Sec. 11. Issuance of license.

(a) The Board shall issue a license to any person who meets the requirements of this act upon payment of the license fee prescribed by the Board.

(b) Any person licensed as an occupational therapy assistant under the terms of this act may use the words "occupational therapy assistant," licensed occupational therapy assistant," or "certified occupational therapy assistant," or such person may use the letters "O.T.A.", "L.O.T.A.," or "C.O.T.A.," in connection with his or her name or place of business to denote licensure hereunder.

Sec. 12. Suspension and revocation of license; refusal to renew.

(a) The Board may deny, refuse to renew, suspend or revoke a license or may impose probationary conditions where the licensee or applicant for license

has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

(1) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;

(2) Being guilty of unprofessional conduct as defined by rules and regulations adopted by the Board, or violating the code of ethics adopted and published by the Board;

(3) Being convicted of a felony if the acts for which he or she was convicted are found by the Board to have a direct bearing on whether he or she should be entrusted to service the public in the capacity of an occupational therapist or occupational therapy assistant;

(4) Violating any lawful order, rule, or regulation rendered or adopted by this act; and

(5) Violating any provision of this act.

(b) Such denial, refusal to renew, suspension, revocation or imposition of probationary conditions upon a license may be ordered by the Board after notice and hearing on the matter in accordance with the provisions of the Kansas Administrative Procedures Act. One year from the date of the revocation of a license, application may be made to the Board for reinstatement. The Board shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement.

Sec. 13. Foreign trained applicants.

Foreign trained occupational therapists and occupational therapy assistants shall satisfy the examination requirements of Section 8. The Board shall require foreign trained applicants to furnish proof of completion of educational and supervised field work requirements, substantially equal to or greater than those contained in Section 8 prior to taking the examination.

Sec. 14. Renewal of licenses.

(a) Licenses issued under this act shall be effective for a period of time established by the Board and shall expire at the end of such period of time unless renewed in the manner prescribed by the Board, upon the payment of a renewal fee prescribed by the Board. The Board may establish additional requirements for license renewal which provide evidence of continued competency. The Board may provide for the late renewal of a license upon the payment of a late fee, but no such late renewal of a license may be granted more than five (5) years after its expiration.

(b) A suspended license shall expire and may be renewed as provided in this Section, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order or judgment by which the license was suspended. If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the renewal fee and any late fee that may be applicable.

Sec. 15. Fees, Rules and Regulations.

(a) The Board shall adopt by rule and regulation fees in amounts determined by the Board for the purposes authorized in this act and may adopt such rules and regulations as may be necessary to carry out the purposes of this act. The Board shall keep a record of all proceedings under this act and a roster of all persons licensed under the act. The roster shall show the name, address, date and number of the original license and the renewal thereof.

(b) The Board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from such fund shall be made in

accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president of the board.

Sec. 16. Prohibited acts; penalties.

(a) It shall be unlawful for any person who is not registered under this act as an occupational therapist or an occupational therapy assistant or whose licensure has been suspended or revoked to use, in connection with his name or place of business, the words "occupational therapist," "licensed occupational therapist," "occupational therapist registered," "occupational therapy assistant," "licensed occupational therapy assistant," "certified occupational therapy assistant", or the letters, "O.T.," "L.O.T.," "O.T.R.," "O.T.A.," "L.O.T.A.," or "C.O.T.A.," or any other words, letters abbreviations or insignia indicating or implying that he or she is an occupational therapist or an occupational therapy assistant or who is any way, orally, in writing, in print, or by sign, directly or by implication, represents himself or herself as an occupational therapist or an occupational therapy assistant.

(b) Any violation of this Section shall constitute a class C misdemeanor.

(c) All proceedings pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the act for judicial review and civil enforcement of agency actions.

Sec. 17. Invalidity of Part.

If any section of this act, or any part thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder or any other section or part thereof.

Sec. 18. (Note: K.S.A. 75-3170(a) needs to be amended to make Sec. 15 of this act come under it -- see attached.)

Sec. 19. This act shall take effect and be in force from and after its publication in the statute book.



moneys paid into the state treasury by each of the said state agencies, after credits to the general fund in accordance with subsection (a) hereof, shall be credited to the specific fee funds as provided for in sections 1 to 31 [·] and K.S.A. 17-5609, 17-5610 and 17-5701.

History: L. 1963, ch. 395, § 32, July 1.

\* For location of "sections 1 to 31," laws 1963, ch. 395, see Table of Sections in Constitutions Volume.

Research and Practice Aids:

States 126, 127.

C.J.S. States § 158.

#### CASE ANNOTATIONS

1. Mentioned in holding charges made under truth-in-lending act constitute fee for regulatory services and not a tax. *Fidelity Investment Co. v. Hale*, 212 K. 321, 329, 510 P.2d 1236.

**75-3170a.** Use and purpose of twenty percent charge to fee agencies; when charge not applicable. (a) The 20% credit to the state general fund required by K.S.A. 1-204, 2-2609, 2-3008, 9-1703, 16-609, 16a-2-302, 17-1271, 17-2236, 17-5609, 17-5610, 17-5612, 17-5701, 20-1a02, 20-1a03, 34-102b, 44-926, 47-820, 49-420, 55-131, 55-102b, 55-609, 55-711, 55-901, 58-3074, 65-6b10, 65-1718, 65-1817a, 65-2011, 65-2418, 65-2855, 65-2911, 65-4610, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-2902a, 74-3903, 74-5805, 74-7009, 74-7506, 75-1119b, 75-1308 and 75-1509 and acts amendatory of any of the foregoing including amendments by other sections of this act is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and any and all other state governmental services, which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) Nothing in this act or in the sections amended by this act or referred to in subsection (a) of this section, shall be deemed to authorize remittances to be made less frequently than is authorized under K.S.A. 75-4215.

(c) Notwithstanding any provision of any section referred to in or amended by this act or referred to in subsection (a) of this section, whenever in any fiscal year such 20% credit to the state general fund in relation to any particular fee fund is \$200,000, in that fiscal year the 20% credit no longer

shall apply to moneys received from sources applicable to such fee fund and for the remainder of such year the full 100% so received shall be credited to such fee fund, except as otherwise provided in subsection (d) of this section.

(d) Notwithstanding any provision of K.S.A. 2-2609 and 2-3008 and amendments thereto or any provision of any section referred to in subsection (a) of this section, the 20% credit to the state general fund no longer shall apply to moneys received from sources applicable to the wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund, as specified for each such fund by this subsection, and for the remainder of a fiscal year the full 100% of the moneys so received shall be credited to the appropriate fund of such funds, whenever in any fiscal year:

(1) With respect to the wheat commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the wheat commission fund during the preceding fiscal year bears to the total of the amounts credited to the wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year;

(2) with respect to the Kansas corn commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas corn commission fund during the preceding fiscal year bears to the total of the amounts credited to the wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding year;

(3) with respect to the Kansas grain sorghum commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas grain sorghum commission fund during the preceding fiscal year bears to the total of the amounts credited to the

wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year; and

(4) with respect to the Kansas soybean commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas soybean commission fund during the preceding fiscal year bears to the total of the amounts credited to the wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year.

History: L. 1973, ch. 309, § 43; L. 1975, ch. 440, § 1; L. 1976, ch. 374, § 2; L. 1976, ch. 382, § 1; L. 1977, ch. 194, § 2; L. 1978, ch. 211, § 10; L. 1978, ch. 196, § 2; L. 1978, ch. 239, § 11; L. 1978, ch. 352, § 4; L. 1978, ch. 336, § 24; L. 1980, ch. 269, § 1; L. 1980, ch. 242, § 10; L. 1980, ch. 270, § 1; L. 1982, ch. 9, § 3; L. 1982, ch. 228, § 22; L. 1983, ch. 286, § 13; July 1.

**75-3170b.**

History: L. 1973, ch. 309, § 44; Repealed, L. 1975, ch. 440, § 8; July 1.

**75-3170c, 75-3170d.**

History: L. 1973, ch. 2, §§ 33, 34; Repealed, L. 1975, ch. 440, § 8; July 1.

**75-3170e.**

History: L. 1973, ch. 309, § 43; L. 1975, ch. 440, § 1; L. 1976, ch. 374, § 2; L. 1976, ch. 382, § 1; L. 1977, ch. 194, § 2; L. 1978, ch. 211, § 10; L. 1978, ch. 1, § 3; Repealed, L. 1980, ch. 269, § 2; July 1.

**75-3171.** Fixing of certain salaries; definitions. The provisions of this act shall apply to any state agency as defined in K.S.A. 75-3701, having charge of any appropriation from the state general revenue fund or from any special revenue fund.

History: L. 1965, ch. 473, § 1; March 9.

**75-3172.**

Revisor's Note:

Section transferred to 75-5515.

**75-3173.** Application of certain criminal and other provisions to all appropriation acts. All appropriation acts, or acts authorizing the expenditure of funds for any pur-

pose by any state officer or agency, whether denominated an "expenditure limitation, a transfer act, or by some other name or title, shall be deemed to include and be subject to the provisions of K.S.A. 75-3024, 75-3025, 75-3026, 75-3730, 75-3731, 75-3732, and 75-5516

History: L. 1965, ch. 473, § 3, March 9.

**Article 32.—COMPENSATION AND ALLOWANCES**

**75-3201.** Presentment of expense claims; mileage; exception. When the duty assignment of any state official or employee requires that he or she travel to points beyond his or her official station or regular domicile he or she shall be entitled, upon complying with the provisions of this act and the rules and regulations promulgated hereunder, to an allowance for subsistence and reimbursement for transportation, and other travel expenses incurred by him or her while in such travel status as provided in this act. Such officer or employee shall present claims therefor at least once each month to the appropriate department or official, and, such claims shall show dates of travel, points visited, times of departure and arrival, and purpose of travel. When mileage allowances for the use of a privately owned automobile are claimed, the points between which said mileage accrued, the necessity and purpose therefor, license number and owner of the automobile so used, and the rate per mile, shall be shown on the claim: *Provided*, No claim for mileage shall be allowed when such mileage accrues when using a vehicle owned by the state of Kansas. No per diem or subsistence allowances shall be paid to any state official or employee when such expenses are incurred in the city or town wherein the residence or official station of such official or employee is located. Nothing in this section shall be construed as applying to the members of the state legislature and other officials as enumerated in K.S.A. 75-3211 and amendments thereto.

History: L. 1931, ch. 294, § 1; L. 1933, ch. 289, § 1; L. 1965, ch. 465, § 1; L. 1969, ch. 402, § 1; July 1.

Research and Practice Aids:

States—62, 64(1).  
C.J.S. States §§ 92, 96.

**75-3202.** Presentment of claims not in-

cluded; pe  
p  
employee wh  
expenses  
incurred,  
cess of ex  
discharge  
a misdeme  
of  
ment in t  
months, o  
ment, and  
thereafter  
office of p  
state of Ka

History:

**75-3203.**

ances for c  
conveyanc  
of admini  
veyance"  
charges; e  
as otherw  
wherever  
sas any m  
official of  
subdivisio  
or other pe  
the amount  
secretary  
actually ar  
the most  
conveyanc  
mileage in  
mile actual  
gardless of  
be paid or  
governing  
district ma  
that provid  
and empl  
school dist  
scribed by  
city or sch  
by the sec  
the rate ap  
ees of suc  
Only one  
fixed by t  
prescribed  
county, cit  
employee  
district is  
vately ow  
and no cla  
traveled a

MICHAEL R. (MIKE) O'NEAL  
 REPRESENTATIVE 104TH DISTRICT—HUTCHINSON  
 RENO COUNTY  
 P O BOX 1868  
 HUTCHINSON, KANSAS 67504



TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 MEMBER JUDICIARY  
 LABOR AND INDUSTRY  
 PUBLIC HEALTH AND WELFARE

*Attn. # 3  
 2-18-5*

To: House Committee on Public Health & Welfare

From: Subcommittee on H.B. 2018

Mr. Chairman and members of the Committee, your subcommittee on H.B. 2018 has met as directed and has studied various Proposals in light of the testimony received during Committee hearings. After careful consideration, it is the opinion of the subcommittee that certain amendments to H.B. 2018 should be considered by the Committee.

In making this determination, the subcommittee was guided by the lengthy work of the Interim Committee and the resource material used by the Interim Committee. We found, however, that certain concerns brought out by various conferees during this session were not addressed in the Interim Committee Report and were therefore left unaddressed in the bill.

A majority of the subcommittee was persuaded by the suggestion that H.B. 2018, as written, would exclude a significant class of individuals whose need for protection under the Act appears to be equal to that of the class the bill includes as a protected class. There appears to be little reason to cover those who are currently physically or mentally impaired but exclude those who have had a record or history of past impairment.

The subcommittee was unwilling, however, to expand the definition of "handicap" to include those who are merely perceived as being handicapped, but for whom there is no demonstrable record or history of such handicap. While more liberal definitions exist, it was felt that we should avoid "subjective" definitions that tend to invite litigation and misinterpretation. The definition that the subcommittee suggests would add to the class of protected individuals those who have a demonstrable record or history of a physical or mental impairment which substantially limits one or more major life activities. On this point alone, the subcommittee vote was 2-1 to amend the definition of "handicap".

It is suggested that reference to job or occupation be deleted from the definition so that the resulting definition can be used universally, i.e., in the rental and loan provisions as well as the section on employment. As to the latter, relationship of handicap to employment would be covered in Sec. 5 of the bill.

After reviewing the Interim Committee file and after helpful input from staff, the subcommittee unanimously agreed that the language beginning after (2) in line 135 of the bill was unnecessarily broad and that the intent of the bill would be satisfied and confusion would be avoided if certain language was removed. The proposed amendment would specify mental retardation, organic brain syndrome, mental illness and specific learning disabilities within the definition of "Physical or mental impairment."

*Attn. # 3  
 2-18-1985*

In order to Provide added Protection against interPretations of these new Povisions of the Act which are unintended from the standPoint of the framers of this bill, it was the oPinion of the subcommittee that additional exPlanatory lanGuaGe be added to Sec. 5 of the bill. The suggested lanGuaGe has been borrowed from various Jurisdictions with similar laws in Place. Thus, we suggest that it be made clear that an emPloyer may consider the behavioral manifestations of a Particular covered condition in determining whether a handicapped Person is Qualified for a Particular Job. Further, we ProPose that it be made clear in the Act that an emPloyer has no duty to hire or train a handicapped individual if doing so would impair safety or create a hazard and has no duty to hire or train such a Person in a Job that requires the Performance of a task the Performance of which is substantially impaired by the handicap.

Respectfully submitted.

-----  
Rep. Michael R. O'Neal

-----  
Rep. Edwin Bideau III

-----  
Rep. J. Frank Buehler

0120 any political subdivision or municipality thereof.

0121 (j) The term "physical handicap" means the physical condi-  
0122 tion of a person; whether congenital or acquired by accident,  
0123 injury or disease which constitutes a substantial disability; but is  
0124 unrelated to such person's ability to engage in a particular job or  
0125 occupation "handicap" means any condition unrelated to a  
0126 person's ability to engage in a particular job or occupation in  
0127 which a person has a physical or mental impairment which  
0128 substantially limits one or more major life activities,

or has a record or history of such impairment

0129 (k) The term "physical or mental impairment" means: (1)  
0130 Any physiological disorder or condition, cosmetic disfigurement  
0131 or anatomical loss affecting one or more of the following body  
0132 systems: Neurological; musculoskeletal; special sense organs;  
0133 respiratory, including speech organs; cardiovascular; repro-  
0134 ductive; digestive; genito-urinary; hemic and lymphatic; skin;  
0135 and endocrine; or (2) any mental or physiological disorder, such  
0136 as mental retardation, organic brain syndrome, emotional or  
0137 mental illness and specific learning disabilities. The term  
0138 "physical or mental impairment" shall not include alcoholism,  
0139 drug abuse or a physiological disorder or condition which is a  
0140 contagious disease.

0141 (l) The term "major life activities" means functions such as,  
0142 but not limited to, caring for one's self, performing manual  
0143 tasks, walking, seeing, hearing, speaking, breathing, learning  
0144 and working.

0145 Sec. 3. K.S.A. 44-1004 is hereby amended to read as follows:  
0146 44-1004. The commission shall have the following functions,  
0147 powers and duties:

0148 (1) To establish and maintain its principal office in the city of  
0149 Topeka, and such other offices elsewhere within the state as it  
0150 may deem necessary.

0151 (2) To meet and function at any place within the state.

0152 (3) To adopt, promulgate, amend and rescind suitable rules  
0153 and regulations to carry out the provisions of this act, and the  
0154 policies and practices of the commission in connection there-  
0155 with.

0156 (4) To receive, initiate, investigate, and pass upon complaints

Attom. # 3-A  
2-18-5

3 (p) The commission shall, except as otherwise provided, es-  
 0417 tablish rules of practice to govern, expedite and effectuate the  
 0418 foregoing procedure and its own actions thereunder. The rules of  
 0419 practice shall be available, upon written request, within 30 days  
 0420 after the date of adoption.

0421 Sec. 5. K.S.A. 44-1006 is hereby amended to read as follows:

0422 44-1006. The provisions of this act shall be construed liberally  
 0423 for the accomplishment of the purposes thereof. Nothing con-  
 0424 tained in this act shall be deemed to repeal any of the provisions  
 0425 of any other law of this state relating to discrimination because of  
 0426 race, religion, color, sex, ~~physical~~ handicap, national origin or  
 0427 ancestry, unless the same is specifically repealed by this act.  
 0428 Nothing in the Kansas act against discrimination shall be con-  
 0429 strued to require the construction of any special facilities or  
 0430 fixtures for the ~~physically~~ handicapped. Nothing in this act shall  
 0431 be construed to mean that an employer shall be forced to hire  
 0432 unqualified or incompetent personnel; or discharge qualified or  
 0433 competent personnel.

(a)

In determining whether a handicapped person is qualified or competent, the employer may consider, in addition to any other factors relating to qualifications and competency, the behavioral manifestations of the condition.

0434 Sec. 6. K.S.A. 44-1009 is hereby amended to read as follows:

0435 44-1009. (a) It shall be an unlawful employment practice:

0436 (1) For an employer, because of the race, religion, color, sex,  
 0437 ~~physical~~ handicap, national origin or ancestry of any person to  
 0438 refuse to hire or employ, or to bar or to discharge from employ-  
 0439 ment such person or to otherwise discriminate against such  
 0440 person in compensation or in terms, conditions, or privileges of  
 0441 employment; or to limit, segregate, separate, classify or make any  
 0442 distinction in regards *regard* to employees; or to follow any  
 0443 employment procedure or practice which, in fact, results in  
 0444 discrimination, segregation or separation without a valid busi-  
 0445 ness motive.

0446 (2) For a labor organization, because of the race, religion,  
 0447 color, sex, ~~physical~~ handicap, national origin or ancestry of any  
 0448 person, to exclude or to expel from its membership such person  
 0449 or to discriminate in any way against any of its members or  
 0450 against any employer or any person employed by an employer.

0451 (3) For any employer, employment agency or labor organiza-  
 0452 tion to print or circulate or cause to be printed or circulated any

(b) The provisions of this act shall not apply to a handicap which is related to a person's ability to engage in a particular job or occupation. Nothing in this act shall be construed to require a handicapped person to be employed or trained under circumstances that would significantly increase the occupational hazards affecting either the handicapped person, other employees, the general public or the facilities in which the work is to be performed, or to employ or train a handicapped person in a job that requires that person to undertake any task, the performance of which is substantially and inherently impaired by the handicap.

527 (d) "Person" means an individual, corporation, partnership,  
 528 association, labor organization, legal representative, mutual  
 529 company, joint-stock company, trust, unincorporated organiza-  
 530 tion, trustee, trustee in bankruptcy, receiver and fiduciary.

531 (e) "To rent" means to lease, to sublease, to let and otherwise  
 532 to grant for a consideration the right to occupy premises not  
 533 owned by the occupant.

534 (f) "Discriminatory housing practice" means any act that is  
 535 unlawful under K.S.A. 44-1016 and 44-1017 *and amendments to*  
 536 *these sections.*

537 (g) "Person aggrieved" means any person claiming to have  
 538 been injured by a discriminatory housing practice or *any person*  
 539 who believes that he *oneself* will be injured by a discriminatory  
 540 housing practice that is about to occur.

541 (h) "Handicap" means any condition ~~unrelated to a person's~~  
 542 ~~ability to engage in a particular job or occupation~~ in which a  
 543 person has a physical or mental impairment which substantially  
 544 limits one or more major life activities or has a record or history of such impairment

545 (i) "Physical or mental impairment" means: (1) Any physio-  
 546 logical disorder or condition, cosmetic disfigurement or ana-  
 547 tomical loss affecting one or more of the following body sys-  
 548 tems: Neurological; musculoskeletal; special sense organs;  
 549 respiratory, including speech organs; cardiovascular; repro-  
 550 ductive; digestive; genito-urinary; hemic and lymphatic; skin;  
 551 and endocrine; or (2) ~~any mental or physiological disorder, such~~  
 552 ~~as~~ mental retardation, organic brain syndrome, ~~emotional or~~  
 553 mental illness and specific learning disabilities. The term  
 554 "physical or mental impairment" shall not include alcoholism,  
 555 drug abuse or a physiological disorder or condition which is a  
 556 contagious disease.

557 (j) "Major life activities" means functions such as, but not  
 558 limited to, caring for one's self, performing manual tasks, walk-  
 559 ing, seeing, hearing, speaking, breathing, learning and working.

560 Sec. 8. K.S.A. 44-1016 is hereby amended to read as follows:  
 561 44-1016. (a) Subject to the provisions of K.S.A. 44-1018 and  
 562 amendments thereto, it shall be unlawful for any person:

563 (a) (1) To refuse to sell or rent after the making of a bona fide

4  
Attn: # ~~1111~~  
2-18-5

0120 any political subdivision or municipality thereof.

0121 (j) The term "physical handicap" means the physical condi-  
0122 tion of a person; whether congenital or acquired by accident;  
0123 injury or disease which constitutes a substantial disability; but is  
0124 unrelated to such person's ability to engage in a particular job or  
0125 occupation "handicap" means any condition ~~[unrelated to a~~  
0126 ~~person's ability to engage in a particular job or occupation]~~ in  
0127 which a person has a physical or mental impairment which  
0128 substantially limits one or more major life activities.

or has a record or history of such impairment

0129 (k) The term "physical or mental impairment" means: (1)  
0130 Any physiological disorder or condition, cosmetic disfigurement  
0131 or anatomical loss affecting one or more of the following body  
0132 systems: Neurological; musculoskeletal; special sense organs;  
0133 respiratory, including speech organs; cardiovascular; repro-  
0134 ductive; digestive; genito-urinary; hemic and lymphatic; skin;  
0135 and endocrine; or (2) ~~[any mental or physiological disorder, such~~  
0136 ~~as]~~ mental retardation, organic brain syndrome, ~~[emotional or]~~  
0137 mental illness and specific learning disabilities. The term  
0138 "physical or mental impairment" shall not include alcoholism,  
0139 drug abuse or a physiological disorder or condition which is a  
0140 contagious disease.

0141 (l) The term "major life activities" means functions such as,  
0142 but not limited to, caring for one's self, performing manual  
0143 tasks, walking, seeing, hearing, speaking, breathing, learning  
0144 and working.

0145 Sec. 3. K.S.A. 44-1004 is hereby amended to read as follows:  
0146 44-1004. The commission shall have the following functions,  
0147 powers and duties:

0148 (1) To establish and maintain its principal office in the city of  
0149 Topeka, and such other offices elsewhere within the state as it  
0150 may deem necessary.

0151 (2) To meet and function at any place within the state.

0152 (3) To adopt, promulgate, amend and rescind suitable rules  
0153 and regulations to carry out the provisions of this act, and the  
0154 policies and practices of the commission in connection there-  
0155 with.

0156 (4) To receive, initiate, investigate, and pass upon complaints



0416 (p) The commission shall, except as otherwise provided, es-  
0417 tablish rules of practice to govern, expedite and effectuate the  
0418 foregoing procedure and its own actions thereunder. The rules of  
0419 practice shall be available, upon written request, within 30 days  
0420 after the date of adoption.

0421 Sec. 5. K.S.A. 44-1006 is hereby amended to read as follows:

0422 44-1006. The provisions of this act shall be construed liberally  
0423 for the accomplishment of the purposes thereof. Nothing con-  
0424 tained in this act shall be deemed to repeal any of the provisions  
0425 of any other law of this state relating to discrimination because of  
0426 race, religion, color, sex, ~~physieal~~ handicap, national origin or  
0427 ancestry, unless the same is specifically repealed by this act.  
0428 Nothing in the Kansas act against discrimination shall be con-  
0429 strued to require the construction of any special facilities or  
0430 fixtures for the ~~physieally~~ handicapped. Nothing in this act shall  
0431 be construed to mean that an employer shall be forced to hire  
0432 unqualified or incompetent personnel; or discharge qualified or  
0433 competent personnel.

(a)

In determining whether a mentally handicapped person is qualified or competent, the employer may consider, in addition to any other factors relating to qualifications and competency, the behavioral manifestations of the handicapping condition.

0434 Sec. 6. K.S.A. 44-1009 is hereby amended to read as follows:

0435 44-1009. (a) It shall be an unlawful employment practice:

0436 (1) For an employer, because of the race, religion, color, sex,  
0437 ~~physieal~~ handicap, national origin or ancestry of any person to  
0438 refuse to hire or employ, or to bar or to discharge from employ-  
0439 ment such person or to otherwise discriminate against such  
0440 person in compensation or in terms, conditions, or privileges of  
0441 employment; or to limit, segregate, separate, classify or make any  
0442 distinction in ~~regards~~ regard to employees; or to follow any  
0443 employment procedure or practice which, in fact, results in  
0444 discrimination, segregation or separation without a valid busi-  
0445 ness motive.

(b) The provisions of this act shall not apply to a handicap which is related to a person's ability to engage in a particular job or occupation. Nothing in this act shall be construed to require a handicapped person to be employed or trained under circumstances that would significantly increase the occupational hazards affecting either the handicapped person, other employees, the general public or the facilities in which the work is to be performed, or to employ or train a handicapped person in a job that requires that person to undertake any task, the performance of which is substantially and inherently impaired by the handicap.

0446 (2) For a labor organization, because of the race, religion,  
0447 color, sex, ~~physieal~~ handicap, national origin or ancestry of any  
0448 person, to exclude or to expel from its membership such person  
0449 or to discriminate in any way against any of its members or  
0450 against any employer or any person employed by an employer.

0451 (3) For any employer, employment agency or labor organiza-  
tion to print or circulate or cause to be printed or circulated any

0527 (d) "Person" means an individual, corporation, partnership,  
 0528 association, labor organization, legal representative, mutual  
 0529 company, joint-stock company, trust, unincorporated organiza-  
 0530 tion, trustee, trustee in bankruptcy, receiver and fiduciary.

0531 (e) "To rent" means to lease, to sublease, to let and otherwise  
 0532 to grant for a consideration the right to occupy premises not  
 0533 owned by the occupant.

0534 (f) "Discriminatory housing practice" means any act that is  
 0535 unlawful under K.S.A. 44-1016 and 44-1017 *and amendments to*  
 0536 *these sections.*

0537 (g) "Person aggrieved" means any person claiming to have  
 0538 been injured by a discriminatory housing practice or *any person*  
 0539 *who believes that he oneself will be injured by a discriminatory*  
 0540 *housing practice that is about to occur.*

0541 (h) "Handicap" means any condition ~~unrelated to a person's~~  
 0542 ~~ability to engage in a particular job or occupation~~ in which a  
 0543 *person has a physical or mental impairment which substantially*  
 0544 *limits one or more major life activities*

or has a record or history of such impairment

0545 (i) "Physical or mental impairment" means: (1) Any physio-  
 0546 logical disorder or condition, cosmetic disfigurement or ana-  
 0547 tomical loss affecting one or more of the following body sys-  
 0548 tems: Neurological; musculoskeletal; special sense organs;  
 0549 respiratory, including speech organs; cardiovascular; repro-  
 0550 ductive; digestive; genito-urinary; hemic and lymphatic; skin;  
 0551 and endocrine; or (2) ~~any mental or physiological disorder, such~~  
 0552 ~~as~~ mental retardation, organic brain syndrome, ~~emotional or~~  
 0553 mental illness and specific learning disabilities. The term  
 0554 "physical or mental impairment" shall not include alcoholism,  
 0555 drug abuse or a physiological disorder or condition which is a  
 0556 contagious disease.

0557 (j) "Major life activities" means functions such as, but not  
 0558 limited to, caring for one's self, performing manual tasks, walk-  
 0559 ing, seeing, hearing, speaking, breathing, learning and working.

0560 Sec. 8. K.S.A. 44-1016 is hereby amended to read as follows:

0561 44-1016. (a) Subject to the provisions of K.S.A. 44-1018 and  
 0562 amendments thereto, it shall be unlawful for any person:

0563 (a) (1) To refuse to sell or rent after the making of a bona fide