

Approved July 8, 1991 Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Kathleen Sebelius at
Chairperson

1:30 ~~xxx~~ p.m. on Wednesday, April 3, 19⁹¹ in room 526-S of the Capitol.

All members were present except:

Representative Arthur Douville - Excused

Committee staff present:

Mary Galligan - Kansas Legislative Research Department

Lynne Holt - Kansas Legislative Research Department

Mary Torrence - Office of the Revisor

Connie Craig - Secretary to the Committee

Conferees appearing before the committee:

HB 2296 - PROPONENTS

Representative Betty Jo Charlton

Robert E. Ebey, Lawrence, Kansas

SB 376 - PROPONENTS

Gene Yockers, Director, Kansas Real Estate Commission

James H. Irish, Regional Appraiser, Office of Thrift Supervision

Jeffrey Sonnich, Vice-President, Kansas-Nebraska League of Savings Institutions

James S. Maag, Senior Vice-President, Kansas Bankers Association

Fletcher Simmons, President, Greater Kansas Chapter of the Appraisal Institute

Karen France, Director, Govt. Affairs, Kansas Assoc. of Realtors

Chair Sebelius called the meeting to order.

Representative Ed McKechnie requested that the Committee introduce legislation in regards to the prompt payment act.

Representative Charlton moved that legislation in regards to the prompt payment act as requested by Representative McKechnie be introduced. Representative Rock made a second to the motion which passed on a voice vote.

HB 2296

Representative Betty Jo Charlton testified on behalf of HB 2296, and explained that this bill would allow licensing of locksmiths by cities and counties in Kansas. She read from her written testimony to explain the bill and an amendment requested by KCCI, Attachment #1. Included with her written testimony is an article explaining law enforcement's need for licensed locksmiths.

Robert Ebey urged the Committee to pass HB 2296 to start the process of controlling the trade and insure proper training in this field. He added that passage of this bill will make it so that a person cannot have locksmith devices without a license, Attachment #2. He also handed out to the Committee notebooks with different articles pertaining to this legislation, and information on statutes passed by other states, as well as other pertinent information. This notebook is on file with the House Federal and State Affairs Committee Office.

SB 376

Gene Yockers, a proponent of SB 376, urged the Committee to pass favorably the bill. He explained what the bill does exactly, and read from his written testimony, Attachment #3. He added that this bill brings us closer in conformity with federal law.

James Irish, proponent, read from his written testimony, Attachment #4, explaining why the Committee should pass SB 376. He added that the states were given until July 1, 1990, to establish state certification and licensing requirements. He pointed out that Kansas enacted as fast as it could the best legislation it could perceive at the time all of these parallel efforts were being undertaken. He added that SB 376 will fine tune that work, and bring Kansas into closer conformity with federal law.

Jeffrey Sonnich, proponent, read from his written testimony, Attachment #5, asking the

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,

room 526-S Statehouse, at 1:30 ~~xxx~~/p.m. on Wednesday, April 3, 1991.

Committee to pass SB 376. He repeated many of the points that the previous conferees brought to the Committee's attention. Along with his written testimony is a letter in regards to this matter from the Federal Financial Institutions Examination Council, Appraisal Subcommittee, Attachment #5, page #2 and page #3.

James Maag, proponent, read from his written testimony in support of SB 376, and emphasized that this is another example of how the Federal Government has swallowed the 10th Amendment of the Constitution of the United States, Attachment #6.

Fletcher Simmons, proponent, read from his written testimony, Attachment #7, urging the Committee to pass SB 376.

Karen France testified before the Committee as a proponent of SB 376, and asked the Committee to pass the bill out favorably. She submitted written testimony in regards to the legislation, Attachment #8.

Representative Wagon moved to pass SB 376 favorable. Representative Graeber made a second to the motion, which passed on a voice vote.

SB 352

Chair Sebelius turned the Committee's attention to SB 352 which deals with the family/children and trust fund review panel.

Representative Wagon moved to report favorably and place on the Consent Calendar SB 352. Representative Jones made a second to the motion, which passed on a voice vote.

SB 364

Chair Sebelius turned the Committee's attention to SB 364 for action, which deals with consolidations and name changes.

Representative Rock moved that SB 364 be reported favorable and recommended for the Consent Calendar. Representative Smith made a second to the motion, which passed by a voice vote.

HB 2552

Chair Sebelius called the Committee's attention to HB 2552 for action. She added that this is the bill requested by Jim Conant with Alcoholic Beverage Control.

Representative Cates gave each Committee member a copy of 2 proposed amendments that would help insure that there is no price discrimination to retailers and a 45 day notice to change prices, Attachment #9.

Representative Cates moved that HB 2552 be amended as set out in Attachment #9. Representative Graeber made a second to the motion, which passed on a voice vote.

Representative Betty Jo Charlton stated that she would offer an amendment by request of a constituent.

Representative Charlton moved that HB 2552 as amended be amended in Section 2, subsection D, adding "that nothing in this section shall be construed to prohibit quantitative discounts". Representative Roper made a second to the motion, which failed on a voice vote.

Representative Graeber moved to pass HB 2552 favorably as amended. Representative Long made a second to the motion, which passes on a voice vote.

HB 2582

Chair Sebelius recognized Representative Wagon for balloon amendments, Attachment #10.

Representative Wagon moved that the balloon amendment be adopted. Representative Rock made a second to the motion, which passes on a voice vote.

Committee Discussion:

1. One Committee member pointed out that on page 3, line 39 compared with page 4, line 29, is redundant because both are the same.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 526-S, Statehouse, at 1:30 ~~a.m.~~/p.m. on Wednesday, April 3, 1991

2. It was explained that there is only a fiscal note with the issue of the autopsy which will probably be paid for by the state.
3. One Committee member shared the concern of where volunteer pediatricians would be found in some counties, and who would pay for the efforts of a local board, and what about the protocol which is just another word for rules and regulations.
4. Another Committee member agreed with the previous concerns, and added that this legislation was putting together a totally unworkable and busy group of people.
5. Representative Wagnon stated that money is available from the American Bar Association to help states set up this program.

Representative Wagnon moved to pass favorable HB 2582 as amended. Representative Charlton made a second to the motion.

Representative Sprague made a substitute motion to recommend HB 2582 as amended for interim study. Representative Lane made a second to the motion, which passed by a show of hands.

SB 227, HB 2555, HB 2010, and HB 2542

Chair Sebelius stated that she would set up a Subcommittee to study SB 227, HB 2555, HB 2010, and HB 2542. She announced that Representative Gjerstad would chair the Subcommittee along with Representatives Jones, Smith, Empson and Baker as members. Chair Sebelius asked the Subcommittee to report back on these bills next week.

Chair Sebelius adjourned the meeting.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 4-3-91

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
ROBERT E. ELLIOTT	900 New Hampshire Lawrence, KS	MYSELF
Loretta Shelley	401 Topoka Topoka	KS Dept Human Res
Jennifer Dodd	Lawrence, KS	Rep Charlton
Tom Whitaker	Topoka, KS	KS Motor Carriers Assoc CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
KEVIN R LANDIS	TOPEKA	
JEFF SONNICH	TOPEKA	KNLSI
James H. Irish	Topoka	Office of Thrift Supervision, D/News
Jim Mass	"	KBA
TJek D. [unclear]	Topoka	KRBWA
Neal Whitaker	Topoka	KRBWA
John C. Bottenberg	TOPEKA	KWSWA
Whitney Damon	Topoka	Pete McMillan & Associates
Jim Conant	Top.	KS. ABC
Jean Duncan	Topoka	KS Real Estate Comm.
Gene Yackers	Topoka	KREC
KAREN FRANCE	Topoka	KAR
J. B. Lockhart	Lawrence	
David W. Craig	Topoka	
Alister Simmons	Manhattan	Kansas Chapter of Appraisal Inst.

BETTY JO CHARLTON
REPRESENTATIVE, FORTY-SIXTH DISTRICT
DOUGLAS COUNTY
1624 INDIANA STREET
LAWRENCE, KANSAS 66044
913-843-5024
ROOM 272-W
STATE CAPITOL BUILDING
TOPEKA, KANSAS 66612



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE-CHAIR: ENERGY AND NATURAL RESOURCES
MEMBER: FEDERAL AND STATE AFFAIRS
LEGISLATIVE, JUDICIAL AND
CONGRESSIONAL APPORTIONMENT
TAXATION

March 27, 1991

MADAME CHAIR AND MEMBERS OF THE COMMITTEE:

HB 2296 would allow licensing of locksmiths by cities and counties in Kansas. The provisions of the bill would apply only if a local governing body decided to require locksmith licensure.

Sec. 1. of the bill designates standard examinations. Sec. 2. is patterned after local licensure of other trades including examinations, rules and regulations, certification and jurisdiction. Sec. 3. provides for local options in matters of examinations, regulations and fees. Sec. 4. simply states that this kind of licensure does not fall under the state board of technical professions.

I will have one simple amendment, requested by KCCI, stating that persons who are in the business of duplication and sale of keys are exempt.

The bill was requested by locksmiths in Lawrence. I would call your attention to the article, attached to my written testimony, from the publication of the National Association of Chiefs of Police "Law Enforcement Training Bulletin," explaining law enforcement's need for licensed locksmiths.

Betty Jo Charlton

BJC:dr

Use of Car Opening Tools by Emergency Agencies: *Liability and Policy*

The National Association of Chiefs of Police issued a "Law Enforcement Training Bulletin" to its members regarding the use of car opening devices by emergency agencies, and the legal liability it generates. For the benefit of our members, and with the permission of the NACP, we are reprinting portions of the bulletin in this issue. *The Editor*

There is hardly any law enforcement publication or police supply house that does not list the available "tools" which can be used to open many of the older and some of the newer vehicles that have attempted to build-in protection, using the most common tool of all...a "Slim Jim."

Generally, this is a piece of flat steel about 14 inches long that slips between the window and the body of a car, and pushes or pulls the arm of the car lock. An expert can open your car before you can get the key in the lock! In the hands of ordinary citizens these are devices that more commonly come under the category of "burglary tools." Many police and sheriffs departments, as well as hotel security and tow truck drivers, have carried these "Slim Jims" in the past simply because there is a call for someone to open a locked car. The driver has made the error of either leaving keys in the car, or claims to have locked them in the vehicle. There are other more modern tools available that open locks, including picks. This training bulletin is directed toward official policy that should be adopted by your agency as to using any device to open a vehicle or any lock in a non-emergency situation.

In general, the Auto Theft Committee of the National Association of Chiefs of Police recommends that unless a life threatening situation exists, the opening of locked vehicles or doors should be left to a professional locksmith. The reason: The high risk involved against the officer and the department for damage that may result in using these devices. New model cars often suffer damage to the locking mechanism and blame is placed on the department for these damages.

This is particularly true of the new car models that have built-in protection against "Slim Jims." The change in locking devices came as a result of insurance losses suffered by the stolen cars easily entered and stripped. Even with a written permit from the car owner, a lawsuit can be expected should you damage the lock while acting as "the good samaritan." Some insurance firms will cover your liability when your department steps out of its concept as a police agency and becomes a locksmith.

It is possible to open one of the new locks and in so doing damage the door locking mechanism so that the driver could not unlock the door after he or she leaves the area—thus becoming injured as a result! From a simple \$250 repair claim the award in a civil action could go into the tens of thousands of dollars!

Damage to the Paint and Body of the Car

Many of us have been involved in helping some "lost soul" trying to get the lock open with a coat hanger, "Slim Jim,"

or other device. Very often the metal surface of the car is damaged with scratches, paint is chipped, rubber vent linings are cut and may allow water to enter. Who is the perfect scapegoat for getting damages? Yes, it is that friendly officer or deputy sheriff who opened the car, or tried to open the car, and in doing so damaged private property. This is contrary to rules and common sense if no emergency existed.

Emergency Situations

Even if your department had all the proper tools to open any vehicle today, the only time that police or fire departments should open a locked car is in a life-and-death situation. A person or child who locks himself in a car could pose such a situation. In that instance the use of force to break a window would be so justified if the lock could not be opened. While rare, from time to time you may have driver who has been stopped and then locks the car, refusing to get out of the car, accept a traffic ticket, or face arrest for any reason. Even a tow truck ready to pull the car away will not get some drivers out. In that case you use non-lethal police chemicals that can, with no damage to a car, be sprayed into the vehicle causing the person to seek fresh air. No need to break a window or damage a car.

There are few situations that fall under the "emergency" classification. However, to a citizen in distress, the situation is always an emergency. The officer at the scene, however, must see that help is dispatched, and explain that only a trained

lock with proper tools is allowed, unless liability restrictions and insurance rules of the city.

Use Locksmiths

Many motor clubs and car insurance policies provide payment for the services of a locksmith. Local police should radio for a locksmith who is licensed, insured for the liability, and has the proper tools. Police officers or sheriffs deputies should not be issued "Slim Jims" or other car opening tools. These are burglar tools. When used by licensed persons such as locksmiths, they are "tools of the trade."

By confirming that a locksmith is enroute, this allows your officers to continue routine patrol and reduces your liability in non-emergency situations. Police or sheriff departments are not locksmiths nor in the towing business. If the person with the problem wishes to try and open his/her own vehicle with his/her own tools they should be advised that the damaged to the new cars can be considerable. They can, of course, try if they have proof the car is theirs.

Auto Theft:

"Slim Jims" and Other Tools

Auto theft is a booming business. Police should be aware of the devices used to break into and steal vehicles often carried in the guise of lost keys, etc. In large parking lots a "lookout" watches for the owner to go into a store, to the beach, or movie theater, and then in a few seconds can break into a car. Be sure that anyone having in their possession vehicle opening tools is a professional locksmith in your community. Many locksmiths are members of local, state or national trade associations that set standards for their group.

Law enforcement officers should be aware of tools used by auto thieves. The "Slim Jim" poses an easy item for a burglar to hide, often in a sock under the pants, inside a shirt, etc. A search should be made of any person who loiters near parked cars.

It is a common practice for those who break into cars to sit and watch the victim leave the vehicle and then either by himself or with someone else, to make a move to break into the car. In many cases some will punch out trunk locks when they observe the victim placing valuables in the trunk, or simply smash a window.

Police Policy Re Car Entry

The high cost of professional liability insurance has caused many police departments to re-evaluate their policy regarding opening locked vehicles. The cities of Seattle, Washington, and Winston-Salem, North Carolina, for example, have such policies in force.

Conclusion

While law enforcement officers are trained to serve the public, we know from past experience that we answer many trouble calls that are related to public service, and that some calls such as "locked cars" involve police in two dilemmas. Initially, to try and solve the problem for the victim. If a key is locked in the car it should be treated just as though the car itself has been disabled. You then call for a licensed locksmith who is trained to solve this kind of problem.

The exception is common sense. That is where a life threatening situation arises. Then you are justified in using whatever force may be required. Our main concern is that you have verified that help is on the way.

Keep in mind that other person these tools who are not licensed are likely to be car thieves and burglars. It should be handled and explained as a way to protect the person from damaging the lock of the vehicle. By having the availability of trained locksmiths to do this work you will lessen your department and personal liability.

Police officers are not locksmiths! Just as you would object to someone untrained doing police work, professional locksmiths have a valid reason to complain to your city or county when they pay a license fee to carry on this work. Thus it is good public relations to contact a locksmith in your area to initiate a program. In turn, locksmiths should contact your department and possibly help to set up a local standard procedure. **Keynotes**

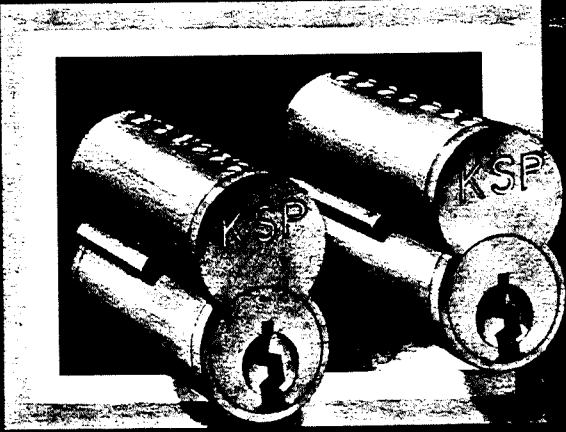
The NACP has issued a Model Law Enforcement Policy for use by local police departments. If you want a copy of this policy, please send a stamped, self-addressed business (#10) envelope to:

Keynotes: NACP Policy
3003 Live Oak Street
Dallas, TX 75204-6186

KSP

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Circle 18 on Reader Service Card

1 (a) Utilize examinations other than those designated by section
2 1 for the examination of locksmiths for licensure to practice only
3 within the jurisdiction of such city or county;

4 (b) adopt and enforce such locksmith codes, standards and reg-
5 ulations as the board of county commissioners or governing body of
6 the city deem appropriate; and

7 (c) conduct such inspections and fix such reasonable fees therefor
8 as the board of county commissioners or governing body of the city
9 may prescribe.

10 Except when authorized by reciprocal agreement between the
11 political subdivisions involved, licenses granted upon the basis of
12 examinations other than those designated by section 1 shall not
13 authorize a locksmith to practice outside of the jurisdiction of the
14 city or county granting such license.

15 Sec. 4. Nothing in this act shall be construed to allow any per-
16 son, firm, corporation, partnership, association or combination
17 thereof to engage in the practice of the technical professions as
18 defined by K.S.A. 74-7003 and amendments thereto without having
19 first received a license or authorization to practice engineering by
20 the Kansas state board of technical professions.

21 Sec. 5.6. This act shall take effect and be in force from and after
22 its publication in the statute book.

Sec. 5 Persons who engage in the
duplication and sale of
keys shall be exempt from
the provisions of this ac

MOBILE LOCKSMITH SHOP
900 New Hampshire Street
Lawrence, Kansas 66044
913-749-3023

Madam Chairman and Members of the Committee

I am Robert E. Ebey, the owner of Mobile Locksmith Shop in Lawrence, Kansas.

By passing HB 2296 you can take the First step in getting regulations to bring the Locksmith Trade up to the standards where it should be, similar to other trades ie: Plumbers, Electricians etc.

Right now the State of Kansas has no Laws pertaining to the Locksmith Trade. Just by reading the Newspaper any night you can see why security is so important, no matter if it is your Auto, Home, or Business. Right now anyone can practice the trade (even one who has been convicted of any crime) by just setting up shop. Some in the trade just move from one city or state to another when they are caught doing wrong.

There are also many people who just set up a shop or work out of their home with no or very little training. In many cases they make security worst than it was by not knowing what to do to insure locks are working properly. (Show most common mistake)

California and New York now have laws and many other States are in the process of getting them. Kansas Statute 21-3171: Possession of Burglary Tools does some good but because a person has to be caught in the act to be prosecuted still allows a person to have Try Out Keys, Master Keys, Pass keys, or any other tool to bypass a lock as long as he is not caught in the act. Federal Law 2777 states Locksmith Devices cannot be mailed or be delivered to unauthorized persons. This slows things down somewhat but is not enforced. (Example; Selling opening tools in Auto Parts Stores and Hardware Stores.)

The passage of this Bill will start the process of controlling the Trade and insure proper Training in this field. I also feel Kansas Statute 21-3717 should be changed so that a person cannot have Locksmith Devices without a license.

Several attachments are inclosed that may help you. I would liked to have furnished you more but I know your time is limited. A lot of the attachments are about unlocking vehicles but this is just an example of one part of the Locksmith Trade. Bills like this are comming up at a fast pace around the country at this time.

Do you have any questions of me at this time.

REE
ROBERT E. EBEBY

House Federal and State Affairs Committee
April 3, 1991
Senate Bill 376

Madame Chairperson and members of the committee:

My name is Gene Yockers, and I am the Director of the Kansas Real Estate Commission. The Real Estate Appraisal Board is attached to the Commission for administrative functions. I am here on behalf of the Board to request that you approve Senate Bill 376. The amendments, which were proposed by the Board, are primarily to ensure that the act is consistent with federal law and guidelines.

You will note throughout the bill that the term "licensed" has been added to "certified." The current law has two designations: "state certified general appraiser" and "state certified residential appraiser." The Appraisal Subcommittee found the designations to be inconsistent with federal law and strongly recommended changing the categories to state licensed and certified. Until such time as the law could be amended, the Board adopted a regulation to define the state certified residential classification to mean the same as the category of state licensed appraiser recognized by federal law.

Classifications are established by Section 9 on pages 8-9. The Appraiser Qualifications Board is presently in the process of denominating classifications and establishing a new certified residential classification. As provided by the bill, the Board will define each classification and establish requirements consistent with federal law.

Provision for transitional licenses is made in Section 9 (g) on page 10. This allows an applicant who has met the education and examination requirements to obtain a transitional license without having met the two-year experience requirement. As the name implies, it is intended only for a transitional period. A transitional license cannot be obtained after December 31, 1991; and transitional licenses can be in effect no more than a total of two years. All transitional licenses will have expired and not be renewable on June 30, 1993.

Some provisions of current law have been moved to other sections. Other amendments include:

Addition of some definitions from federal law [Sec. 2, page 2]

Provision for fees for approval of courses [Sec. 7, page 7]

Establishment of a federal registry clearing fund for registry fees which are collected and paid totally to the federal government [Sec. 7 (h), page 8]

Provision that the Board may impose a civil fine not exceeding \$1,000 for violations [Sec. 18 (b), page 15]

HOUSE FEDERAL AND STATE AFFAIRS

April 3, 1991

Attachment #3 - Page 1

July 1, 1991 is the date upon which state licensed or certified appraisers must be used for federally related transactions. We therefore urge you to pass the bill out of committee as quickly as possible. The earliest possible effective date is needed.

Thank you.



Office of Thrift Supervision
Department of the Treasury
Topeka District, 913-233-5300
P.O. Box 828, 200 East Sixth Street, Topeka, KS 66601

April 3, 1991

Kathleen Sebelius, Chairperson
Federal and State Affairs Committee
House of Representatives, State of Kansas
State Capitol
Topeka, Kansas 66612

Subject: SB 376, Amendments to State Certified Real Estate Appraiser Act,
K.S.A. 1990 Supp. 58-4101, et seq.

Dear Madam Chairperson:

This bill is necessary to bring the Kansas statute into closer conformity with Title XI "Real Estate Appraisal Reform Amendments" of the Financial Institutions reform, Recovery and Enforcement Act of 1989 ("FIRREA"). The "Supplemental Note" summarizes the bill's provisions. Kansas moved appropriately in 1990 to fulfill the State's responsibilities under Title XI. The Kansas statute was reviewed last summer by the The Appraisal Subcommittee created by Title XI. Senate Bill 376 is in response to the comment letter issued by The Appraisal Subcommittee on August 16, 1990.

The FIRREA implemented appraisal reform on a "fast track" basis giving parallel time frames to the states, the Appraisal Subcommittee, the federal financial institutions regulatory agencies, and the Appraisal Standards Board (ASB) and Appraisal Qualifications Board (AOB) of The Appraisal Foundation to accomplish separate but related objectives. Much has been accomplished through hard work of the part of all involved. The goal is to have State Certified and State Licensed Real Estate Appraisers available for federally related transactions by July 1, 1991. Kansas will.

The Kansas Legislature and Real Estate Appraisal Board are to be complemented on the progress over the past year. The administrative support provided by Mr. Yockers and Mrs. Duncan of the Real Estate Commission has been invaluable. This progress needs your support of Senate Bill 376 to continue. Please give it. Thank you.

Very truly yours,
Office of Thrift Supervision, Tenth District

James H. Irish, SRA, CRA
Regional Appraiser



Jeffrey D. Sonnich, Vice-President

Suite 512
700 Kansas Avenue
Topeka, Kansas 66603
(913) 232-8215

April 3, 1991

TO: HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS
FROM: JEFF SONNICH
RE: S.B. 376 (State Certified Real Estate Appraisers Act)

Madam Chairperson. Members of the Committee. The Kansas-Nebraska League of Savings Institutions appreciates the opportunity to appear before the House Committee on Federal and State Affairs in support of S.B. 376 which amends the State Certified Real Estate Appraisers Act.

When we testified last year before the House Governmental Organizations on S.B. 755 we were confident that the bill would pass the scrutiny of the Federal Appraisal Subcommittee... and for the most part it did. However, the response from the Federal Appraisal Subcommittee indicated some deficiencies in the Kansas law. Most of the concerns raised in the letters were addressed by the adoption of the appraisal regulations proposed by the Kansas Appraisal Board. Others will require changing the current statutes.

S.B. 376 makes four significant changes to the state certified real estate appraisers act. First, it provides a definition for written appraisal and clarifies that only written appraisals are to be used by certified and licensed appraisers. This change was recommended by the Federal Appraisal Subcommittee in the attached letter. Second, it grants the board authority to prescribe fees for the approval of educational courses. Third, it provides for three categories of appraisers: licensed real property appraiser; certified general real property appraiser; and certified residential real property appraiser. This change was also recommended by the Appraisal Subcommittee. Fourth, it provides for a transitional license for those individuals who have fulfilled the educational requirement and testing requirement, but have yet to fulfill the experience requirement. This change is made pursuant to an advisory issued by the Appraisal Subcommittee on November 28, 1990, which states that the Subcommittee will "recognize on a transitional basis State licensed appraisers who meet either the experience or the education requirement established by the states if the individual appraisers satisfy the missing requirement within no more than two years after they are tested and provisionally licensed by the States."

The changes outlined in S.B. 376 bring the Kansas law even closer in line with the federal law. They clarify those portion of the existing law that could not be handled through the adoption of regulations. Accordingly we would request the House Committee on Federal and State Affairs recommend S.B. 376 favorably.

HOUSE FEDERAL AND STATE AFFAIRS
April 3, 1991
Jeffrey Sonnich Attachment #5 - Page 1
Vice President



1776 G Street, NW, Suite 850B • Washington, DC 20006

August 16, 1990

Mr. Jeffrey Sonnich
Kansas-Nebraska League of
Savings Institutions
Suite 512
700 Kansas Avenue
Topeka, Kansas 66603

Dear Mr. Sonnich:

As you requested, the staff of the Appraisal Subcommittee has reviewed the Kansas "State Certified Real Estate Appraisers Act" for its consistency with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Title XI) and the Guidelines issued by the Subcommittee to assist states in their implementation of Title XI. Title XI instructs the Subcommittee not to recognize appraiser certifications and licenses from states whose appraisal policies, practices and procedures are found to be inconsistent with Title XI.

Most provisions of the Kansas law appear consistent with Title XI and the Appraisal Subcommittee Guidelines. However, our review indicates that some deficiencies do exist. We also identified some issues that are not fully addressed in the law, although our comments about these issues do not necessarily indicate noncompliance with the letter and spirit of Title XI. As a general matter, Title XI does not mandate that the states adopt identical legislation that covers all topics in a uniform format. It contemplates that each state enact statutes and regulations that are consonant with federal law and are tailored to the particular needs of that state. Consequently, the Guidelines issued by the Subcommittee are meant to be instructive on how to comply with federal law, not restrictive in allowing one method for compliance. It is possible that the broad issues of interest to the Subcommittee as well as the requirements of Title XI are addressed by other Kansas laws, regulations or administrative actions. With this in mind, the following comments are issued for your consideration:

Title XI

Sections 1113 and 1114. Transactions Requiring the Services of a State Certified and a State Licensed Appraiser.

Title XI recognizes two categories of appraisers, "certified" and "licensed." The state law's two designations are "state certified general appraiser" and "state certified residential appraiser" ("and such other classifications as permitted by federal law"). Because the state law does not use the federal designations, there is a possibility that the state authorities granted to the two categories of appraisers may not conform to appraisal assignment authorities for federally related transactions. In addition, lenders who rely on the state designations and use an inappropriate appraiser in a federally related transaction risk violating Title XI and losing the ability to sell the loan in the secondary mortgage market.

Please keep informed of the final rules of the federal regulatory agencies to ensure that the state law does not grant broader authority than would be allowed under final regulations at the federal level. In order to avoid confusion, we strongly recommend that the state adopt the federal appraiser titles and have the state appraiser categories correspond in appraisal authority to those of Title XI. The Subcommittee believes that all appraisers of federally related transactions should be designated as either "state certified" or "state licensed."

Finally, Title XI requires that all real estate appraisals given in connection with federally related transactions be in writing. The state law would permit oral appraisal reports. Therefore, the state might want to consider clarifying in the implementing regulations that certain appraisal reports are required to be written, rather than oral.

Section 1116. Certification and Licensing Requirements.

Title XI requires that the states establish criteria for certifying real estate appraisers that meet the minimum criteria for certification issued by the Appraisal Qualifications Board of the Appraisal Foundation (AQB) and pass an examination issued or endorsed by the AQB. Although the Kansas law provides that continuing education requirements for certificate renewal "are not to exceed the requirements of federal law," they must nonetheless meet the requirements of federal law, at a minimum.

The Guidelines of the Subcommittee provide that states should establish qualifications standards for licensed appraisers that are adequate to demonstrate knowledge and competency for licensing including testing, experience and educational requirements. We urge you to incorporate the qualifications criteria of the AQB for what they term the "residential real property appraiser" classification, because we have determined that they would be consistent with the criteria of the Guidelines for "state licensed appraisers." (See press release attached.)

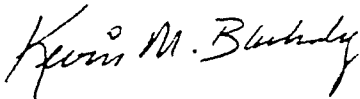
Other Comments.

The Kansas law contains a "sunset" provision stating that the Real Estate Appraisal Board shall be terminated and the law repealed on July 1, 1993. Title XI contains no such "sunset" provision. Indeed, the legislative history to Title XI makes clear that Congress determined that uniform standards for appraisers are necessary to protect federal financial and public interests in real estate transactions. Consequently, Congress required the Subcommittee to monitor the states' implementation of Title XI on an ongoing basis. If the Subcommittee determines that a state's appraisal practices, policies or procedures no longer implement Title XI, it may refuse to recognize appraiser licenses and certifications from that state for use in federally related transactions.

Please be advised that the Subcommittee intends to evaluate a state's system of certifying and licensing appraisers in its entirety before determining whether a state's policies, practices and procedures are inconsistent with Title XI. Accordingly, this review of the law does not preclude the Subcommittee from indicating at a later date its disapproval of all or part of the state regulatory scheme, should that scheme include features or be implemented in a manner not consistent with Title XI.

We trust that this is responsive to your request. If I can be of further service to you, please do not hesitate to contact me.

Sincerely,



Kevin M. Blakely
Chairman
Appraisal Subcommittee

Attachment



The KANSAS BANKERS ASSOCIATION
A Full Service Banking Association

April 3, 1991

TO: House Federal & State Affairs Committee
RE: **SB 376** - Amendments to the real estate appraiser act

Madam Chairman and Members of the Committee:

Thank you for the opportunity to appear before the committee in support of **SB 376**. Not only does it make several technical amendments needed to bring our state law into conformity with federal law and regulation, but it also provides for a special appraiser classification which is vital for real estate lending in Kansas.

Subsection (g) of Section 9 of **SB 376** allows the Real Estate Appraisal Board to issue a "transitional" license to those individuals who have successfully met the education and examination requirements established for a "state licensed" appraiser. The holder of the transitional license would then have up to 18 months to complete the regulatory requirement for the number of hours of appraisal experience necessary to become a state licensed appraiser.

We strongly believe such a license is necessary if there is to be an adequate supply of qualified appraisers in the rural areas of our state when the date for certified appraisals is implemented. There are a number of bankers in community banks throughout Kansas who have expressed an interest in becoming a qualified appraiser and who are willing to take the necessary education hours and sit for the state exam, but who simply do not have all of the 2,000 hours of appraisal experience required to become a state licensed appraiser. The provisions in subsection (g) of Section 9 would afford them the opportunity to obtain those additional experience hours needed to become a licensed appraiser.

Therefore, we strongly urge the committee to give favorable consideration to **SB 376** with all due speed so that bankers and others throughout the state can proceed with their plans to become qualified appraisers.


James S. Maag
Senior Vice President

HOUSE FEDERAL AND STATE AFFAIRS
April 3, 1991
Attachment #6 - Page 1

GREATER KANSAS CHAPTER
of the
Appraisal Institute

April 3, 1991

Representative Kathleen Sebelius
Chairman Federal and State Affairs
State Capitol Building
Topeka, Kansas 66612

Dear Representative Sebelius:

The Greater Kansas Chapter of the Appraisal Institute represents approximately 160 appraisers in the state of Kansas. The membership, at its March 1, 1991 meeting, voted unanimously to support in full the Licensing and Certification Senate Bill 376. If I can provide any further information, please feel free to contact me.

Respectfully Submitted,



Fletcher Simmons, MAI
President
(913) 539-6531

FS/dm



Executive Offices:
3644 S. W. Burlingame Road
Topeka, Kansas 66611
Telephone 913/267-3610

TO: THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
FROM: KAREN FRANCE, DIRECTOR, GOVERNMENTAL AFFAIRS
DATE: APRIL 3, 1991
SUBJECT: SB 376 CERTIFIED AND LICENSED APPRAISERS

Thank you for this opportunity to testify. On behalf of the Kansas Association of REALTORS®, I appear today to support SB 376. The Appraiser Board and its staff have worked very hard on the very difficult task of having enough appraisers in Kansas ready to meet the July 1 deadline. They need your assistance with this legislation in order to make that happen.

When we worked on the appraiser legislation last year, we did everything we could to bring it into compliance with the Federal mandates. We had hoped we would not be back here this year, but due to additional changes at the Federal level, the proposed legislation is necessary.

We support the bill in its current form. We ask that you pass it favorably without amendment so that the board can continue its work in meeting the July 1, 1991 deadline.

Thank you.

HOUSE FEDERAL AND STATE AFFAIRS
April 3, 1991
Attachment #8 - Page 1

RE: House Bill 2552

First, On page 2 at line 15 after the period we suggest the Committee amend the bill by adding:

"Each manufacturer, owner, exclusive agent, microbrewery or farm winery shall provide to each distributor licensed to sell spirits or wine distributing their product a written notice forty-five days in advance of any change in their current price."

Secondly, at page 3 line 19 after the period we suggest that the Committee amend the bill by adding:

"For purposes of this sub-section the 'same current bottle and case price' for alcoholic liquor, except beer, shall be a price effective for a specified period as designated by a distributor on or before the first day of each month."

HOUSE BILL No. 2582

By Committee on Federal and State Affairs

3-13

8 AN ACT concerning children; requiring review of deaths of children
9 and investigations thereof under certain circumstances; amending
10 K.S.A. 22a-231 and 22a-233 and K.S.A. 1990 Supp. 38-1507 and
11 38-1522 and repealing the existing sections; also repealing K.S.A.
12 22a-238.

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

15 New Section 1. As used in sections 1 through 4:

- 16 (a) "Child" means a person less than 18 years of age.
17 (b) "Local review team" means a local child death review team
18 established pursuant to section 4.
19 (c) "Pathologist" means a forensic pathologist, if available. Oth-
20 erwise, "pathologist" means a physician licensed to practice medicine
21 and surgery and qualified to conduct an autopsy.
22 (d) "State review board" means the state child death review board
23 established by section 3.
24 (e) "Suspicious circumstances" includes, but is not limited to,
25 abuse or neglect.

26 New Sec. 2. (a) When a child dies, any law enforcement officer,
27 health care provider or other person having knowledge of the death
28 shall immediately notify the coroner of the known facts concerning
29 the time, place, manner and circumstances of the death. If the notice
30 to the coroner identifies any suspicious circumstances or unknown
31 cause, as described in the protocol developed by the state review
32 board under section 3, the coroner shall immediately: (1) Investigate
33 the death to determine whether the child's death included any such
34 suspicious circumstance or unknown cause; and (2) direct a pathol-
35 ogist to perform an autopsy.

- Notify the appropriate law enforcement agency;
(2)
(3)

36 (b) If, after investigation and an autopsy, the coroner determines
37 that the death of a child does not include any suspicious circum-
38 stances or unknown cause, as described in the protocol developed
39 by the state review board under section 3, the coroner shall complete
40 and sign a nonsuspicious child death form.

41 (c) If, after investigation and an autopsy, the coroner determines
42 that the death of a child includes any suspicious circumstance or
43 unknown cause, as described in the protocol developed by the state

1 review board under section 3, the coroner shall, within 24 hours,
2 notify the chairperson of the state review board. _____ and the county or district attorney

3 (d) The coroner shall attempt to notify any parent or legal guard-
4 ian of the deceased child prior to the performance of an autopsy
5 pursuant to this section and attempt to notify any such parent or
6 legal guardian of the results of the autopsy.

7 (e) A coroner shall not make a determination that the death of
8 a child less than one year of age was caused by sudden infant death
9 syndrome unless an autopsy is performed.

10 (f) The fee for an autopsy performed under this section shall be
11 the usual and reasonable fee and travel allowance authorized under
12 K.S.A. 22a-233 and amendments thereto, and shall be paid from
13 moneys available therefor from appropriations to the department of
14 health and environment. The reasonableness of all claims for payment
15 of a fee for an autopsy under this section shall be determined by
16 the secretary of health and environment.

17 New Sec. 3. (a) There is hereby established a state child death
18 review board, which shall be composed of:

19 (1) One member appointed by each of the following officers to
20 represent the officer's agency: The attorney general, the director of
21 the Kansas bureau of investigation, the secretary of social and re-
22 habilitation services, the secretary of health and environment and
23 the commissioner of education;

24 (2) three members appointed by the state board of healing arts,
25 one of whom shall be a district coroner and two of whom shall be
26 physicians licensed to practice medicine and surgery, one specializing
27 in pathology and the other specializing in psychiatry; and _____ pediatrics

28 (3) one person appointed by the attorney general to represent
29 advocacy groups which focus attention on child abuse awareness and
30 prevention.

31 (b) The chairperson of the state review board shall be the mem-
32 ber appointed by the attorney general to represent the office of the
33 attorney general.

34 (c) The state review board shall meet at least annually to review
35 all reports submitted by local review teams. The chairperson of the
36 state review board may call a special meeting of the board at any
37 time to review any report of a child death.

38 (d) The state review board shall develop a protocol to be used
39 by the state review board and local review teams. The protocol shall
40 include written guidelines for coroners to use in identifying any
41 suspicious deaths, guidelines for organizing local review teams, pro-
42 cedures to be used by local review teams in investigating child
43 deaths, methods to ensure coordination and cooperation among all _____ and prevent duplication of efforts

investigating

1 agencies involved in child deaths and procedures for facilitating prosecution of perpetrators when it appears the cause of a child's death was from abuse or neglect.

2
3
4 (e) The state review board shall submit an annual report to the governor and the legislature on or before October 1 of each year, commencing October 1992. Such report shall include the findings of the local review teams, the board's analysis and the board's recommendations for improving child protection, including recommendations for modifying statutes, rules and regulations, policies and procedures.

11 (f) Information acquired by, and records of, the state review board shall be confidential, shall not be disclosed and shall not be subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

15 New Sec. 4. (a) Within 72 hours after receipt of notification from a coroner pursuant to section 2, the chairperson of the state review board shall activate a local child death review team to investigate and make a written report regarding the death. The local review team shall be composed of the following members appointed by the chairperson of the state review board:

21 (1) The coroner for the county;

the county or district attorney of the county;

22 (2) a law enforcement officer of the county or of a city located in the county;

(3)

24 (3) a physician licensed to practice medicine and surgery;

and specializing in pediatrics

25 (4) a representative of the secretary of social and rehabilitation services;

27 (5) a representative of a mental health center, as defined by K.S.A. 1990 Supp. 39-1602 and amendments thereto;

29 (6) an educator;

30 (7) a pathologist [if available]; and

strike bracketed language

31 (8) a court-appointed special advocate, as defined by K.S.A. 38-1502 and amendments thereto, if available.

33 If the county does not have the necessary persons to make the appointments provided by this subsection, the chairperson of the state review board may appoint persons from other counties as members.

37 (b) The chairperson of the state review board shall appoint a member of the local review team to act as chairperson of the team.

Except to the extent that access will interfere with any law enforcement investigation of a child's death,

39 (c) The local review team shall have access to all law enforcement investigative information regarding the death; any autopsy records and coroner's investigative records relating to the death; any medical records of the child; and any records of the department of social and rehabilitation services or any other social service agency which

1 has provided services to the child or the child's family within three
2 years preceding the child's death.

3 (d) The local review team may apply to the district court for the
4 issuance of, and the district court may issue, a subpoena to compel
5 the production of any books, records or papers relevant to the cause
6 of any death being investigated by the team. Any books, records or
7 papers received by the team pursuant to the subpoena shall be
8 regarded as confidential and privileged information and not subject
9 to disclosure.

10 (e) The local review team's report shall contain the circumstances
11 leading up to the death and cause of death; any social service agency
12 involvement prior to death, including the kinds of services delivered
13 to the dead child or the child's parents, siblings or any other children
14 in the home; the reasons for initial social service agency activity and
15 the reasons for any termination of agency activities if involvement
16 was terminated; whether court intervention had ever been sought
17 and, if so, any action taken by the court; and recommendations for
18 prevention of future death under similar circumstances.

19 (f) Within 15 days of its activation pursuant to this section, the
20 local review team shall complete and transmit a copy of its written
21 report to the state review board and to the county or district attorney
22 of the county in which the child's death occurred. If the death of
23 the child occurred in a different county than where the child resided,
24 a copy of the report shall be sent to the county or district attorney
25 of the county where the child resided or, if the child resided in
26 another state, to the child protective services agency of that state.

27 (g) The local review team shall maintain permanent records of
28 all written reports concerning child deaths.

29 (h) ~~A local review team may disclose its conclusions~~ but shall not
30 disclose any information received by the team which is not subject
31 to public disclosure by the agency that provided the information to
32 the team. The records of a team shall be confidential, shall not be
33 disclosed and shall not be subject to subpoena, discovery or intro-
34 duction into evidence in any civil or criminal proceeding.

35 (i) Information, documents and records otherwise available from
36 other sources are not immune from discovery or use in a civil or
37 criminal action solely because they were presented during proceed-
38 ings of a local review team. A person who presented information
39 before a team or who is a member of the team shall not be prevented
40 from testifying about matters within the person's knowledge.

41 Sec. 5. K.S.A. 22a-231 is hereby amended to read as follows:
42 22a-231. When any person dies, or human body is found dead in
43 any county of the state, and the death is suspected to have been

The report of the local review team shall be confidential and shall not be publicly disclosed until the county or district attorney authorizes release of the report or until the state review board determines that release of the report will not jeopardize investigation of the death or any prosecution arising from the death. Thereafter, the local review team may publicly disclose the report and the conclusions of the team

1 the result of violence, caused by unlawful means or by suicide, or
2 by casualty, or suddenly when the decedent was in apparent health,
3 or when decedent was not regularly attended by a licensed physician,
4 or in any suspicious or unusual manner, or when in police custody,
5 or when in a jail or correctional institution, or in any circumstances
6 specified under ~~K.S.A. 22a-238~~ *section 2* or when the determination
7 of the cause of a death is held to be in the public interest, the
8 coroner or deputy coroner of the county in which such death oc-
9 curred or dead body was found, shall be notified by the physician
10 in attendance, by any law enforcement officer, by the embalmer,
11 by any person who is or may in the future be required to notify
12 the coroner or by any other person.

13 Sec. 6. K.S.A. 22a-233 is hereby amended to read as follows:
14 22a-233. (a) If, in the opinion of the coroner, it is advisable and in
15 the public interest that an autopsy be made, or if an autopsy is
16 requested in writing by the county or district attorney or if the
17 autopsy is required under ~~K.S.A. 22a-238~~ and amendments thereto
18 *section 2*, such autopsy shall be performed by a qualified pathologist
19 as may be designated by the coroner. A pathologist performing an
20 autopsy, at the request of a coroner, shall be paid a usual and
21 reasonable fee to be allowed by the board of county commissioners
22 and shall be allowed and paid the travel allowance prescribed for
23 coroners and deputy coroners in accordance with the provisions of
24 K.S.A. 22a-228 and amendments thereto, the same to be paid by
25 the board of county commissioners of the county in which the cause
26 of death occurred except that autopsies performed under ~~K.S.A. 22a-~~
27 ~~238~~ and amendments thereto *section 2* shall be paid for in ac-
28 cordance with ~~K.S.A. 22a-238~~ and amendments thereto *section 2*.

29 (b) The pathologist performing the autopsy shall remove and re-
30 tain, for a period of three years, such specimens as appear to be
31 necessary in the determination of the cause of death.

32 (c) A full record and report of the facts developed by the autopsy
33 and findings of the pathologist performing such autopsy shall be
34 promptly made and filed with the coroner and with the clerk of the
35 district court of the county in which decedent died. If, in any case
36 in which this act requires that the coroner be notified, the body is
37 buried without the permission of the coroner, it shall be the duty
38 of the coroner, upon being advised of such fact, to notify the county
39 or district attorney, who shall communicate the same to a district
40 judge, and such judge may order that the body be exhumed and
41 an autopsy performed.

42 Sec. 7. K.S.A. 1990 Supp. 38-1507 is hereby amended to read
43 as follows: 38-1507. (a) All records and reports concerning child abuse

1 or neglect received by the department of social and rehabilitation
2 services or a law enforcement agency in accordance with K.S.A. 38-
3 1522 and amendments thereto are confidential and shall not be dis-
4 closed except under the following conditions:

5 (1) Upon the order of any court after a determination by the
6 court issuing the order that the records and reports are necessary
7 for the conduct of proceedings before it and are otherwise admissible
8 in evidence, except that access shall be limited to *in camera* in-
9 spection unless the court determines that public disclosure of the
10 information contained in the records and reports is necessary for the
11 resolution of an issue then pending before it.

12 (2) The secretary or the law enforcement agency where the report
13 is filed shall authorize access to any records or reports concerning
14 child abuse or neglect to any of the following persons upon order
15 of any court and may authorize access to such persons without a
16 court order if the child involved is a subject of the record or report:

17 (A) A person licensed to practice the healing arts who has before
18 that person a child whom the person reasonably suspects may be
19 abused or neglected;

20 (B) a court-appointed special advocate for a child, which advocate
21 reports to the court, or an agency having the legal responsibility or
22 authorization to care for, treat or supervise a child;

23 (C) a parent or other person responsible for the welfare of a
24 child, or such person's legal representative with protection for the
25 identity of reporters and other appropriate persons;

26 (D) the guardian *ad litem* for such child;

27 (E) a police or other law enforcement agency;

28 (F) an agency charged with the responsibility of preventing or
29 treating physical, mental or emotional abuse or neglect or sexual
30 abuse of children, if the agency requesting the information has stand-
31 ards of confidentiality as strict or stricter than the requirements of
32 this code;

33 (G) a person who is a member of a multidisciplinary team; or

34 (H) an agency authorized by a properly constituted authority to
35 diagnose, care for, treat or supervise a child who is the subject of
36 a report or record of child abuse or neglect; or

37 (I) a local child death review team established under section 4 board
38 or the state child death review team established under section 2. 3

39 (b) No individual, association, partnership, corporation or other
40 entity shall willfully or knowingly permit or encourage the unau-
41 thorized dissemination of the contents of records or reports con-
42 cerning child abuse or neglect received by the department of social
43 and rehabilitation services or a law enforcement agency in accordance

1 with K.S.A. 38-1522 and amendments thereto except as provided
2 by this code. Violation of this subsection is a class B misdemeanor.

3 (c) Records or reports given to persons described in paragraph
4 ~~(a)(2)(A)~~ subsection (a)(2)(G) or (a)(2)(I) shall not be further dis-
5 closed to persons who are not members of the multidisciplinary team
6 or child death review team without prior approval of the court.

7 Sec. 8. K.S.A. 1990 Supp. 38-1522 is hereby amended to read
8 as follows: 38-1522. (a) When any of the following persons has reason
9 to suspect that a child has been injured as a result of physical,
10 mental or emotional abuse or neglect or sexual abuse, the person
11 shall report the matter promptly as provided in subsection (c) or (e):
12 Persons licensed to practice the healing arts or dentistry; persons
13 licensed to practice optometry; persons engaged in postgraduate
14 training programs approved by the state board of healing arts; li-
15 censed psychologists; licensed professional or practical nurses ex-
16 amining, attending or treating a child under the age of 18; teachers,
17 school administrators or other employees of a school which the child
18 is attending; chief administrative officers of medical care facilities;
19 persons licensed by the secretary of health and environment to pro-
20 vide child care services or the employees of persons so licensed at
21 the place where the child care services are being provided to the
22 child; licensed social workers; firefighters; emergency medical serv-
23 ices personnel; mediators appointed under K.S.A. 23-602 and amend-
24 ments thereto; and law enforcement officers. The report may be
25 made orally and shall be followed by a written report if requested.
26 When the suspicion is the result of medical examination or treatment
27 of a child by a member of the staff of a medical care facility or
28 similar institution, that staff member shall immediately notify the
29 superintendent, manager or other person in charge of the institution
30 who shall make a written report forthwith. Every written report shall
31 contain, if known, the names and addresses of the child and the
32 child's parents or other persons responsible for the child's care, the
33 child's age, the nature and extent of the child's injury (including any
34 evidence of previous injuries) and any other information that the
35 maker of the report believes might be helpful in establishing the
36 cause of the injuries and the identity of the persons responsible for
37 the injuries.

38 (b) Any other person who has reason to suspect that a child has
39 been injured as a result of physical, mental or emotional abuse or
'0 neglect or sexual abuse may report the matter as provided in sub-
section (c) or (e).

2 (c) Except as provided by subsection (e), reports made pursuant
to this section shall be made to the state department of social and

1 rehabilitation services. When the department is not open for busi-
 2 ness, the reports shall be made to the appropriate law enforcement
 3 agency. On the next day that the state department of social and
 4 rehabilitation services is open for business, the law enforcement
 5 agency shall report to the department any report received and any
 6 investigation initiated pursuant to subsection (a) of K.S.A. 38-1524
 7 and amendments thereto. The reports may be made orally or, on
 8 request of the department, in writing.

Every.

9 (d) ~~Any person required by this section to report an injury to a~~
 10 ~~child and who has reasonable cause to believe that a child who has~~
 11 ~~died was less than 15 years of age shall immediately notify the~~ 18
 12 ~~coroner as provided by section 2. Any person required by this section~~
 13 ~~to report an injury to a child and who has reasonable cause to suspect~~ 18
 14 ~~that a child 15 or more years of age has died from injuries resulting~~
 15 ~~from physical, mental or emotional abuse or neglect or sexual abuse~~
 16 ~~shall notify the coroner or appropriate law enforcement agency of~~
 17 ~~that suspicion.~~

18 (e) Reports of child abuse or neglect occurring in an institution
 19 operated by the secretary shall be made to the attorney general. All
 20 other reports of child abuse or neglect by persons employed by or
 21 of children of persons employed by the state department of social
 22 and rehabilitation services shall be made to the appropriate law
 23 enforcement agency.

24 (f) Willful and knowing failure to make a report required by this
 25 section is a class B misdemeanor.

26 (g) Preventing or interfering with, with the intent to prevent,
 27 the making of a report required by this section is a class B
 28 misdemeanor.

29 Sec. 9. K.S.A. 22a-231, 22a-233 and 22a-238 and K.S.A. 1990
 30 Supp. 38-1507 and 38-1522 are hereby repealed.

31 Sec. 10. This act shall take effect and be in force from and after
 32 its publication in the statute book.