

HOUSE BILL No. 2447

By Committee on Commerce and Labor

2-11

9 AN ACT concerning workers compensation, reforming the workers com-
10 pensation residual insurance market structure and reforming the work-
11 ers compensation benefit structure; amending K.S.A. 40-2108, 40-
12 2109, 40-2110, 44-510c, 44-510d and 44-510f and repealing the
13 existing sections.

14

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

16 Section 1. K.S.A. 40-2108 is hereby amended to read as follows: 40-
17 2108. Agreements may be made among insurers with respect to the eq-
18 uitable apportionment among them of insurance which may be afforded
19 applicants who are in good faith, entitled to but who are unable to procure
20 such insurance through ordinary methods and such insurers may agree
21 among themselves on the use of reasonable rate modifications for such
22 insurance: *Provided*, That such apportionment agreements and rate mod-
23 ifications are approved by the commissioner of insurance. *Not later than*
24 *September 30, 2005, the director of the department of insurance shall*
25 *approve a plan of operation providing for a competitive bidding process*
26 *to select a residual market insurer. The residual market insurer shall guar-*
27 *antee insurance coverage and quality loss prevention and control services*
28 *for employers who are in good faith entitled to but who are unable to*
29 *procure workers compensation insurance through ordinary methods.*

30 Sec. 2. K.S.A. 40-2109 is hereby amended to read as follows: 40-
31 2109. ~~Every insurer undertaking to transact in this state the business of~~
32 ~~either workers compensation or employer's liability insurance or both,~~
33 ~~and every rating organization which files rates for such insurance shall~~
34 ~~cooperate in the preparation and submission to the commissioner of in-~~
35 ~~surance of a plan or plans, for the equitable apportionment among in-~~
36 ~~surers of applicants for insurance who are in good faith, entitled to but~~
37 ~~who are unable to procure through ordinary methods, such insurance.~~
38 ~~Such plan or plans shall provide:~~

39 ~~—(a)—Reasonable rules governing the equitable distribution of risks by~~
40 ~~direct insurance, reinsurance or otherwise and their assignment to~~
41 ~~insurers;~~

42 ~~—(b)—rates and rate modifications applicable to such risks which shall~~
43 ~~be reasonable, adequate and not unfairly discriminatory;~~

1 ~~—(c) a method whereby applicants for insurance, insured and insurers~~
2 ~~may have a hearing on grievances and the right of appeal to the~~
3 ~~commissioner;~~
4 ~~—(d) for every such plan or plans, there shall be a governing board to~~
5 ~~be appointed by the commissioner of insurance which shall meet at least~~
6 ~~annually to review and prescribe operating rules, and which shall consist~~
7 ~~of the following members:~~
8 ~~—(1) Seven members who shall be appointed as follows: Three of such~~
9 ~~members shall be representatives of foreign insurance companies, two~~
10 ~~members shall be representatives of domestic insurance companies and~~
11 ~~two members shall be licensed independent insurance agents. Such mem-~~
12 ~~bers shall be appointed for a term of three years, except that the initial~~
13 ~~appointment shall include two members appointed for a two-year term~~
14 ~~and two members appointed for a one-year term, as designated by the~~
15 ~~commissioner; and~~
16 ~~—(2) Two members representative of the general public interest with~~
17 ~~such members to be appointed for a term of two years.~~
18 ~~—The commissioner shall review the plan as soon as reasonably possible~~
19 ~~after filing in order to determine whether it meets the requirements set~~
20 ~~forth in subsections (a) and (c) above. As soon as reasonably possible after~~
21 ~~the plan has been filed the commissioner shall in writing approve or~~
22 ~~disapprove the same, except that any plan shall be deemed approved~~
23 ~~unless disapproved within 45 days. Subsequent to the waiting period the~~
24 ~~commissioner may disapprove any plan on the ground that it does not~~
25 ~~meet the requirements set forth in subsections (a), (b) and (c) above, but~~
26 ~~only after a hearing held upon not less than 10 days' written notice to~~
27 ~~every insurer and rating organization affected specifying the matter to be~~
28 ~~considered at such hearing, and only by an order specifying in what re-~~
29 ~~spect the commissioner finds that such plan fails to meet such require-~~
30 ~~ments and stating when within a reasonable period thereafter such plan~~
31 ~~shall be deemed no longer effective. Such order shall not affect any as-~~
32 ~~ignment made or policy issued or made prior to the expiration of the~~
33 ~~period set forth in such order. Amendments to such plan or plans shall~~
34 ~~be prepared, and filed and reviewed in the same manner as herein pro-~~
35 ~~vided with respect to the original plan or plans.~~
36 ~~—If no plan meeting the standards set forth in subsections (a), (b) and~~
37 ~~(c) is submitted to the commissioner within the period stated in any order,~~
38 ~~disapproving an existing plan the commissioner shall, if necessary to carry~~
39 ~~out the purpose of this section after hearing, prepare and promulgate a~~
40 ~~plan meeting such requirements. When such plan or plans or amend-~~
41 ~~ments thereto have been approved or promulgated, no insurer shall there-~~
42 ~~after issue a policy of workers compensation or employer's liability insur-~~
43 ~~ance or undertake to transact such business in this state unless such~~

1 insurer shall participate in such an approved or promulgated plan. If, after
2 a hearing conducted in accordance with the provisions of the Kansas
3 administrative procedure act, the commissioner finds that any activity or
4 practice of any insurer or rating organization in connection with the op-
5 eration of such plan or plans is unfair or unreasonable or otherwise in-
6 consistent with the provisions of this section the commissioner may issue
7 a written order specifying in what respects such activity or practice is
8 unfair or unreasonable or otherwise inconsistent with the provisions of
9 this section and requiring discontinuance of such activity or practice.

10 ~~—(c)—~~The commissioner shall approve rates and rate modifications for
11 each plan that provides workers compensation insurance pursuant to this
12 section which, over a period of time, but no later than January 1, 1997,
13 will reduce the assessments levied by the plan to less than 10%. If the
14 commissioner finds that the percentage of the total Kansas workers com-
15 pensation premium volume written by the plan has not decreased below
16 20% of the total amount of such premium volume by December 31, 1998,
17 the provisions of this subsection shall no longer apply and the commis-
18 sioner may cause the governing board of the plan to file new rates and
19 rate modifications pursuant to this section. Notwithstanding the foregoing
20 provisions of this subsection, the commissioner shall not approve rates or
21 rating plans which produce rates or premiums for risks with less than
22 \$2,250 annual premium that are higher than those which would be ap-
23 plied to such risks in the voluntary market, except that this provision shall
24 not prohibit the application of surcharges, experience modifications or
25 other rating variables based on the claims experience of individual risks.

26 *(a) The plan of operation described in K.S.A. 40-2108, and amendments*
27 *thereto, shall provide for a competitive bidding process pursuant to which*
28 *the commissioner shall seek, and any insurer seeking to qualify as the*
29 *residual market insurer may submit, rates at which the insurer will agree*
30 *to insure any employer who is in good faith entitled to but who is unable*
31 *to procure workers compensation insurance through ordinary methods.*

32 *(b) The commissioner shall develop a request for proposals which*
33 *shall set forth the criteria an insurer must satisfy in order to be selected*
34 *as the residual market insurer. No later than September 30, 2005, the*
35 *commissioner shall provide the request for proposals to all insurers li-*
36 *censed to write workers compensation insurance in Kansas. The commis-*
37 *sioner shall also post such request for proposals on its website. Any insurer*
38 *that satisfies the capital and surplus requirements set forth in this chapter*
39 *may submit a proposal in response to such request for proposals. The*
40 *commissioner shall confer with the director of workers compensation for*
41 *establishing and implementing the request for proposals.*

42 *(c) The commissioner shall require that an insurer seeking to qualify*
43 *as the residual market insurer agree to provide insurance for the residual*

1 market for no less than three years, and that it submit rates for such
2 insurance for at least one year. Insurers may at their option submit guar-
3 anteed rates for subsequent years. The commissioner shall select as the
4 residual market insurer the insurer submitting the lowest and best pro-
5 posal in response to the request for proposals developed by the
6 commissioner.

7 (d) The residual market insurer selected by the commissioner shall
8 operate as the residual market insurer for a minimum of three years.
9 Thereafter, the commissioner in his sole discretion shall determine
10 whether to renew the contract with the residual market insurer selected
11 by the commissioner or to conduct a new competitive bidding process.

12 (e) After the period for which the residual market insurer selected by
13 the commissioner has submitted rates has run, the residual market insurer
14 shall submit proposed rates and any supplementary rate information spec-
15 ified by the commissioner to the commissioner for approval 60 days before
16 their effective date. The commissioner shall approve such rates if they are
17 not excessive, inadequate or unfairly discriminatory. The commissioner
18 shall disapprove any filing that does not meet the requirements of this
19 section. A filing shall be deemed to meet such requirements unless ap-
20 proved, disapproved or modified by the commissioner within 60 days after
21 the filing is made.

22 (f) The commissioner shall establish by rule and regulation standards
23 to assure that any employer insured by the residual market insurer shall
24 receive the same quality of service in the areas of employee classification,
25 safety engineering, loss control, claims handling and claim reserving prac-
26 tices as do employers in the voluntary market. The residual market insurer
27 shall process applications, conduct safety engineering or other loss control
28 services and provide claims handling within the state of Kansas or ad-
29 joining states.

30 (g) If, after a hearing conducted in accordance with the provisions of
31 the Kansas administrative procedure act, the commissioner finds that any
32 activity or practice of the residual market insurer is unfair or unreason-
33 able or otherwise inconsistent with the provisions of this section the com-
34 missioner may issue a written order specifying in what respects such ac-
35 tivity or practice is unfair or unreasonable or otherwise inconsistent with
36 the provisions of this section and requiring discontinuance of such activity
37 or practice.

38 (h) If the commissioner finds that no insurer has submitted an ac-
39 ceptable proposal in response to the request for proposal described in this
40 section, he shall implement an alternative method of providing insurance
41 to employers who are in good faith entitled to but who are unable to
42 procure workers compensation insurance through ordinary methods.

43 Sec. 3. K.S.A. 40-2110 is hereby amended to read as follows: 40-

1 2110. ~~An~~ *The residual market insurer participating in the plan approved*
2 ~~by the commissioner~~ may pay a commission with respect to insurance
3 ~~assigned under the plan to an~~ *on residual market business to any agent*
4 ~~licensed for any other insurer participating in the plan or to any insurer~~
5 ~~participating in the plan~~ *who submits such business.*

6 New Sec. 4. (a) Not later than July 1, 2005, and after consultation
7 with the workers compensation insurance industry, the commissioner
8 shall establish an interactive internet site which shall enable any employer
9 licensed in this state to obtain a quote from each workers compensation
10 insurer licensed to write the coverage sought by the employer.

11 (b) The internet site established by the commissioner shall enable
12 employers to complete an online form that shall capture information suf-
13 ficient to generate a quote from each insurer for the coverage sought by
14 the employer. After an employer has answered all the questions appearing
15 on the online form, the internet site shall display quotes for the employer
16 for the coverage such employer has sought from each insurer licensed to
17 write such coverage.

18 (c) Quotes provided at the internet site shall at all times be accurate.
19 Whenever the commissioner approves any rate change of a workers com-
20 pensation insurer, the commissioner shall implement such change at the
21 internet site as soon as practicable, but in no event later than 10 days
22 after such change has been approved.

23 (d) The commissioner shall design the internet site to incorporate
24 user-friendly formats and self-help guidance materials, and shall develop
25 a user-friendly internet user-interface.

26 (e) The internet site shall display contact information for each insurer
27 licensed to write workers compensation insurance in this state. Such con-
28 tact information shall consist of address, telephone number, fax number,
29 e-mail address and any additional information that the commissioner may
30 require. The internet site shall also display the name, address and tele-
31 phone number of each agent each such insurer has appointed in this state.

32 Sec. 5. K.S.A. 44-510c is hereby amended to read as follows: 44-
33 510c. Where death does not result from the injury, compensation shall
34 be paid as provided in K.S.A. 44-510h and 44-510i and amendments
35 thereto and as follows:

36 (a) (1) Where permanent total disability results from the injury,
37 weekly payments shall be made during the period of permanent total
38 disability in a sum equal to 66 $\frac{2}{3}$ % of the average gross weekly wage of
39 the injured employee, computed as provided in K.S.A. 44-511 and
40 amendments thereto, but in no case less than \$25 per week nor more
41 than the dollar amount nearest to ~~75%~~ 100% of the state's average weekly
42 wage, determined as provided in K.S.A. 44-511 and amendments thereto,
43 per week. The payment of compensation for permanent total disability

1 shall continue for the duration of such disability, subject to review and
2 modification as provided in K.S.A. 44-528 and amendments thereto.

3 (2) Permanent total disability exists when the employee, on account
4 of the injury, has been rendered completely and permanently incapable
5 of engaging in any type of substantial and gainful employment. Loss of
6 both eyes, both hands, both arms, both feet, or both legs, or any combi-
7 nation thereof, in the absence of proof to the contrary, shall constitute a
8 permanent total disability. Substantially total paralysis, or incurable im-
9 becility or insanity, resulting from injury independent of all other causes,
10 shall constitute permanent total disability. In all other cases permanent
11 total disability shall be determined in accordance with the facts.

12 (b) (1) Where temporary total disability results from the injury, no
13 compensation shall be paid during the first week of disability, except that
14 provided in K.S.A. 44-510h and 44-510i and amendments thereto, unless
15 the temporary total disability exists for three consecutive weeks, in which
16 case compensation shall be paid for the first week of such disability.
17 Thereafter weekly payments shall be made during such temporary total
18 disability, in a sum equal to $66\frac{2}{3}\%$ of the average gross weekly wage of
19 the injured employee, computed as provided in K.S.A. 44-511 and
20 amendments thereto, but in no case less than \$25 per week nor more
21 than the dollar amount nearest to ~~75%~~ 100% of the state's average weekly
22 wage, determined as provided in K.S.A. 44-511 and amendments thereto,
23 per week.

24 (2) Temporary total disability exists when the employee, on account
25 of the injury, has been rendered completely and temporarily incapable of
26 engaging in any type of substantial and gainful employment. A release
27 issued by a health care provider with temporary medical limitations for
28 an employee may or may not be determinative of the employee's actual
29 ability to be engaged in any type of substantial and gainful employment,
30 except that temporary total disability compensation shall not be awarded
31 unless the opinion of the authorized treating health care provider is shown
32 to be based on an assessment of the employee's actual job duties with the
33 employer, with or without accommodation.

34 (3) Where no award has been entered, a return by the employee to
35 any type of substantial and gainful employment or, subject to the provi-
36 sions of subsection (b)(2), a release by a treating health care provider or
37 examining health care provider, who is not regularly employed or retained
38 by the employer, to return to any type of substantial and gainful employ-
39 ment, shall suspend the employee's right to the payment of temporary
40 total disability compensation, but shall not affect any right the employee
41 may have to compensation for partial disability in accordance with K.S.A.
42 44-510d and 44-510e and amendments thereto.

43 (c) When any permanent total disability or temporary total disability

1 is followed by partial disability, compensation shall be paid as provided
2 in K.S.A. 44-510d and 44-510e and amendments thereto.

3 Sec. 6. K.S.A. 44-510d is hereby amended to read as follows: 44-
4 510d. (a) Where disability, ~~partial in character but permanent in quality,~~
5 results from the injury, the injured employee shall be entitled to the
6 compensation provided in K.S.A. 44-510h and 44-510i and amendments
7 thereto, but shall not be entitled to any other or further compensation
8 for or during the first week following the injury unless such disability
9 exists for three consecutive weeks, in which event compensation shall be
10 paid for the first week. Thereafter *temporary total or temporary partial*
11 *disability* compensation shall be paid for temporary total or temporary
12 *partial wage loss of use and as provided in K.S.A. 44-510c and 44-510e,*
13 *and amendments thereto. Thereafter permanent loss of use compensation*
14 *shall be paid* as provided in the following schedule, 66 $\frac{2}{3}$ % of the average
15 gross weekly wages to be computed as provided in K.S.A. 44-511 and
16 amendments thereto, except that in no case shall the weekly compensa-
17 tion be more than the maximum as provided for in K.S.A. 44-510c and
18 amendments thereto. If there is an award of permanent disability as a
19 result of the injury there shall be a presumption that disability existed
20 immediately after the injury and compensation is to be paid for not to
21 exceed the number of weeks allowed in the following schedule:

- 22 (1) For loss of a thumb, 60 weeks.
- 23 (2) For the loss of a first finger, commonly called the index finger,
24 37 weeks.
- 25 (3) For the loss of a second finger, 30 weeks.
- 26 (4) For the loss of a third finger, 20 weeks.
- 27 (5) For the loss of a fourth finger, commonly called the little finger,
28 15 weeks.
- 29 (6) Loss of the first phalange of the thumb or of any finger shall be
30 considered to be equal to the loss of $\frac{1}{2}$ of such thumb or finger, and the
31 compensation shall be $\frac{1}{2}$ of the amount specified above. The loss of the
32 first phalange and any part of the second phalange of any finger, which
33 includes the loss of any part of the bone of such second phalange, shall
34 be considered to be equal to the loss of $\frac{2}{3}$ of such finger and the com-
35 pensation shall be $\frac{2}{3}$ of the amount specified above. The loss of the first
36 phalange and any part of the second phalange of a thumb which includes
37 the loss of any part of the bone of such second phalange, shall be consid-
38 ered to be equal to the loss of the entire thumb. The loss of the first and
39 second phalanges and any part of the third proximal phalange of any
40 finger, shall be considered as the loss of the entire finger. Amputation
41 through the joint shall be considered a loss to the next higher schedule.
- 42 (7) For the loss of a great toe, 30 weeks.
- 43 (8) For the loss of any toe other than the great toe, 10 weeks.

- 1 (9) The loss of the first phalange of any toe shall be considered to be
2 equal to the loss of $\frac{1}{2}$ of such toe and the compensation shall be $\frac{1}{2}$ of
3 the amount above specified.
- 4 (10) The loss of more than one phalange of a toe shall be considered
5 to be equal to the loss of the entire toe.
- 6 (11) For the loss of a hand, 150 weeks.
- 7 (12) For the loss of a forearm, 200 weeks.
- 8 (13) For the loss of an arm, excluding the shoulder joint, shoulder
9 girdle, shoulder musculature or any other shoulder structures, 210 weeks,
10 and for the loss of an arm, including the shoulder joint, shoulder girdle,
11 shoulder musculature or any other shoulder structures, 225 weeks.
- 12 (14) For the loss of a foot, 125 weeks.
- 13 (15) For the loss of a lower leg, 190 weeks.
- 14 (16) For the loss of a leg, 200 weeks.
- 15 (17) For the loss of an eye, or the complete loss of the sight thereof,
16 120 weeks.
- 17 (18) Amputation or severance below the wrist shall be considered as
18 the loss of a hand. Amputation at the wrist and below the elbow shall be
19 considered as the loss of the forearm. Amputation at or above the elbow
20 shall be considered loss of the arm. Amputation below the ankle shall be
21 considered loss of the foot. Amputation at the ankle and below the knee
22 shall be considered as loss of the lower leg. Amputation at or above the
23 knee shall be considered as loss of the leg.
- 24 (19) For the complete loss of hearing of both ears, 110 weeks.
- 25 (20) For the complete loss of hearing of one ear, 30 weeks.
- 26 (21) Permanent loss of the use of a finger, thumb, hand, shoulder,
27 arm, forearm, toe, foot, leg or lower leg or the permanent loss of the sight
28 of an eye or the hearing of an ear, shall be equivalent to the loss thereof.
29 For the permanent partial loss of the use of a finger, thumb, hand, shoul-
30 der, arm, toe, foot or leg, or the sight of an eye or the hearing of an ear,
31 compensation shall be paid as provided for in K.S.A. 44-510c and amend-
32 ments thereto, per week during that proportion of the number of weeks
33 in the foregoing schedule provided for the loss of such finger, thumb,
34 hand, shoulder, arm, toe, foot or leg, or the sight of an eye or the hearing
35 of an ear, which partial loss thereof bears to the total loss of a finger,
36 thumb, hand, shoulder, arm, toe, foot or leg, or the sight of an eye or the
37 hearing of an ear; but in no event shall the compensation payable here-
38 under for such partial loss exceed the compensation payable under the
39 schedule for the total loss of such finger, thumb, hand, arm, toe, foot or
40 leg, or the sight of an eye or the hearing of an ear, exclusive of the healing
41 period. As used in this paragraph (21), "shoulder" means the shoulder
42 joint, shoulder girdle, shoulder musculature or any other shoulder
43 structures.

1 (22) For traumatic hernia, compensation shall be limited to the com-
 2 pensation under K.S.A. 44-510h and 44-510i and amendments thereto,
 3 compensation for temporary total disability during such period of time as
 4 such employee is actually unable to work on account of such hernia, and,
 5 in the event such hernia is inoperable, weekly compensation during 12
 6 weeks, except that, in the event that such hernia is operable, the unrea-
 7 sonable refusal of the employee to submit to an operation for surgical
 8 repair of such hernia shall deprive such employee of any benefits under
 9 the workers compensation act.

10 (23) Loss of a scheduled member shall be based upon permanent
 11 impairment of function to the scheduled member as determined using
 12 the fourth edition of the American Medical Association Guides to the
 13 Evaluation of Permanent Impairment, if the impairment is contained
 14 therein.

15 (b) Whenever the employee is entitled to compensation for a specific
 16 injury under the foregoing schedule, the same shall be exclusive of all
 17 other compensation except the benefits provided in K.S.A. 44-510h and
 18 44-510i and amendments thereto, and no additional compensation shall
 19 be allowable or payable for any temporary or permanent, partial or total
 20 disability, except that the director, in proper cases, may allow additional
 21 compensation during the actual healing period, following amputation.
 22 The healing period shall not be more than 10% of the total period allowed
 23 for the scheduled injury in question nor in any event for longer than 15
 24 weeks. The return of the employee to the employee's usual occupation
 25 shall terminate the healing period.

26 Sec. 7. K.S.A. 44-510f is hereby amended to read as follows: 44-510f.

27 (a) Notwithstanding any provision of the workers compensation act to the
 28 contrary, the maximum compensation benefits payable by an employer
 29 shall not exceed the following:

30 (1) For permanent total disability, including temporary total, tem-
 31 porary partial, ~~and permanent partial and temporary partial~~ disability pay-
 32 ments paid or due, ~~\$125,000~~ \$250,000 for an injury or any aggravation
 33 thereof;

34 (2) for temporary total disability, including any prior permanent total,
 35 permanent partial or temporary partial disability payments paid or due,
 36 ~~\$100,000~~ \$125,000 for an injury or any aggravation thereof; *and*

37 (3) subject to the provisions of subsection (a)(4), for permanent or
 38 temporary partial disability, including any prior temporary total, perma-
 39 nent total, temporary partial, or permanent partial disability payments
 40 paid or due, ~~\$100,000~~ \$125,000 for an injury or any aggravation thereof;
 41 ~~and~~

42 ~~(4) for permanent partial disability, where functional impairment only~~
 43 ~~is awarded, \$50,000 for an injury or aggravation thereof.~~

1 *Beginning July 1, 2006, and on July 1 of each subsequent year, the*
2 *maximum compensation benefits set out in subsection (a) shall be adjusted*
3 *up or down by a percentage equal to the percentage of change in the*
4 *state's average weekly wage as determined by the secretary by computing*
5 *the average weekly wages paid to employees in insured work during the*
6 *previous calendar year. Such percentage shall be rounded to the nearest*
7 *full percentage and if the dollar amount of the maximum compensation*
8 *benefit so computed is not a multiple of \$1, then the computed maximum*
9 *compensation benefit amount shall be reduced to the next lower multiple*
10 *of \$1. Prior to July 1 of each year, the secretary shall announce the max-*
11 *imum compensation benefits so computed, by publication in the Kansas*
12 *register.*

13 (b) If an employer shall voluntarily pay unearned wages to an em-
14 ployee in addition to and in excess of any amount of disability benefits to
15 which the employee is entitled under the workers compensation act, the
16 excess amount paid shall be allowed as a credit to the employer in any
17 final lump-sum settlement, or may be withheld from the employee's
18 wages in weekly amounts the same as the weekly amount or amounts paid
19 in excess of compensation due, but not until and unless the employee's
20 average gross weekly wage for the calendar year exceeds 125% of the
21 state's average weekly wage, determined as ~~provided in K.S.A. 44-511~~
22 ~~and amendments thereto~~ *set out in subsection (a)*. The provisions of this
23 subsection shall not apply to any employer who pays any such unearned
24 wages to an employee pursuant to an agreement between the employer
25 and employee or labor organization to which the employee belongs.

26 Sec. 8. K.S.A. 40-2108, 40-2109, 40-2110, 44-510c, 44-510d and 44-
27 510f are hereby repealed.

28 Sec. 9. This act shall take effect and be in force from and after its
29 publication in the statute book.