

SENATE BILL No. 216

By Committee on Ways and Means

3-6

1 AN ACT updating statutory references as necessitated by 2012 Executive
2 Reorganization Order No. 41 and making technical changes related
3 thereto; amending K.S.A. 75-5309, 76-157 and 76-158 and K.S.A.
4 2016 Supp. 21-5909, 36-502, 38-2006, 38-2212, 39-1702, 40-4702, 65-
5 689, 75-7d01, 75-5321a and 75-7033 and repealing the existing
6 sections.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2016 Supp. 21-5909 is hereby amended to read as
10 follows: 21-5909. (a) Intimidation of a witness or victim is preventing or
11 dissuading, or attempting to prevent or dissuade, with an intent to vex,
12 annoy, harm or injure in any way another person or an intent to thwart or
13 interfere in any manner with the orderly administration of justice:

14 (1) Any witness or victim from attending or giving testimony at any
15 civil or criminal trial, proceeding or inquiry authorized by law; or

16 (2) any witness, victim or person acting on behalf of a victim from:

17 (A) Making any report of the victimization of a victim to any law
18 enforcement officer, prosecutor, probation officer, parole officer,
19 correctional officer, community correctional services officer or judicial
20 officer, the secretary of the department of social and rehabilitation for
21 children and families, the secretary for aging and disability services or any
22 agent or representative of the secretary, or any person required to make a
23 report pursuant to K.S.A. 2016 Supp. 38-2223, and amendments thereto;

24 (B) causing a complaint, indictment or information to be sought and
25 prosecuted, or causing a violation of probation, parole or assignment to a
26 community correctional services program to be reported and prosecuted,
27 and assisting in its prosecution;

28 (C) causing a civil action to be filed and prosecuted and assisting in
29 its prosecution; or

30 (D) arresting or causing or seeking the arrest of any person in
31 connection with the victimization of a victim.

32 (b) Aggravated intimidation of a witness or victim is intimidation of a
33 witness or victim, as defined in subsection (a), when the:

34 (1) Act is accompanied by an expressed or implied threat of force or
35 violence against a witness, victim or other person or the property of any
36 witness, victim or other person;

1 (2) act is in furtherance of a conspiracy;
2 (3) act is committed by a person who has been previously convicted
3 of corruptly influencing a witness or has been convicted of a violation of
4 this section or any federal or other state's statute—~~which~~ *that*, if the act
5 prosecuted was committed in this state, would be a violation of this
6 section;

7 (4) witness or victim is under 18 years of age; or

8 (5) act is committed for pecuniary gain or for any other consideration
9 by a person acting upon the request of another person.

10 (c) (1) Intimidation of a witness or victim is a class B person
11 misdemeanor.

12 (2) Aggravated intimidation of a witness or victim is a severity level
13 6, person felony.

14 Sec. 2. K.S.A. 2016 Supp. 36-502 is hereby amended to read as
15 follows: 36-502. (a) It shall be unlawful for any person to engage in the
16 business of conducting a lodging establishment unless such person shall
17 have in effect a valid license therefor issued by the secretary. Applications
18 for such licenses shall be made on forms prescribed by the secretary, and
19 each such application shall be accompanied by the appropriate license fee
20 required by subsection (c). Prior to the issuance of any such license, the
21 secretary shall inspect or cause to be inspected the lodging establishment
22 designated in the application, to determine that it complies with the
23 standards for lodging establishments promulgated pursuant to this act. If
24 such lodging establishment is found to be in compliance, and the
25 completed application and accompanying fees have been submitted, the
26 secretary shall issue the license. If such lodging establishment is found not
27 to be in compliance, the secretary shall deny such application after
28 providing notice and opportunity for a hearing in accordance with the
29 provisions of the Kansas administrative procedure act.

30 (b) Each license shall designate whether the licensed lodging unit is a
31 hotel, rooming house or boarding house. Any person obtaining a license to
32 engage in the business of conducting a rooming house or boarding house
33 shall not have the right to use the name "hotel" in connection with such
34 business. Every license issued hereunder shall be displayed conspicuously
35 in the lodging establishment for which it is issued, and no such license
36 shall be transferable to any other person or location. Whenever any such
37 license is lost, destroyed or mutilated, a duplicate license shall be issued to
38 any otherwise qualified licensee upon application therefor and the payment
39 of a fee in the amount of \$5.

40 (c) The fee for a license to conduct a lodging establishment in this
41 state for all or any part of any calendar year shall be \$30, except that the
42 fee for any lodging establishment containing 10 sleeping rooms shall be
43 \$40 and for every additional 10 rooms therein, an additional fee of \$10

1 shall be charged. All lodging establishments—~~which that~~ are newly
2 constructed, newly converted to use as a lodging establishment or have a
3 change of ownership shall pay an application fee—~~which that~~ may be
4 adjusted in accordance with the type of establishment or based on other
5 criteria as determined by the secretary, but in no event shall any
6 application fee exceed \$200 in addition to the license fee.

7 (d) Any lodging establishment that also has a food establishment
8 license shall have a fee set by rule and regulation of the secretary. Such fee
9 shall not exceed the fees for lodging establishments as provided in
10 subsection (c).

11 (e) A guest house shall not be required to have a lodging license, but
12 such guest house shall be required to be inspected if the secretary receives
13 a complaint concerning such guest house and shall be subject to the
14 temporary closure provisions of ~~subsection (b) of~~ K.S.A. 36-515a(b), and
15 amendments thereto.

16 (f) A lodging establishment operated in connection with any premises
17 licensed, registered or permitted by the secretary of health and
18 environment, the secretary ~~of social and rehabilitation services for~~
19 *children and families*, the secretary of corrections or the secretary ~~of~~ *for*
20 *aging and disability services*, ~~which that~~ is inspected and regulated
21 pursuant to the respective law or rule and regulation of such secretary,
22 shall not require a license as provided in this section, and the secretary of
23 agriculture shall not be authorized to inspect or cause such premises to be
24 inspected. This subsection shall not apply to a lodging establishment
25 whose primary function is not in connection with any premises licensed,
26 registered or permitted pursuant to the respective law or rule and
27 regulation of such secretary.

28 Sec. 3. K.S.A. 2016 Supp. 38-2006 is hereby amended to read as
29 follows: 38-2006. The secretary ~~of social and rehabilitation services for~~
30 *children and families* shall advise and consult with the secretary of health
31 and environment on issues relating to children's health status.

32 Sec. 4. K.S.A. 2016 Supp. 38-2212 is hereby amended to read as
33 follows: 38-2212. (a) *Principle of appropriate access*. Information
34 contained in confidential agency records concerning a child alleged or
35 adjudicated to be in need of care may be disclosed as provided in this
36 section. Disclosure shall in all cases be guided by the principle of
37 providing access only to persons or entities with a need for information
38 that is directly related to achieving the purposes of this code.

39 (b) *Free exchange of information*. Pursuant to K.S.A. 2016 Supp. 38-
40 2210, and amendments thereto, the secretary and juvenile intake and
41 assessment agencies shall participate in the free exchange of information
42 concerning a child who is alleged or adjudicated to be in need of care.

43 (c) *Necessary access*. The following persons or entities shall have

1 access to information from agency records. Access shall be limited to
2 information reasonably necessary to carry out their lawful responsibilities,
3 to maintain their personal safety and the personal safety of individuals in
4 their care, or to educate, diagnose, treat, care for or protect a child alleged
5 to be in need of care. Information authorized to be disclosed pursuant to
6 this subsection shall not contain information—~~which~~ *that* identifies a
7 reporter of a child who is alleged or adjudicated to be a child in need of
8 care.

9 (1) A child named in the report or records, a guardian ad litem
10 appointed for the child and the child's attorney.

11 (2) A parent or other person responsible for the welfare of a child, or
12 such person's legal representative.

13 (3) A court-appointed special advocate for a child, a citizen review
14 board or other advocate—~~which~~ *that* reports to the court.

15 (4) A person licensed to practice the healing arts or mental health
16 profession in order to diagnose, care for, treat or supervise: (A) A child
17 whom such service provider reasonably suspects may be in need of care;
18 (B) a member of the child's family; or (C) a person who allegedly abused
19 or neglected the child.

20 (5) A person or entity licensed or registered by the secretary of health
21 and environment or approved by the secretary—~~of social and rehabilitation~~
22 *services for children and families* to care for, treat or supervise a child in
23 need of care.

24 (6) A coroner or medical examiner when such person is determining
25 the cause of death of a child.

26 (7) The state child death review board established under K.S.A. 22a-
27 243, and amendments thereto.

28 (8) An attorney for a private party who files a petition pursuant to
29 ~~subsection (b) of~~ K.S.A. 2016 Supp. 38-2233(b), and amendments thereto.

30 (9) A foster parent, prospective foster parent, permanent custodian,
31 prospective permanent custodian, adoptive parent or prospective adoptive
32 parent. In order to assist such persons in making an informed decision
33 regarding acceptance of a particular child, to help the family anticipate
34 problems—~~which~~ *that* may occur during the child's placement, and to help
35 the family meet the needs of the child in a constructive manner, the
36 secretary shall seek and shall provide the following information to such
37 person's as the information becomes available to the secretary:

38 (A) Strengths, needs and general behavior of the child;

39 (B) circumstances—~~which~~ *that* necessitated placement;

40 (C) information about the child's family and the child's relationship to
41 the family—~~which~~ *that* may affect the placement;

42 (D) important life experiences and relationships—~~which~~ *that* may
43 affect the child's feelings, behavior, attitudes or adjustment;

1 (E) medical history of the child, including third-party coverage ~~which~~
2 *that* may be available to the child; and

3 (F) education history, to include present grade placement, special
4 strengths and weaknesses.

5 (10) The state protection and advocacy agency as provided by
6 ~~subsection (a)(10) of K.S.A. 65-5603(a)(10) or subsection (a)(2)(A) and~~
7 ~~(B) of K.S.A. 74-5515(a)(2)(A) and (B)~~, and amendments thereto.

8 (11) Any educational institution to the extent necessary to enable the
9 educational institution to provide the safest possible environment for its
10 pupils and employees.

11 (12) Any educator to the extent necessary to enable the educator to
12 protect the personal safety of the educator and the educator's pupils.

13 (13) Any other federal, state or local government executive branch
14 entity or any agent of such entity, having a need for such information in
15 order to carry out such entity's responsibilities under the law to protect
16 children from abuse and neglect.

17 (d) *Specified access.* The following persons or entities shall have
18 access to information contained in agency records as specified.
19 Information authorized to be disclosed pursuant to this subsection shall not
20 contain information ~~which~~ *that* identifies a reporter of a child who is
21 alleged or adjudicated to be a child in need of care.

22 (1) Information from confidential agency records of the *Kansas*
23 ~~department of social and rehabilitation services for children and families~~, a
24 law enforcement agency or any juvenile intake and assessment worker of a
25 child alleged or adjudicated to be in need of care shall be available to
26 members of the standing house or senate committee on judiciary, house
27 committee on corrections and juvenile justice, house committee on
28 appropriations, senate committee on ways and means, legislative post audit
29 committee and any joint committee with authority to consider children's
30 and families' issues, when carrying out such member's or committee's
31 official functions in accordance with K.S.A. 75-4319, and amendments
32 thereto, in a closed or executive meeting. Except in limited conditions
33 established by $\frac{2}{3}$ of the members of such committee, records and reports
34 received by the committee shall not be further disclosed. Unauthorized
35 disclosure may subject such member to discipline or censure from the
36 house of representatives or senate. The ~~secretary of social and~~
37 ~~rehabilitation services for children and families~~ shall not summarize the
38 outcome of department actions regarding a child alleged to be a child in
39 need of care in information available to members of such committees.

40 (2) The ~~secretary of social and rehabilitation services for children~~
41 ~~and families~~ may summarize the outcome of department actions regarding
42 a child alleged to be a child in need of care to a person having made such
43 report.

1 (3) Information from confidential reports or records of a child alleged
2 or adjudicated to be a child in need of care may be disclosed to the public
3 when:

4 (A) The individuals involved or their representatives have given
5 express written consent; or

6 (B) the investigation of the abuse or neglect of the child or the filing
7 of a petition alleging a child to be in need of care has become public
8 knowledge, provided, however, that the agency shall limit disclosure to
9 confirmation of procedural details relating to the handling of the case by
10 professionals.

11 (e) *Court order*: Notwithstanding the provisions of this section, a
12 court of competent jurisdiction, after in camera inspection, may order
13 disclosure of confidential agency records pursuant to a determination that
14 the disclosure is in the best interests of the child who is the subject of the
15 reports or that the records are necessary for the proceedings of the court
16 and otherwise admissible as evidence. The court shall specify the terms of
17 disclosure and impose appropriate limitations.

18 (f) (1) Notwithstanding any other provision of law to the contrary,
19 except as provided in paragraph (4), in the event that child abuse or
20 neglect results in a child fatality or near fatality, reports or records of a
21 child alleged or adjudicated to be in need of care received by the secretary,
22 a law enforcement agency or any juvenile intake and assessment worker
23 shall become a public record and subject to disclosure pursuant to K.S.A.
24 45-215, and amendments thereto.

25 (2) Within seven days of receipt of a request in accordance with the
26 procedures adopted under K.S.A. 45-220, and amendments thereto, the
27 secretary shall notify any affected individual that an open records request
28 has been made concerning such records. The secretary or any affected
29 individual may file a motion requesting the court to prevent disclosure of
30 such record or report, or any select portion thereof. If the affected
31 individual does not file such motion within seven days of notification, and
32 the secretary has not filed a motion, the secretary shall release the reports
33 or records. If such motion is filed, the court shall consider the effect such
34 disclosure may have upon an ongoing criminal investigation, a pending
35 prosecution, or the privacy of the child, if living, or the child's siblings,
36 parents or guardians. The court shall make written findings on the record
37 justifying the closing of the records and shall provide a copy of the journal
38 entry to the affected parties and the individual requesting disclosure
39 pursuant to the Kansas open records act, K.S.A. 45-215 et seq., and
40 amendments thereto.

41 (3) For reports or records requested pursuant to this subsection, the
42 time limitations specified in this subsection shall control to the extent of
43 any inconsistency between this subsection and K.S.A. 45-218, and

1 amendments thereto. As used in this section, "near fatality" means an act
2 that, as certified by a person licensed to practice medicine and surgery,
3 places the child in serious or critical condition.

4 (4) Nothing in this subsection shall allow the disclosure of reports,
5 records or documents concerning the child and such child's biological
6 parents ~~which~~ *that* were created prior to such child's adoption. Nothing
7 herein is intended to require that an otherwise privileged communication
8 lose its privileged character.

9 Sec. 5. K.S.A. 2016 Supp. 39-1702 is hereby amended to read as
10 follows: 39-1702. As used in this act:

11 (a) "Children and adolescents who require multiple levels and kinds
12 of specialized services ~~which~~ *that* are beyond the capability of one
13 agency" means children and adolescents who are residents of Kansas, and
14 with respect to whom there is documentation that: (1) Various agencies
15 have acknowledged the need for a certain type of service and have taken
16 action to provide that level of care; (2) various agencies have collaborated
17 to develop a program plan to meet the needs of the child or adolescent; and
18 (3) various agencies have collaborated to develop programs and funding to
19 meet the need of the child or adolescent, and that existing or alternative
20 programs and funding have been exhausted or are insufficient or
21 inappropriate in view of the distinctive nature of the situation of the child
22 or adolescent.

23 (b) "Agency" means and includes county health departments, area
24 offices of the *Kansas* department ~~of social and rehabilitation services for~~
25 *children and families*, district offices of the department of health and
26 environment, local offices of the department of labor, boards of education
27 of public school districts, community mental health centers, community
28 facilities for people with intellectual or developmental disabilities, or both,
29 district courts, county commissions, and law enforcement agencies.

30 (c) "Authorized decision makers" means agency representatives who
31 have the authority to commit the resources of the agency they represent in
32 the provision of services to any child or adolescent whose needs are
33 brought before a regional interagency council.

34 (d) "District court" means the chief judge for a judicial district.

35 (e) "Parent" means a natural parent, an adoptive parent, a stepparent,
36 a foster care provider of a child or adolescent for whom services are
37 needed from more than one agency, or a person acting as parent of a child
38 or adolescent for whom services are needed from more than one agency.

39 (f) "Person acting as parent" means a guardian or conservator, or a
40 person, other than a parent, who is liable by law to maintain, care for, or
41 support a child or adolescent, or who has actual care and custody of the
42 child or adolescent and is contributing the major portion of the cost of
43 support of the child or adolescent, or who has actual care and control of

1 the child or adolescent with the written consent of a person who has legal
2 custody of the child or adolescent, or who has been granted custody of the
3 child or adolescent, by a court of competent jurisdiction.

4 Sec. 6. K.S.A. 2016 Supp. 40-4702 is hereby amended to read as
5 follows: 40-4702. (a) The governor of the state of Kansas shall appoint a
6 committee ~~which~~ *that* shall be known as the Kansas business health policy
7 committee, whose purpose is to explore opportunities and encourage
8 employer participation in health plans developed by the committee for low
9 and modest wage employees of small employers.

10 (b) The Kansas business health policy committee, hereinafter referred
11 to as the health committee, shall consist of:

12 (1) The secretary of the department of commerce or the secretary's
13 designee;

14 ~~(2) the secretary of the department of social and rehabilitation~~
15 ~~services for children and families~~ or the secretary's designee;

16 (3) the commissioner of insurance or the commissioner's designee;

17 (4) one member appointed by the president of the senate;

18 (5) one member appointed by the speaker of the house of
19 representatives;

20 (6) one member appointed by the minority leader of the senate;

21 (7) one member appointed by the minority leader of the house of
22 representatives; and

23 (8) three members at large from the private sector appointed by the
24 governor.

25 The secretary of each state agency represented on this committee shall
26 provide such staff and other resources as the health committee may
27 require.

28 (c) (1) The initial meeting of the health committee shall be convened
29 within 60 days after the effective date of this act by the governor at a time
30 and place designated by the governor.

31 (2) Meetings of the health committee subsequent to its initial meeting
32 shall be held and conducted in accordance with policies and procedures
33 established by the health committee.

34 (3) Commencing at the time of the initial meeting of the health
35 committee, the powers, authorities, duties and responsibilities conferred
36 and imposed upon the health committee by this act shall be operative and
37 effective.

38 (d) The health committee shall develop and approve a request for
39 proposals for a qualified entity to serve as the Kansas business health
40 partnership, hereinafter referred to as health partnership, ~~which~~ *that* shall
41 provide a mechanism to combine federal and state subsidies with
42 contributions from small employers and eligible employees to purchase
43 health insurance in accordance with guidelines developed by the health

1 committee.

2 (e) The health committee shall evaluate responses to the request for
3 proposals and select the qualified entity to serve as the health partnership.

4 (f) The health committee shall:

5 (1) Develop, approve and revise subsidy eligibility criteria provided
6 that:

7 (A) Low wage and modest wage employees of small employers shall
8 be eligible for subsidies if:

9 (i) The small employer has not previously offered health insurance
10 coverage within the two years next preceding the date upon which health
11 insurance is offered; or

12 (ii) the small employer has previously offered health insurance
13 coverage and a majority of such small employer's employees are low wage
14 or modest wage employees as defined in K.S.A. 40-4701, and amendments
15 thereto;

16 (B) any small employer's eligible employee with a child who is
17 eligible for coverage under the state childrens' health insurance program
18 established by K.S.A. 38-2001 et seq., and amendments thereto, or in the
19 state medical assistance program shall be eligible automatically for a
20 subsidy and shall be included in the determination of eligibility for the
21 small employer and its low and modest wage employees; and

22 (C) at least 70% of the small employer's eligible employees without
23 group health insurance coverage from another source are insured through
24 the partnership; and

25 (2) determine and arrange for eligibility determination for subsidies
26 of low wage or modest wage employees; and

27 (3) develop subsidy schedules based upon eligible employee wage
28 levels and family income; and

29 (4) be responsible for arranging for the provision of affordable health
30 care coverage for eligible employees of small employers and evaluating
31 and creating the opportunity to improve health care provided by plans in
32 the small group health insurance program.

33 (g) The health committee shall oversee and monitor the ongoing
34 operation of any subsidy program and the financial accountability of all
35 subsidy funds. If, in the judgment of the health committee, the entity
36 selected to serve as the health partnership fails to perform as intended, the
37 health committee may terminate its selection and designation of that entity
38 as the health partnership and may issue a new request for proposal and
39 select a different qualified entity to serve as the health partnership.

40 (h) The health committee is hereby authorized to accept funds from
41 the federal government, or its agencies, or any other source whatsoever for
42 research studies, investigation, planning and other purposes related to
43 implementation of the objectives of this act. Any funds so received shall be

1 deposited in the state treasury and shall be credited to a special revenue
2 fund—~~which~~ *that* is hereby created and shall be known as the health
3 committee insurance fund and used in accordance with or direction of the
4 contributing federal agencies. Expenditures from such fund may be made
5 for any purpose in keeping with the responsibilities, functions and
6 authority of the department. Warrants on such fund shall be drawn in the
7 same manner as required of other state agencies upon vouchers approved
8 by the secretary of health and environment, or the secretary's designee,
9 upon receiving prior approval of the health committee.

10 (i) The health committee is authorized to develop policies for the
11 administration of the subsidy program and for the use of additional federal
12 or private funds to subsidize health insurance coverage for low and modest
13 wage employees of predominantly low-wage small employers. The health
14 committee shall be responsible for setting benefit levels and establishing
15 performance measures for health plans providing health care coverage for
16 this program that include quality, preventative health and other
17 supplementary measures. The health committee shall limit access to the
18 program subsidy to the projected annualized expenditure.

19 (j) The health committee is hereby authorized to organize, or cause to
20 be organized, one or more advisory committees. No member of any
21 advisory committee established under this subsection shall have previously
22 received or currently receive any payment or other compensation from the
23 health partnership. The membership of each advisory committee
24 established under this subsection shall contain at least one representative
25 who is a small employer and one representative who is an eligible
26 employee as defined in K.S.A. 40-4701, and amendments thereto, and one
27 representative of the insurance industry.

28 (k) The health committee shall report on an annual basis on the
29 following subjects:

- 30 (1) Quality assurance measures;
- 31 (2) disease prevention activities;
- 32 (3) disease management activities; and
- 33 (4) other activities or programs the committee decides to include.

34 Sec. 7. K.S.A. 2016 Supp. 65-689 is hereby amended to read as
35 follows: 65-689. (a) It shall be unlawful for any person to engage in the
36 business of conducting a food establishment or food processing plant
37 unless such person shall have in effect a valid license therefor issued by
38 the secretary.

39 (b) Applications for such licenses shall be made on forms prescribed
40 by the secretary, and each such application shall be accompanied by an
41 application fee and by a license fee. Prior to the issuance of any such
42 license, the secretary shall inspect or cause to be inspected the food
43 establishment or food processing plant designated in the application, to

1 determine that it complies with rules and regulations adopted pursuant to
2 the food, drug and cosmetic act, and amendments thereto. If the food
3 establishment or food processing plant is found to be in compliance, and
4 the completed application and accompanying fees have been submitted,
5 the secretary shall issue the license. If the food establishment or food
6 processing plant is found not to be in compliance, the secretary shall deny
7 the application for a license after providing notice and opportunity for a
8 hearing in accordance with the provisions of the Kansas administrative
9 procedure act.

10 (c) Every license issued hereunder shall be displayed conspicuously
11 in the food establishment or food processing plant for which it is issued,
12 and no such license shall be transferable to any other person or location.
13 Whenever any such license is lost, destroyed or mutilated, a duplicate
14 license shall be issued to any otherwise qualified licensee upon application
15 therefor and the payment of a fee in the amount of \$5.

16 (d) A license shall not be required by:

17 (1) A plant or facility registered or licensed by the department of
18 agriculture pursuant to article 7 of chapter 65 of the Kansas Statutes
19 Annotated, and amendments thereto, or licensed or registered by the
20 department of agriculture pursuant to article 6a of chapter 65 of the Kansas
21 Statutes Annotated, and amendments thereto, shall not be required to
22 obtain a separate license pursuant to this section if the inspections
23 conducted under the respective acts encompass all operations of the
24 facility.

25 (2) A registered nonprofit organization that provides food without
26 charge solely to people who are food insecure, including, but not limited to,
27 soup kitchens and food pantries.

28 (3) A location where prepackaged individual meals are distributed to
29 persons eligible under the federal older Americans act.

30 (4) A person who produces food for distribution directly to the end
31 consumer, if such food does not require time and temperature control for
32 safety or specialized processing, as determined by the secretary.

33 (5) A person who serves food exclusively on interstate conveyances
34 or common carriers.

35 (6) A person operating a food establishment for less than seven days
36 in any calendar year.

37 (7) A person who prepares, serves or sells food for the sole purpose
38 of soliciting funds to be used for community or humanitarian purposes or
39 educational or youth activities.

40 (8) A person operating a food vending machine, if the food vending
41 machine company:

42 (A) Is licensed as a food establishment, or if located in another state,
43 licensed according to the laws of such state;

1 (B) maintains, and makes available to the secretary, a current record
2 of the location of each food vending machine it operates or services; and

3 (C) conspicuously displays the company name, phone number and
4 any additional information the secretary may require on each such vending
5 machine.

6 (9) A person providing only complimentary coffee to its patrons
7 whose primary business is unrelated to operating a food establishment or
8 food processing plant.

9 (10) A person operating a farm winery, as defined in K.S.A. 41-102,
10 and amendments thereto, who does not produce or offer any food products
11 other than wine produced at such farm winery.

12 (11) A retailer, as defined in K.S.A. 41-102, and amendments thereto,
13 that sells only alcoholic liquors and cereal malt beverages.

14 (12) A food establishment that sells or offers for sale only packaged
15 foods that are non-hazardous and are received directly from a licensed
16 food production facility in packaged form, if such food establishment
17 contains less than 200 cubic feet as measured pursuant to ~~subsection (e) of~~
18 K.S.A. 65-688(e), and amendments thereto.

19 (13) A person who provides food samples, without charge, to
20 promote, advertise or compliment the sale of food or associated food
21 preparation equipment.

22 (14) A guest house, as defined in K.S.A. 36-501, and amendments
23 thereto.

24 (e) The exemption provided to those entities provided in subsection
25 (d) shall not be exempt from inspection or regulation when a violation is
26 observed or reported to the secretary.

27 (f) A food establishment operated in connection with any premises
28 licensed, registered or permitted by the secretary of health and
29 environment, the secretary ~~of social and rehabilitation services for~~
30 *children and families*, the secretary of corrections or the secretary ~~of~~ *for*
31 *aging and disability services*, ~~which~~ *that* is inspected and regulated
32 pursuant to the respective law or rule and regulation of such secretary,
33 shall not require a license, and the secretary of agriculture shall not be
34 authorized to inspect or cause such premises to be inspected. This
35 subsection shall not apply to a food establishment whose primary function
36 is not in connection with any premises licensed, registered or permitted
37 pursuant to the respective law or rule and regulation of such secretary.

38 Sec. 8. K.S.A. 2016 Supp. 75-7d01 is hereby amended to read as
39 follows: 75-7d01. (a) There is hereby created in the office of the attorney
40 general a batterer intervention program certification unit.

41 (b) Except as otherwise provided by law, the books, documents,
42 papers, records or other sources of information obtained and the
43 investigations conducted by the unit shall be confidential as required by

1 state or federal law.

2 (c) The purpose of the batterer intervention program certification unit
3 is to certify and inspect batterer intervention programs in Kansas. To
4 accomplish this purpose, upon request of the unit, the unit shall have
5 access to all records of reports, investigation documents and written
6 reports of findings related to confirmed cases of domestic violence or
7 exploitation of persons or cases in which there is reasonable suspicion to
8 believe domestic violence has occurred ~~which~~ *that* are received or
9 generated by the *Kansas* department ~~of social and rehabilitation services~~
10 *for children and families*, *Kansas* department ~~on~~ *for aging and disability*
11 *services*, department of health and environment or Kansas bureau of
12 investigation.

13 (d) The attorney general shall develop a set of tools, methodologies,
14 requirements and forms for the domestic violence offender assessment
15 required by ~~subsection (p)~~ of K.S.A. 2016 Supp. 21-6604(p), and
16 amendments thereto. The batterer intervention program tools,
17 methodologies, requirements and forms shall be developed in consultation
18 with the agency certified by the centers for disease control and prevention
19 and the department of health and human services as the domestic violence
20 coalition for the state and with local domestic violence victims' services
21 organizations.

22 (e) The attorney general may appoint a panel to assist the attorney
23 general by making recommendations regarding the:

24 (1) Content and development of a batterer intervention certification
25 program; and

26 (2) rules and regulations.

27 (f) The attorney general may appoint such advisory committees as the
28 attorney general deems necessary to carry out the purposes of the batterer
29 intervention program certification act. Except as provided in K.S.A. 75-
30 3212, and amendments thereto, no member of any such advisory
31 committee shall receive any compensation, subsistence, mileage or other
32 allowance for serving on an advisory committee or attending any meeting
33 thereof.

34 Sec. 9. K.S.A. 75-5309 is hereby amended to read as follows: 75-
35 5309. Except as otherwise provided in this order, or in K.S.A. 75-5310,
36 *and amendments thereto*, the secretary ~~of social and rehabilitation services~~
37 *for children and families* shall appoint, subject to the Kansas civil service
38 act, all subordinate officers and employees of the *Kansas* department ~~of~~
39 ~~social and rehabilitation services~~ *for children and families*, and all such
40 subordinate officers and employees shall be within the classified service.

41 Sec. 10. K.S.A. 2016 Supp. 75-5321a is hereby amended to read as
42 follows: 75-5321a. The secretary ~~of social and rehabilitation services~~ *for*
43 *children and families* shall take necessary actions to transfer the

1 administration of certain long-term care programs and services to the
2 secretary ~~of~~ *for aging and disability services*. The programs shall include
3 the nursing facility services payment program, the home and community
4 based services for the frail elderly waiver program, the case management
5 for the frail elderly program and the income-eligible (home care) program.
6 Excluding nursing facility programs, the programs to be transferred shall
7 not include long-term care programs for individuals under the age of 65
8 with mental illness, intellectual disability, other mental disabilities or
9 physical disabilities. All such transfers shall be made only in accordance
10 with federal grant requirements related to such programs.

11 Sec. 11. K.S.A. 2016 Supp. 75-7033 is hereby amended to read as
12 follows: 75-7033. On and after July 1, 1997:

13 (a) In order to provide technical assistance to communities, help
14 facilitate community collaboration and assist in coordinating a statewide
15 system of community based service providers, pursuant to K.S.A. 75-
16 7024, and amendments thereto, the commissioner of juvenile justice shall
17 appoint a community planning team convener and a community planning
18 team facilitator in each judicial district. The commissioner may appoint a
19 convener and facilitator for a multiple district planning team, if, in the
20 commissioner's opinion, such multiple district planning team best furthers
21 the purposes of the juvenile justice reform act. The convener and facilitator
22 may be compensated by the grant funds. Upon request of the board of
23 county commissioners of any county, the commissioner of juvenile justice
24 may authorize such county to cooperate as a member of a community
25 planning team in a judicial district other than the judicial district in which
26 such county is located. If the corporate limits of a city extend into more
27 than one judicial district and upon request of the board of county
28 commissioners of any county in which such city is located, the
29 commissioner of juvenile justice may authorize such city to participate as
30 a member of a community planning team of and be included in the plan for
31 the judicial district in which the majority of the population of such city is
32 located.

33 (b) The community planning team convener shall invite
34 representatives from the following groups and agencies to be a part of the
35 community planning team: The courts, court services, public education,
36 juvenile community correctional services, the county or district attorney,
37 the public defender's office or private defense counsel, law enforcement,
38 juvenile detention, prevention services, health care professionals, mental
39 health services, juvenile intake and assessment, municipal officials, county
40 officials, private service providers, the ~~Kansas department of social and~~
41 ~~rehabilitation services for children and families~~, the business community,
42 the religious community, youth and such other representatives as the
43 convener and commissioner deem necessary. The community planning

1 team convener may invite the entire membership of the corrections
2 advisory board, as established in K.S.A. 75-5297, and amendments
3 thereto, and the juvenile corrections advisory board, as established by
4 K.S.A. 75-7044, and amendments thereto, to be a part of the community
5 planning team.

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

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

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

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

33 (2) accurately assess community risk factors affecting juveniles;

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

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

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

43 (6) encourage the staffing of juvenile justice programs with

1 appropriately trained personnel; and

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

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

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

13 (h) Each juvenile justice program shall include, but not be limited to,
14 local prevention services, juvenile intake and assessment, juvenile
15 detention and attendant care, immediate intervention programs, aftercare
16 services, graduated sanctions programs, probation programs, conditional
17 release programs, sanctions for violations of probation terms or programs,
18 sanctions for violations of conditional release programs and out-of-home
19 placements.

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

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

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

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

36 (3) The commissioner of juvenile justice may apply for, receive and
37 accept money from any source for the purposes for which money in the
38 juvenile justice community planning fund may be expended. Upon receipt
39 of any such money, the commissioner shall remit the entire amount to the
40 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
41 amendments thereto. Upon receipt of each such remittance, the state
42 treasurer shall deposit the entire amount in the state treasury to the credit
43 of the juvenile justice community planning fund.

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

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

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

8 (1) (1) There is hereby created in the state treasury a juvenile justice
9 community initiative fund. Money credited to the fund shall be used solely
10 for the purpose of making grants to communities to assist in supporting
11 field services, case management services and juvenile justice programs,
12 services and placements in the judicial district.

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

18 (3) The commissioner of juvenile justice may apply for, receive and
19 accept money from any source for the purposes for which money in the
20 juvenile justice community initiative fund may be expended. Upon receipt
21 of any such money, the commissioner shall remit the entire amount to the
22 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
23 amendments thereto. Upon receipt of each such remittance, the state
24 treasurer shall deposit the entire amount in the state treasury to the credit
25 of the juvenile justice community initiative fund.

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

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

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

33 Sec. 12. K.S.A. 76-157 is hereby amended to read as follows: 76-157.
34 Whenever a blind person has been an actual resident of the state for one
35 year next preceding, and a student in actual attendance at a community
36 junior college in the state or at a college, university, technical or
37 professional school located in this state, and authorized by law to grant
38 degrees, other than an institution established for the regular instruction of
39 the blind, and such student shall be designated by the secretary ~~of social~~
40 ~~and rehabilitation services~~ *for children and families* as a fit person to
41 receive and as one who ought to receive the aid hereinafter provided for,
42 ~~said~~ the secretary shall employ persons to read to such student from
43 textbooks and pamphlets used by such ~~students~~ *student* in ~~his or her~~ *the*

1 *student's* studies at such college, university, or school.

2 Sec. 13. K.S.A. 76-158 is hereby amended to read as follows: 76-158.
3 ~~The secretary of social and rehabilitation services for children and families~~
4 is hereby authorized and empowered to select such persons as are entitled
5 to the benefits of this act in the several colleges, universities or schools.
6 ~~The secretary of social and rehabilitation services for children and families~~
7 shall not furnish a reader to any blind person who is not regularly
8 matriculated; who is not in good and regular standing; who is not
9 working for a degree from the institution in which ~~he or she~~ *such person* is
10 matriculated, and who is not doing the work regularly prescribed by the
11 institution for the degree for which ~~he or she~~ *such person* is a candidate,
12 and after making such selection the secretary ~~of social and rehabilitation~~
13 ~~services for children and families~~ is authorized to name and designate
14 some suitable and capable person to read to such blind student from
15 textbooks and pamphlets used by ~~him or her~~ *such person* in studies in such
16 college, university, or school and to fix the pay to be received by such
17 reader for such services.

18 Sec. 14. K.S.A. 75-5309, 76-157 and 76-158 and K.S.A. 2016 Supp.
19 21-5909, 36-502, 38-2006, 38-2212, 39-1702, 40-4702, 65-689, 75-7d01,
20 75-5321a and 75-7033 are hereby repealed.

21 Sec. 15. This act shall take effect and be in force from and after its
22 publication in the statute book.