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

Section 1. K.S.A. 2014 Supp. 75-53,105 is hereby amended to read as follows: 75-53,105. (a) As used in this section, "secretary" means the secretary for children and families or the secretary for aging and disability services.

(b) The secretary for children and families shall upon request receive from the Kansas bureau of investigation such criminal history record information as necessary for the purpose of determining initial and continuing qualification for employment or for participation in any program administered by the secretary for the placement, safety, protection or treatment of vulnerable children or adults.

(c) The secretary shall have access to any court orders or adjudications of any court of record, any records of such orders, adjudications, arrests, nonconvictions, convictions, expungements, juvenile records, juvenile expungements, diversions and any criminal history record information in the possession of the Kansas bureau of investigation concerning such employee or individual.

(d) If a nationwide criminal records check of all records noted above is necessary, as determined by the secretary, the secretary's request will be based on the submission of fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for the identification of the individual and to obtain criminal history record information, including arrest and nonconviction data.

(e) Fees for such records checks shall be assessed to the secretary.

(f) Disclosure or use of any such information received by the secretary or a designee of the secretary or of any record containing such information, for any purpose other than that provided by this act is a class A misdemeanor and shall constitute grounds for removal from office or termination of employment. Nothing in this act shall be construed to make
unlawful or prohibit the disclosure of any such information in a hearing or
court proceeding involving programs administered by the secretary or
prohibit the disclosure of any such information to the post auditor in
accordance with and subject to the provisions of the legislative post audit
act.

Sec. 2. K.S.A. 2014 Supp. 8-2,144 is hereby amended to read as
follows: 8-2,144. (a) Driving a commercial motor vehicle under the
influence is operating or attempting to operate any commercial motor
vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this
state while:

(1) The alcohol concentration in the person's blood or breath, as
shown by any competent evidence, including other competent evidence, as
defined in paragraph (1) of subsection (f) of K.S.A. 8-1013(f)(1), and
amendments thereto, is 0.04 or more;

(2) the alcohol concentration in the person's blood or breath, as
measured within three hours of the time of driving a commercial motor
vehicle, is 0.04 or more; or

(3) committing a violation of subsection (a) of K.S.A. 8-1567(a), and
amendments thereto, or the ordinance of a city or resolution of a county
which prohibits any of the acts prohibited thereunder.

(b) (1) Driving a commercial motor vehicle under the influence is:

(A) On a first conviction a class B, nonperson misdemeanor. The
person convicted shall be sentenced to not less than 48 consecutive hours
nor more than six months' imprisonment, or in the court's discretion, 100
hours of public service, and fined not less than $750 nor more than $1,000.
The person convicted shall serve at least 48 consecutive hours' imprisomment or 100 hours of public service either before or as a condition
of any grant of probation, suspension or reduction of sentence or parole or
other release;

(B) on a second conviction a class A, nonperson misdemeanor. The
person convicted shall be sentenced to not less than 90 days nor more than
one year's imprisonment and fined not less than $1,250 nor more than
$1,750. The person convicted shall serve at least five consecutive days'
imprisonment before the person is granted probation, suspension or
reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work
release program only after such person has served 48 consecutive hours'
imprisonment, provided such work release program requires such person
to return to confinement at the end of each day in the work release
program. The person convicted, if placed into a work release program,
shall serve a minimum of 120 hours of confinement. Such 120 hours of
confinement shall be a period of at least 48 consecutive hours of
imprisonment followed by confinement hours at the end of and continuing
to the beginning of the offender's work day. The court may place the
person convicted under a house arrest program pursuant to K.S.A. 2014
Supp. 21-6609, and amendments thereto, to serve the five days'
imprisonment mandated by this subsection only after such person has
served 48 consecutive hours' imprisonment. The person convicted, if
placed under house arrest, shall be monitored by an electronic monitoring
device, which verifies the offender's location. The offender shall serve a
minimum of 120 hours of confinement within the boundaries of the
offender's residence. Any exceptions to remaining within the boundaries of
the offender's residence provided for in the house arrest agreement shall
not be counted as part of the 120 hours; and

(C) on a third or subsequent conviction a nonperson felony. The
person convicted shall be sentenced to not less than 90 days nor more than
one year's imprisonment and fined not less than $1,750 nor more than
$2,500. The person convicted shall not be eligible for release on probation,
suspension or reduction of sentence or parole until the person has served at
least 90 days' imprisonment. The 90 days' imprisonment mandated by this
subsection may be served in a work release program only after such person
has served 48 consecutive hours' imprisonment, provided such work
release program requires such person to return to confinement at the end of
each day in the work release program. The person convicted, if placed into
a work release program, shall serve a minimum of 2,160 hours of
confinement. Such 2,160 hours of confinement shall be a period of at least
48 consecutive hours of imprisonment followed by confinement hours at
the end of and continuing to the beginning of the offender's work day. The
court may place the person convicted under a house arrest program
pursuant to K.S.A. 2014 Supp. 21-6609, and amendments thereto, to serve
the 90 days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person
convicted, if placed under house arrest, shall be monitored by an electronic
monitoring device, which verifies the offender's location. The offender
shall serve a minimum of 2,160 hours of confinement within the
boundaries of the offender's residence. Any exceptions to remaining within
the boundaries of the offender's residence provided for in the house arrest
agreement shall not be counted as part of the 2,160 hours.

(2) In addition, for any conviction pursuant to subsection (b)(1)(C), at
the time of the filing of the judgment form or journal entry as required by
K.S.A. 22-3426 or K.S.A. 2014 Supp. 21-6711, and amendments thereto,
the court shall cause a certified copy to be sent to the officer having the
offender in charge. The court shall determine whether the offender, upon
release from imprisonment, shall be supervised by community correctional
services or court services based upon the risk and needs of the offender.
The risk and needs of the offender shall be determined by use of a risk
assessment tool specified by the Kansas sentencing commission. The law
enforcement agency maintaining custody and control of a defendant for
imprisonment shall cause a certified copy of the judgment form or journal
entry to be sent to the supervision office designated by the court and upon
expiration of the term of imprisonment shall deliver the defendant to a
location designated by the supervision office designated by the court. After
the term of imprisonment imposed by the court, the person shall be placed
on supervision to community correctional services or court services, as
determined by the court, for a mandatory one-year period of supervision,
which such period of supervision shall not be reduced. During such
supervision, the person shall be required to participate in a
multidisciplinary model of services for substance use disorders facilitated
by a Kansas department of social and rehabilitation for aging and
disability services designated care coordination agency to include
assessment and, if appropriate, referral to a community based substance
use disorder treatment including recovery management and mental health
counseling as needed. The multidisciplinary team shall include the
designated care coordination agency, the supervision officer, the social and
rehabilitation for aging and disability services department designated
treatment provider and the offender. Any violation of the conditions of
such supervision may subject such person to revocation of supervision and
imprisonment in jail for the remainder of the period of imprisonment, the
remainder of the supervision period, or any combination or portion
thereof.

(3) In addition, prior to sentencing for any conviction pursuant to
subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to
participate in an alcohol and drug evaluation conducted by a provider in
accordance with K.S.A. 8-1008, and amendments thereto. The person shall
be required to follow any recommendation made by the provider after such
evaluation, unless otherwise ordered by the court.

(c) Any person convicted of a violation of this section, or a violation
of a city ordinance or county resolution prohibiting the acts prohibited by
this section, who had one or more children under the age of 14 years in the
vehicle at the time of the offense shall have such person's punishment
enhanced by one month of imprisonment. This imprisonment shall be
served consecutively to any other minimum mandatory penalty imposed
for a violation of this section, or a violation of a city ordinance or county
resolution prohibiting the acts prohibited by this section. Any enhanced
penalty imposed shall not exceed the maximum sentence allowable by law.
During the service of the enhanced penalty, the judge may order the person
on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of this section involving
drugs, the fact that the person is or has been entitled to use the drug under
the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(i) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall: (1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto; and (2) suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(j) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this section as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.
(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the: (A) Division of vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution. The county or district attorney shall accept such referral and pursue a disposition of such violation, and shall not refer any such violation back to the city attorney.

(l) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance or resolution.

(m) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the state, city or county may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

(n) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits
provided for a first, second, third, fourth or subsequent offense;
(2) any convictions for a violation of the following sections occurring
during a person's lifetime shall be taken into account: (A) This section; (B)
refusing to submit to a test to determine the presence of alcohol or drugs,
K.S.A. 2014 Supp. 8-1025, and amendments thereto; (C) operating a
vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and
amendments thereto; (D) involuntary manslaughter while driving under
the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or
subsection (a)(3) of K.S.A. 2014 Supp. 21-5405(a)(3), and amendments
thereto; (E) aggravated battery as described in subsection (b)(3) of K.S.A.
2014 Supp. 21-5413(b)(3), and amendments thereto; and (F) aggravated
vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular
battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed
while committing a violation of K.S.A. 8-1567, and amendments thereto;
(3) "conviction" includes: (A) Entering into a diversion agreement in
lieu of further criminal proceedings on a complaint alleging a violation of
a crime described in subsection (n)(2); (B) conviction of a violation of an
ordinance of a city in this state, a resolution of a county in this state or any
law of another state which would constitute a crime described in
subsection (n)(1) or (n)(2); and (C) receiving punishment under the
uniform code of military justice or Kansas code of military justice for an
act which was committed on a military reservation and which would
constitute a crime described in subsection (n)(1) or (n)(2) if committed off
a military reservation in this state;
(4) it is irrelevant whether an offense occurred before or after
conviction for a previous offense; and
(5) multiple convictions of any crime described in subsection (n)(1)
or (n)(2) arising from the same arrest shall only be counted as one
conviction.
(o) For the purpose of this section:
(1) "Alcohol concentration" means the number of grams of alcohol
per 100 milliliters of blood or per 210 liters of breath;
(2) "imprisonment" shall include any restrained environment in which
the court and law enforcement agency intend to retain custody and control
of a defendant and such environment has been approved by the board of
county commissioners or the governing body of a city; and
(3) "drug" includes toxic vapors as such term is defined in K.S.A.
2014 Supp. 21-5712, and amendments thereto.
(p) On and after July 1, 2011, the amount of $250 from each fine
imposed pursuant to this section shall be remitted by the clerk of the
district court to the state treasurer in accordance with the provisions of
K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
remittance, the state treasurer shall credit the entire amount to the

Sec. 3. K.S.A. 2014 Supp. 8-1025 is hereby amended to read as follows: 8-1025. (a) Refusing to submit to a test to determine the presence of alcohol or drugs is refusing to submit to or complete a test or tests deemed consented to under subsection (a) of K.S.A. 8-1001(a), and amendments thereto, if such person has:

(1) Any prior test refusal as defined in K.S.A. 8-1013, and amendments thereto, which occurred: (A) On or after July 1, 2001; and (B) when such person was 18 years of age or older; or

(2) any prior conviction for a violation of K.S.A. 8-1567 or 8-2,144, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, which occurred: (A) On or after July 1, 2001; and (B) when such person was 18 years of age or older.

(b) (1) Refusing to submit to a test to determine the presence of alcohol or drugs is:

(A) On a first conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,250 nor more than $1,750. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2014 Supp. 21-6609, and amendments thereto, to serve the five days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall
not be counted as part of the 120 hours;
(B) on a second conviction a class A, nonperson misdemeanor, except
as provided in subsection (b)(1)(C). The person convicted shall be
sentenced to not less than 90 days nor more than one year's imprisonment
and fined not less than $1,750 nor more than $2,500. The person convicted
shall not be eligible for release on probation, suspension or reduction of
sentence or parole until the person has served at least 90 days' imprismon. The 90 days' imprisonment mandated by this subsection
may be served in a work release program only after such person has served
48 consecutive hours' imprisonment, provided such work release program
requires such person to return to confinement at the end of each day in the
work release program. The person convicted, if placed into a work release
program, shall serve a minimum of 2,160 hours of confinement. Such
2,160 hours of confinement shall be a period of at least 48 consecutive
hours of imprisonment followed by confinement hours at the end of and
continuing to the beginning of the offender's work day. The court may
place the person convicted under a house arrest program pursuant to
K.S.A. 2014 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisomment mandated by this subsection only after such person has
served 48 consecutive hours' imprisonment. The person convicted, if
placed under house arrest, shall be monitored by an electronic monitoring
device, which verifies the offender's location. The offender shall serve a
minimum of 2,160 hours of confinement within the boundaries of the
offender's residence. Any exceptions to remaining within the boundaries of
the offender's residence provided for in the house arrest agreement shall
not be counted as part of the 2,160 hours;
(C) on a second conviction a nonperson felony if the person has a
prior conviction which occurred within the preceding 10 years, not
including any period of incarceration. The person convicted shall be
sentenced to not less than 90 days nor more than one year's imprisonment
and fined not less than $1,750 nor more than $2,500. The person convicted
shall not be eligible for release on probation, suspension or reduction of
sentence or parole until the person has served at least 90 days' imprisomment. The 90 days' imprisonment mandated by this subsection
may be served in a work release program only after such person has served
48 consecutive hours' imprisonment, provided such work release program
requires such person to return to confinement at the end of each day in the
work release program. The person convicted, if placed into a work release
program, shall serve a minimum of 2,160 hours of confinement. Such
2,160 hours of confinement shall be a period of at least 48 consecutive
hours of imprisonment followed by confinement hours at the end of and
continuing to the beginning of the offender's work day. The court may
place the person convicted under a house arrest program pursuant to
K.S.A. 2014 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours; and

(D) on a third or subsequent conviction a nonperson felony. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 72 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 72 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2014 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 72 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours.

(2) The court may order that the term of imprisonment imposed pursuant to subsection (b)(1)(C) or (b)(1)(D) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 2014 Supp. 21-6804, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person's discharge from the substance abuse treatment program. Custody of the person shall
be returned to the sheriff for execution of the sentence imposed in the
event the secretary of corrections determines: (A) That substance abuse
treatment resources or the capacity of the facility designated by the
secretary for the incarceration and treatment of the person is not available;
(B) the person fails to meaningfully participate in the treatment program of
the designated facility; (C) the person is disruptive to the security or
operation of the designated facility; or (D) the medical or mental health
condition of the person renders the person unsuitable for confinement at
the designated facility. The determination by the secretary that the person
either is not to be admitted into the designated facility or is to be
transferred from the designated facility is not subject to review. The sheriff
shall be responsible for all transportation expenses to and from the state
correctional facility.

(3) In addition, for any conviction pursuant to subsection (b)(1)(B),
(b)(1)(C) or (b)(1)(D), at the time of the filing of the judgment form or
journal entry as required by K.S.A. 22-3426 or K.S.A. 2014 Supp. 21-
6711, and amendments thereto, the court shall cause a certified copy to be
sent to the officer having the offender in charge. The court shall determine
whether the offender, upon release from imprisonment, shall be supervised
by community correctional services or court services based upon the risk
and needs of the offender. The risk and needs of the offender shall be
determined by use of a risk assessment tool specified by the Kansas
sentencing commission. The law enforcement agency maintaining custody
and control of a defendant for imprisonment shall cause a certified copy of
the judgment form or journal entry to be sent to the supervision office
designated by the court and upon expiration of the term of imprisonment
shall deliver the defendant to a location designated by the supervision
office designated by the court. After the term of imprisonment imposed by
the court, the person shall be placed on supervision to community
correctional services or court services, as determined by the court, for a
mandatory one-year period of supervision, which such period of
supervision shall not be reduced. During such supervision, the person shall
be required to participate in a multidisciplinary model of services for
substance use disorders facilitated by a Kansas department of social and
rehabilitation for aging and disability services designated care
coordination agency to include assessment and, if appropriate, referral to a
community based substance use disorder treatment including recovery
management and mental health counseling as needed. The
multidisciplinary team shall include the designated care coordination
agency, the supervision officer, the social and rehabilitation aging and
disability services department designated treatment provider and the
offender. Any violation of the conditions of such supervision may subject
such person to revocation of supervision and imprisonment in jail for the
remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof.

(4) In addition, prior to sentencing for any conviction pursuant to subsection (b)(1)(A), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

c) Any person convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

d) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessments and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

e) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

f) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(g) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this
section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(h) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring: (A) On or after July 1, 2001; and (B) when such person was 18 years of age or older. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections which occurred during a person's lifetime shall be taken into account, but only convictions occurring when such person was 18 years of age or older: (A) This section; (B) driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto; (C) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (D) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 2014 Supp. 21-5405(a)(3), and amendments thereto; (E) aggravated battery as described in subsection (b)(3) of K.S.A. 2014 Supp. 21-5413(b)(3), and amendments thereto; and (F) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (h)(2); (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (h)(1) or (h)(2); and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (h)(1) or (h)(2) if committed off a military reservation in this state;

(4) it is irrelevant whether an offense occurred before or after
conviction for a previous offense;
(5) multiple convictions of any crime described in subsection (h)(1) or (h)(2) arising from the same arrest shall only be counted as one conviction;
(6) the prior conviction that is an element of the crime of refusing to submit to a test to determine the presence of alcohol or drugs shall not be used for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section and shall not be considered in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offense; and
(7) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, or an ordinance which prohibits the acts of this section, only once during the person's lifetime.
(i) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.
(j) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.
(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.
(3) An ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.
(4) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.
(k) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:
(A) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
(B) Kansas bureau of investigation central repository all criminal
history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution.

(l) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.

(m) As used in this section, "imprisonment" shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.

(n) On and after July 1, 2012, the amount of $250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 2014 Supp. 75-52,113, and amendments thereto.

Sec. 4. K.S.A. 2014 Supp. 21-5909 is hereby amended to read as follows: 21-5909. (a) Intimidation of a witness or victim is preventing or dissuading, or attempting to prevent or dissuade, with an intent to vex, annoy, harm or injure in any way another person or an intent to thwart or interfere in any manner with the orderly administration of justice:

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

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

(A) Making any report of the victimization of a victim to any law enforcement officer, prosecutor, probation officer, parole officer, correctional officer, community correctional services officer or judicial officer, the secretary of the department of social and rehabilitation for children and families, the secretary for aging and disability services or any agent or representative of the secretary, or any person required to make a report pursuant to K.S.A. 2014 Supp. 38-2223, and amendments thereto;

(B) causing a complaint, indictment or information to be sought and prosecuted, or causing a violation of probation, parole or assignment to a
community correctional services program to be reported and prosecuted, and assisting in its prosecution;
(C) causing a civil action to be filed and prosecuted and assisting in its prosecution; or
(D) arresting or causing or seeking the arrest of any person in connection with the victimization of a victim.
(b) Aggravated intimidation of a witness or victim is intimidation of a witness or victim, as defined in subsection (a), when the:
(1) Act is accompanied by an expressed or implied threat of force or violence against a witness, victim or other person or the property of any witness, victim or other person;
(2) act is in furtherance of a conspiracy;
(3) act is committed by a person who has been previously convicted of corruptly influencing a witness or has been convicted of a violation of this section or any federal or other state's statute which, if the act prosecuted was committed in this state, would be a violation of this section;
(4) witness or victim is under 18 years of age; or
(5) act is committed for pecuniary gain or for any other consideration by a person acting upon the request of another person.
(c) (1) Intimidation of a witness or victim is a class B person misdemeanor.
(2) Aggravated intimidation of a witness or victim is a severity level 6, person felony.
Sec. 5. K.S.A. 2014 Supp. 36-502 is hereby amended to read as follows: 36-502. (a) It shall be unlawful for any person to engage in the business of conducting a lodging establishment unless such person shall have in effect a valid license therefor issued by the secretary. Applications for such licenses shall be made on forms prescribed by the secretary, and each such application shall be accompanied by the appropriate license fee required by subsection (c). Prior to the issuance of any such license, the secretary shall inspect or cause to be inspected the lodging establishment designated in the application, to determine that it complies with the standards for lodging establishments promulgated pursuant to this act. If such lodging establishment is found to be in compliance, and the completed application and accompanying fees have been submitted, the secretary shall issue the license. If such lodging establishment is found not to be in compliance, the secretary shall deny such application after providing notice and opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.
(b) Each license shall designate whether the licensed lodging unit is a hotel, rooming house or boarding house. Any person obtaining a license to engage in the business of conducting a rooming house or boarding house
shall not have the right to use the name "hotel" in connection with such business. Every license issued hereunder shall be displayed conspicuously in the lodging establishment for which it is issued, and no such license shall be transferable to any other person or location. Whenever any such license is lost, destroyed or mutilated, a duplicate license shall be issued to any otherwise qualified licensee upon application therefor and the payment of a fee in the amount of $5.

(c) The fee for a license to conduct a lodging establishment in this state for all or any part of any calendar year shall be $30, except that the fee for any lodging establishment containing 10 sleeping rooms shall be $40 and for every additional 10 rooms therein, an additional fee of $10 shall be charged. All lodging establishments which are newly constructed, newly converted to use as a lodging establishment or have a change of ownership shall pay an application fee which may be adjusted in accordance with the type of establishment or based on other criteria as determined by the secretary, but in no event shall any application fee exceed $200 in addition to the license fee.

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

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

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

Sec. 6. K.S.A. 2014 Supp. 38-2006 is hereby amended to read as follows: 38-2006. The secretary of social and rehabilitation services for children and families shall advise and consult with the secretary of health and environment on issues relating to children's health status.

Sec. 7. K.S.A. 2014 Supp. 38-2212 is hereby amended to read as
follows: 38-2212. (a) **Principle of appropriate access.** Information contained in confidential agency records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in this section. Disclosure shall in all cases be guided by the principle of providing access only to persons or entities with a need for information that is directly related to achieving the purposes of this code.

(b) **Free exchange of information.** Pursuant to K.S.A. 2014 Supp. 38-2210, and amendments thereto, the secretary and juvenile intake and assessment agencies shall participate in the free exchange of information concerning a child who is alleged or adjudicated to be in need of care.

(c) **Necessary access.** The following persons or entities shall have access to information from agency records. Access shall be limited to information reasonably necessary to carry out their lawful responsibilities, to maintain their personal safety and the personal safety of individuals in their care, or to educate, diagnose, treat, care for or protect a child alleged to be in need of care. Information authorized to be disclosed pursuant to this subsection shall not contain information which identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

1. A child named in the report or records, a guardian ad litem appointed for the child and the child's attorney.
2. A parent or other person responsible for the welfare of a child, or such person's legal representative.
3. A court-appointed special advocate for a child, a citizen review board or other advocate which reports to the court.
4. A person licensed to practice the healing arts or mental health profession in order to diagnose, care for, treat or supervise: (A) A child whom such service provider reasonably suspects may be in need of care; (B) a member of the child's family; or (C) a person who allegedly abused or neglected the child.
5. A person or entity licensed or registered by the secretary of health and environment or approved by the secretary of social and rehabilitation services for children and families to care for, treat or supervise a child in need of care.
6. A coroner or medical examiner when such person is determining the cause of death of a child.
7. The state child death review board established under K.S.A. 22a-243, and amendments thereto.
8. An attorney for a private party who files a petition pursuant to subsection (b) of K.S.A. 2014 Supp. 38-2233(b), and amendments thereto.
9. A foster parent, prospective foster parent, permanent custodian, prospective permanent custodian, adoptive parent or prospective adoptive parent. In order to assist such persons in making an informed decision regarding acceptance of a particular child, to help the family anticipate...
problems which may occur during the child's placement, and to help the
family meet the needs of the child in a constructive manner, the secretary
shall seek and shall provide the following information to such person's as
the information becomes available to the secretary:

(A) Strengths, needs and general behavior of the child;
(B) circumstances which necessitated placement;
(C) information about the child's family and the child's relationship to
the family which may affect the placement;
(D) important life experiences and relationships which may affect the
child's feelings, behavior, attitudes or adjustment;
(E) medical history of the child, including third-party coverage which
may be available to the child; and
(F) education history, to include present grade placement, special
strengths and weaknesses.

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

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

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

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

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

(1) Information from confidential agency records of the Kansas
department of social and rehabilitation services for children and families, a
law enforcement agency or any juvenile intake and assessment worker of a
child alleged or adjudicated to be in need of care shall be available to
members of the standing house or senate committee on judiciary, house
committee on corrections and juvenile justice, house committee on
appropriations, senate committee on ways and means, legislative post audit
committee and any joint committee with authority to consider children's
and families' issues, when carrying out such member's or committee's
official functions in accordance with K.S.A. 75-4319, and amendments
thereto, in a closed or executive meeting. Except in limited conditions
established by $2/3$ of the members of such committee, records and reports
received by the committee shall not be further disclosed. Unauthorized
disclosure may subject such member to discipline or censure from the
house of representatives or senate. The secretary of social and
rehabilitation services for children and families shall not summarize the
outcome of department actions regarding a child alleged to be a child in
need of care in information available to members of such committees.
(2) The secretary of social and rehabilitation services for children
and families may summarize the outcome of department actions regarding
a child alleged to be a child in need of care to a person having made such
report.
(3) Information from confidential reports or records of a child alleged
or adjudicated to be a child in need of care may be disclosed to the public
when:
(A) The individuals involved or their representatives have given
express written consent; or
(B) the investigation of the abuse or neglect of the child or the filing
of a petition alleging a child to be in need of care has become public
knowledge, provided, however, that the agency shall limit disclosure to
confirmation of procedural details relating to the handling of the case by
professionals.
(e) Court order. Notwithstanding the provisions of this section, a
court of competent jurisdiction, after in camera inspection, may order
disclosure of confidential agency records pursuant to a determination that
the disclosure is in the best interests of the child who is the subject of the
reports or that the records are necessary for the proceedings of the court
and otherwise admissible as evidence. The court shall specify the terms of
disclosure and impose appropriate limitations.
(f) (1) Notwithstanding any other provision of law to the contrary,
except as provided in paragraph (4), in the event that child abuse or
neglect results in a child fatality or near fatality, reports or records of a
child alleged or adjudicated to be in need of care received by the secretary,
a law enforcement agency or any juvenile intake and assessment worker
shall become a public record and subject to disclosure pursuant to K.S.A.
45-215, and amendments thereto.
(2) Within seven days of receipt of a request in accordance with the
procedures adopted under K.S.A. 45-220, and amendments thereto, the
secretary shall notify any affected individual that an open records request
has been made concerning such records. The secretary or any affected
individual may file a motion requesting the court to prevent disclosure of
such record or report, or any select portion thereof. If the affected
individual does not file such motion within seven days of notification, and
the secretary has not filed a motion, the secretary shall release the reports
or records. If such motion is filed, the court shall consider the effect such
disclosure may have upon an ongoing criminal investigation, a pending
prosecution, or the privacy of the child, if living, or the child's siblings,
parents or guardians. The court shall make written findings on the record
justifying the closing of the records and shall provide a copy of the journal
entry to the affected parties and the individual requesting disclosure
pursuant to the Kansas open records act, K.S.A. 45-215 et seq., and
amendments thereto.

(3) For reports or records requested pursuant to this subsection, the
time limitations specified in this subsection shall control to the extent of
any inconsistency between this subsection and K.S.A. 45-218, and
amendments thereto. As used in this section, "near fatality" means an act
that, as certified by a person licensed to practice medicine and surgery,
places the child in serious or critical condition.

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

Sec. 8. K.S.A. 2014 Supp. 39-1702 is hereby amended to read as
follows: 39-1702. As used in this act:

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

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

(c) "Authorized decision makers" means agency representatives who
have the authority to commit the resources of the agency they represent in
the provision of services to any child or adolescent whose needs are
brought before a regional interagency council.
"District court" means the chief judge for a judicial district.

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

"Person acting as parent" means a guardian or conservator, or a person, other than a parent, who is liable by law to maintain, care for, or support a child or adolescent, or who has actual care and custody of the child or adolescent and is contributing the major portion of the cost of support of the child or adolescent, or who has actual care and control of the child or adolescent with the written consent of a person who has legal custody of the child or adolescent, or who has been granted custody of the child or adolescent, by a court of competent jurisdiction.

Sec. 9. K.S.A. 2014 Supp. 40-4702 is hereby amended to read as follows: 40-4702. (a) The governor of the state of Kansas shall appoint a committee which shall be known as the Kansas business health policy committee, whose purpose is to explore opportunities and encourage employer participation in health plans developed by the committee for low and modest wage employees of small employers.

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

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

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

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

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

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

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

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

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

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

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

(2) Meetings of the health committee subsequent to its initial meeting shall be held and conducted in accordance with policies and procedures established by the health committee.
Commencing at the time of the initial meeting of the health committee, the powers, authorities, duties and responsibilities conferred and imposed upon the health committee by this act shall be operative and effective.

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

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

(f) The health committee shall:

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

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

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

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

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

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

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

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

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

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

(h) The health committee is hereby authorized to accept funds from the federal government, or its agencies, or any other source whatsoever for research studies, investigation, planning and other purposes related to implementation of the objectives of this act. Any funds so received shall be deposited in the state treasury and shall be credited to a special revenue fund which is hereby created and shall be known as the health committee insurance fund and used in accordance with or direction of the contributing federal agencies. Expenditures from such fund may be made for any purpose in keeping with the responsibilities, functions and authority of the department. Warrants on such fund shall be drawn in the same manner as required of other state agencies upon vouchers approved by the secretary of health and environment, or the secretary's designee, upon receiving prior approval of the health committee.

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

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

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

(1) Quality assurance measures;
(2) disease prevention activities;
(3) disease management activities; and
(4) other activities or programs the committee decides to include.
Sec. 10. K.S.A. 2014 Supp. 59-29a24 is hereby amended to read as follows: 59-29a24. (a) Any patient in the custody of the secretary of social and rehabilitation for aging and disability services pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, prior to filing any civil action naming as the defendant pursuant to the rules of civil procedure, the state of Kansas, any political subdivision of the state of Kansas, any public official, the secretary of social and rehabilitation for aging and disability services or an employee of the Kansas department of social and rehabilitation for aging and disability services, while such employee is engaged in the performance of such employee's duty, shall be required to have exhausted such patient's administrative remedies, established by procedures adopted pursuant to subsection (d) of K.S.A. 59-29a22(d), and amendments thereto, concerning such civil action. Upon filing a petition in a civil action, such patient shall file with such petition proof that the administrative remedies have been exhausted.

(b) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that:
   (1) The allegation of poverty is untrue, notwithstanding the fact that a filing fee, or any portion thereof has been paid; or
   (2) the action or appeal:
      (A) Is frivolous or malicious;
      (B) fails to state a claim on which relief may be granted; or
      (C) seeks monetary relief against a defendant who is immune from such relief.

(c) In no event shall such patient bring a civil action or appeal a judgment in a civil action or proceeding under this section if such patient has, on three or more prior occasions, while in the custody of the secretary of social and rehabilitation for aging and disability services pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, brought an action or appeal in a court of the state of Kansas or of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted, unless the patient is under imminent danger of serious physical injury.

(d) The provisions of this section shall not apply to a writ of habeas corpus.

Sec. 11. K.S.A. 2014 Supp. 65-689 is hereby amended to read as follows: 65-689. (a) It shall be unlawful for any person to engage in the business of conducting a food establishment or food processing plant unless such person shall have in effect a valid license therefor issued by the secretary.

(b) Applications for such licenses shall be made on forms prescribed by the secretary, and each such application shall be accompanied by an
application fee and by a license fee. Prior to the issuance of any such license, the secretary shall inspect or cause to be inspected the food establishment or food processing plant designated in the application, to determine that it complies with rules and regulations adopted pursuant to the food, drug and cosmetic act, and amendments thereto. If the food establishment or food processing plant is found to be in compliance, and the completed application and accompanying fees have been submitted, the secretary shall issue the license. If the food establishment or food processing plant is found not to be in compliance, the secretary shall deny the application for a license after providing notice and opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

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

(d) A license shall not be required by:

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

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

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

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

5. A person who serves food exclusively on interstate conveyances or common carriers.

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

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

8. A person operating a food vending machine, if the food vending
machine company:

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

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

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

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

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

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

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

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

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

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

(f) A food establishment operated in connection with any premises licensed, registered or permitted by the secretary of health and environment, the secretary of social and rehabilitation services, the secretary of corrections or the secretary of aging for aging and disability services, which is inspected and regulated pursuant to the respective law or rule and regulation of such secretary, shall not require a license, and the secretary of agriculture shall not be authorized to inspect or cause such premises to be inspected. This subsection shall not apply to a food establishment whose primary function is not in connection with any premises licensed, registered or permitted pursuant to the respective law or rule and regulation of such secretary.

Sec. 12. K.S.A. 2014 Supp. 65-6233 is hereby amended to read as follows: 65-6233. (a) The department of health and environment, in conjunction with the Kansas department of social and rehabilitation for
aging and disability services, shall review and update its rules and regulations establishing eligibility requirements for the Kansas program of medical assistance established in accordance with title XIX of the federal social security act, 42 U.S.C. § 1396 et seq. Such review shall include the establishment of a procedure which permits the holder of a life insurance policy which has a cash surrender value to give the Kansas program of medical assistance established in accordance with title XIX of the federal social security act a collateral assignment of the proceeds of such life insurance policy. The collateral assignment may be used by the insured in lieu of any requirement that such life insurance policy be sold in order for the insured to meet any property ownership limitation contained in any eligibility requirement for participation in the Kansas program of medical assistance established in accordance with title XIX of the federal social security act. The collateral assignment shall be for an amount not to exceed the proceeds of such policy necessary to reimburse the Kansas program of medical assistance established in accordance with title XIX of the federal social security act for any amount paid by such program for medical benefits provided to the insured. The collateral assignment shall be irrevocable as established by a written agreement binding on the holder of the life insurance policy to not affect or otherwise use the cash surrender value of such policy after the irrevocable assignment pursuant to rules and regulations promulgated by the secretary of the department of health and environment.

(b) The department of health and environment is hereby directed to seek any necessary waivers from program requirements of the federal government as may be needed to carry out the provisions of this section and to maximize federal matching and other funds with respect to the provisions of this section. If the department of health and environment determines that one or more waivers from program requirements of the federal government are needed to carry out the provisions of this section, the department of health and environment shall implement the provisions of this section only if such waivers to federal program requirements have been obtained from the federal government.

(c) (1) Except as provided in paragraph (2), the review and update of the rules and regulations establishing eligibility requirements for the Kansas program of medical assistance established in accordance with title XIX of the federal social security act, 42 U.S.C. § 1396 et seq., shall be completed and the revisions of such rules and regulations shall be adopted in accordance with the rules and regulations filing act no later than 12 calendar months following the date of receipt of the waivers required under subsection (b).

(2) If the department of health and environment determines that no waivers are required to implement the provisions of subsection (a), the
review and update of the rules and regulations establishing eligibility requirements for the Kansas program of medical assistance established in accordance with title XIX of the federal social security act, 42 U.S.C. § 1396 et seq., shall be completed and the revisions of such rules and regulations shall be adopted in accordance with the rules and regulations filing act no later than 12 calendar months following the effective date of this act.

Sec. 13. K.S.A. 2014 Supp. 75-7d01 is hereby amended to read as follows: 75-7d01. (a) There is hereby created in the office of the attorney general a batterer intervention program certification unit.
  (b) Except as otherwise provided by law, the books, documents, papers, records or other sources of information obtained and the investigations conducted by the unit shall be confidential as required by state or federal law.
  (c) The purpose of the batterer intervention program certification unit is to certify and inspect batterer intervention programs in Kansas. To accomplish this purpose, upon request of the unit, the unit shall have access to all records of reports, investigation documents and written reports of findings related to confirmed cases of domestic violence or exploitation of persons or cases in which there is reasonable suspicion to believe domestic violence has occurred which are received or generated by the Kansas department of social and rehabilitation services, for children and families, Kansas department on aging for aging and disability services, department of health and environment or Kansas bureau of investigation.
  (d) The attorney general shall develop a set of tools, methodologies, requirements and forms for the domestic violence offender assessment required by subsection (p) of K.S.A. 2014 Supp. 21-6604(p), and amendments thereto. The batterer intervention program tools, methodologies, requirements and forms shall be developed in consultation with the agency certified by the centers for disease control and prevention and the department of health and human services as the domestic violence coalition for the state and with local domestic violence victims' services organizations.
  (e) The attorney general may appoint a panel to assist the attorney general by making recommendations regarding the:
    (1) Content and development of a batterer intervention certification program; and
    (2) rules and regulations.
  (f) The attorney general may appoint such advisory committees as the attorney general deems necessary to carry out the purposes of the batterer intervention program certification act. Except as provided in K.S.A. 75-3212, and amendments thereto, no member of any such advisory
committee shall receive any compensation, subsistence, mileage or other
allowance for serving on an advisory committee or attending any meeting
thereof.

Sec. 14. K.S.A. 75-5308d is hereby amended to read as follows: 75-
5308d. Mental health and retardation services created by the provisions of
K.S.A. 75-5308b is hereby abolished and all of the powers, duties and
functions of such division are transferred to and conferred and imposed
upon mental health and developmental disabilities established pursuant
K.S.A. 75-5308e, and amendments thereto, under the supervision of the
secretary of social and rehabilitation for aging and disability services as
part of the Kansas department of social and rehabilitation for aging and
disability services. The commissioner of mental health and retardation
services created by K.S.A. 75-5308b is hereby abolished and all of the
powers, duties and functions of such commissioner are transferred to and
conferred and imposed upon the commissioner of mental health and
developmental disabilities appointed pursuant to K.S.A. 75-5308e, and
amendments thereto.

Sec. 15. K.S.A. 75-5309 is hereby amended to read as follows: 75-
5309. Except as otherwise provided in this order, or in K.S.A. 75-5310,
and amendments thereto, the secretary of social and rehabilitation services
for children and families shall appoint, subject to the Kansas civil service
act, all subordinate officers and employees of the Kansas department of
social and rehabilitation services for children and families, and all such
subordinate officers and employees shall be within the classified service.

Sec. 16. K.S.A. 2014 Supp. 75-5321a is hereby amended to read as
follows: 75-5321a. The secretary of social and rehabilitation services for
children and families shall take necessary actions to transfer the
administration of certain long-term care programs and services to the
secretary of aging for aging and disability services. The programs shall
include the nursing facility services payment program, the home and
community based services for the frail elderly waiver program, the case
management for the frail elderly program and the income eligible (home
care) program. Excluding nursing facility programs, the programs to be
transferred shall not include long-term care programs for individuals under
the age of 65 with mental illness, intellectual disability, other mental
disabilities or physical disabilities. All such transfers shall be made only in
accordance with federal grant requirements related to such programs.

Sec. 17. K.S.A. 75-5364 is hereby amended to read as follows: 75-
5364. (a) As used in this section:
(1) "Plan" means the electronic funds transfer remittance plan
established under this section.
(2) "Secretary" means the secretary of social and rehabilitation
services for children and families.
(b) The secretary of social and rehabilitation services for children and families, with the assistance of the director of accounts and reports, shall apply for approval from the federal government to develop and implement in accordance with this section an electronic funds transfer remittance plan which will provide that monetary payments, food stamps and medical assistance benefits made to each recipient of public assistance under article 7 of chapter 39 of the Kansas Statutes Annotated, and acts amendatory of the provisions thereof or supplemental amendments thereto, be made through an electronic funds transfer remittance system. On and after January 1, 1995, all monetary payments, food stamps and medical assistance benefits made to public assistance recipients in those counties in this state in which the KanWork program has been implemented and which have been selected by the secretary for the purposes of this section shall be made through such electronic funds transfer remittance plan. The plan shall provide that on and after January 1, 1995, each public assistance recipient, or a person on behalf of the public assistance recipient as authorized by the secretary, who resides in a county in this state in which the KanWork program has been implemented and which has been selected by the secretary for the purposes of this section shall be provided benefits under this plan.

(c) On or before December 31, 1995, the secretary of social and rehabilitation services shall submit to the governor and to the legislature a report describing how the electronic funds transfer remittance plan was implemented, the results of the operation of the plan during the pilot phase, including any cost savings which have occurred as a result of the plan, and any recommendations which the secretary may have with respect to the administration of the plan.

Sec. 18. K.S.A. 2014 Supp. 75-6524 is hereby amended to read as follows: 75-6524. (a) In the coverage for the next health plan coverage year commencing on January 1, 2011, the state employees health care commission shall provide for the coverage of services for the diagnosis and treatment of autism spectrum disorder in any covered individual whose age is less than 19 years. Such coverage shall be subject to the following terms and conditions:

(1) Such coverage shall be provided in a manner determined in consultation with the autism services provider and the patient. Services provided by an autism services provider under this section shall include applied behavioral analysis when required by a licensed physician, licensed psychologist or licensed specialist clinical social worker but otherwise shall be limited to those services prescribed or ordered by a licensed physician, licensed psychologist or licensed specialist clinical social worker. Services provided pursuant to this paragraph shall be those services which are or have been recognized by peer reviewed literature as
providing medical benefit to the patient based upon the patient's particular autism spectrum disorder.

(2) Such coverage may be subject to appropriate annual deductibles and coinsurance provisions as are consistent with those established for other physical illness benefits under the state employees health plan.

(3) Coverage for benefits for any covered person diagnosed with one or more autism spectrum disorders and whose age is between birth and less than seven years shall not exceed $36,000 per year.

(4) Coverage for benefits for any covered person diagnosed with one or more autism spectrum disorders and whose age is at least seven years and less than 19 years shall not exceed $27,000 per year.

(5) Coverages required under paragraphs (3) and (4) shall be subject to the same copays, deductibles and dollar limits as benefits for physical illness; and such other utilization or benefit limits as the state employees health care commission may determine.

(6) Reimbursement shall be allowed only for services provided by a provider licensed, trained and qualified to provide such services or by an autism specialist or an intensive individual service provider as such terms are defined by the Kansas department of social and rehabilitation for aging and disability services Kansas autism waiver as it exists on July 1, 2010.

(7) Any insurer or other entity which administers claims for services provided for the treatment of autism spectrum disorder under this section, and amendments thereto, shall have the right and obligation to:

(A) Review utilization of such services; and

(B) deny any claim for services based upon medical necessity or a determination that the covered individual has reached the maximum medical improvement for the covered individual's autism spectrum disorder.

(b) For the purposes of this section:

(1) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement and functional analysis of the relationship between environment and behavior.

(2) "Autism spectrum disorder" means the following disorders within the autism spectrum: Autistic disorder, Asperger's syndrome and pervasive developmental disorder not otherwise specified, as such terms are specified in the diagnostic and statistical manual of mental disorders, fourth edition, text revision (DSM-IV-TR), of the American psychiatric association, as published in May, 2000, or later versions as established in rules and regulations adopted by the behavioral sciences regulatory board pursuant to K.S.A. 74-7507, and amendments thereto.
(3) "Diagnosis of autism spectrum disorder" means any medically necessary assessment, evaluation or test to determine whether an individual has an autism spectrum disorder.

(c) (1) Pursuant to the provisions of K.S.A. 40-2249a, and amendments thereto, on or before March 1, 2012, the state employees health care commission shall submit to the president of the senate and to the speaker of the house of representatives, a report including the following information pertaining to the mandated coverage for autism spectrum disorder provided during the plan year commencing on January 1, 2011, and ending on December 31, 2011:

(A) The impact that the mandated coverage for autism spectrum disorder required by subsection (a) has had on the state health care benefits program;

(B) data on the utilization of coverage for autism spectrum disorder by covered individuals and the cost of providing such coverage for autism spectrum disorder; and

(C) a recommendation whether such mandated coverage for autism spectrum disorder should continue for the state health care benefits program or whether additional utilization and cost data is required.

(2) At the next legislative session following receipt of the report required in paragraph (1), the legislature may consider whether or not to require the coverage for autism spectrum disorder required by subsection (a) to be included in any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization which provides coverage for accident and health services and which is delivered, issued for delivery, amended or renewed in this state on or after July 1, 2013.

Sec. 19. K.S.A. 2014 Supp. 75-7033 is hereby amended to read as follows: 75-7033. On and after July 1, 1997:

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

(b) The community planning team convener shall invite
representatives from the following groups and agencies to be a part of the
community planning team: The courts, court services, public education,
juvenile community correctional services, the county or district attorney,
the public defender's office or private defense counsel, law enforcement,
juvenile detention, prevention services, health care professionals, mental
health services, juvenile intake and assessment, municipal officials, county
officials, private service providers, the department of social and
rehabilitation services for children and families, the business community,
the religious community, youth and such other representatives as the
convener and commissioner deem necessary. The community planning
team convener may invite the entire membership of the corrections
advisory board, as established in K.S.A. 75-5297, and amendments
thereto, and the juvenile corrections advisory board, as established by
K.S.A. 75-7044, and amendments thereto, to be a part of the community
planning team.

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

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

(e) Between July 1, 1997, and June 30, 1999, the community
planning team shall engage in strategic planning to develop programs,
services and placement options as are necessary and appropriate for each
judicial district's juvenile justice program consistent with planning
guidelines developed by the commissioner. The commissioner shall design
the planning process to empower communities to develop community-
based programs, services and placements sufficient to address juvenile
crime and to appropriately provide programs and services to prevent
juvenile crime. The commissioner shall develop an action plan to guide
implementation of community planning. The action plan shall establish a
schedule for the planning process and shall clearly state desired outcomes
of the planning process. Before implementation of the community
planning process, the commissioner shall submit the proposed action plan
to the joint committee on corrections and juvenile justice oversight for
review. The commissioner shall also provide such committee with regular
progress reports on the status of the planning process. The primary
purposes of the community planning process shall be to:
(1) Foster collaboration among stakeholders in the juvenile justice
system;
(2) accurately assess community risk factors affecting juveniles;
(3) determine community priorities to respond to juvenile crime and
the risk factors affecting juveniles;
(4) develop programs, services and placements, with sufficient
capacity, to appropriately hold juvenile offenders in the community
accountable for behavior which violates the law;
(5) provide communities with assistance in developing juvenile
justice programs which respond to community needs and priorities and
which are capable of achieving desired outcomes, and in identifying
resources necessary to provide such programs;
(6) encourage the staffing of juvenile justice programs with
appropriately trained personnel; and
(7) provide communities with technical assistance, as needed, to
achieve desired planning outcomes.
(f) The commissioner shall provide training and expertise for
communities during the strategic planning process of the community
planning team.
(g) On July 1, 1999, each judicial district, multiple judicial district or
judicial districts and cities and counties cooperating pursuant to subsection
(a) shall have developed and be prepared to implement a juvenile justice
program. On or before June 30, 1999, such program shall be accredited by
the commissioner pursuant to rules and regulations adopted by the
commissioner.
(h) Each juvenile justice program shall include, but not be limited to,
local prevention services, juvenile intake and assessment, juvenile
detention and attendant care, immediate intervention programs, aftercare
services, graduated sanctions programs, probation programs, conditional
release programs, sanctions for violations of probation terms or programs,
sanctions for violations of conditional release programs and out-of-home
placements.
(i) Each juvenile justice program shall demonstrate that in the judicial
district is a continuum of community based placement options with
sufficient capacity to accommodate community needs.
(j) Each juvenile justice program shall participate in the juvenile
justice information system, intake and assessment system and the
utilization of a standardized risk assessment data.
(k) (1) There is hereby created in the state treasury a juvenile justice
community planning fund. Money credited to the fund shall be used solely for the purpose of making grants to community planning teams, as established in this section, to assist with the community planning process of determining juvenile justice programs for the judicial district.

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

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

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

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

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

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

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

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

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

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

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

Sec. 20. K.S.A. 76-157 is hereby amended to read as follows: 76-157. Whenever a blind person has been an actual resident of the state for one year next preceding, and a student in actual attendance at a community junior college in the state or at a college, university, technical or professional school located in this state, and authorized by law to grant degrees, other than an institution established for the regular instruction of the blind, and such student shall be designated by the secretary of social and rehabilitation services for children and families as a fit person to receive and as one who ought to receive the aid hereinafter provided for, said the secretary shall employ persons to read to such student from textbooks and pamphlets used by such students in his or her studies at such college, university, or school.

Sec. 21. K.S.A. 76-158 is hereby amended to read as follows: 76-158. The secretary of social and rehabilitation services for children and families is hereby authorized and empowered to select such persons as are entitled to the benefits of this act in the several colleges, universities or schools. The secretary of social and rehabilitation services for children and families shall not furnish a reader to any blind person who is not regularly matriculated; who is not in good and regular standing; who is not working for a degree from the institution in which he or she is matriculated, and who is not doing the work regularly prescribed by the institution for the degree for which he or she is a candidate, and after making such selection the secretary of social and rehabilitation services for children and families is authorized to name and designate some suitable and capable person to read to such blind student from textbooks and pamphlets used by him or her in studies in such college, university, or school and to fix the pay to be received by such reader for such services.

Sec. 22. K.S.A. 76-12a24 is hereby amended to read as follows: 76-12a24. The secretary of social and rehabilitation for aging and disability services is authorized to enter into an agreement with the secretary of corrections concerning the management and utilization of buildings and land currently not being used at state institutions under the authority of the secretary of social and rehabilitation for aging and disability services for the placement of persons in the custody of the secretary of corrections. The secretary of corrections shall provide supervision and security for persons placed under any such agreement.

Sec. 24. This act shall take effect and be in force from and after its publication in the statute book.