As Amended by Senate Committee

Session of 2017

SENATE BILL No. 216

By Committee on Ways and Means

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

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

Section 1. K.S.A. 2016 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,
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. 2016 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 that, 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. 2. K.S.A. 2016 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—whether that 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 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. 3. K.S.A. 2016 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. 4. K.S.A. 2016 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. 2016 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 that 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 that 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. 2016 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 that 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 that necessitated placement;
(C) information about the child's family and the child's relationship to
the family which that may affect the placement;
(D) important life experiences and relationships—which that 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 that were created prior to such child's adoption. Nothing herein is intended to require that an otherwise privileged communication lose its privileged character.

Sec. 5. K.S.A. 2016 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 that 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 or the Kansas department for aging and disability services, 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.

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

(e) "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.

(f) "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. 6. K.S.A. 2016 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 secretary for aging and disability services or the secretary's
designee;

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

(5)(6) one member appointed by the president of the senate;

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

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

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

(8)(9) 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.

(3) 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 that 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 predominately 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. 7. K.S.A. 2016 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 for children and families, the secretary of corrections or the secretary of 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. 8. K.S.A. 2016 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 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. 2016 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. 9. 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. 10. K.S.A. 2016 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 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. 11. K.S.A. 2016 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 Kansas 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 through 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 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 day 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.

(1) (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 day 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. 12. 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 the student's studies at such college, university, or school.

Sec. 13. 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. 15. This act shall take effect and be in force from and after its publication in the statute book.