

SENATE BILL No. 364

By Committee on Public Health and Welfare

1-26

1 AN ACT updating statutory references necessitated by 2012 Executive
2 Reorganization Order 41; amending K.S.A. 75-5309, 76-157 and 76-
3 158 and K.S.A. 2015 Supp. 21-5909, 36-502, 38-2006, 38-2212, 39-
4 1702, 40-4702, 65-689, 75-7d01, 75-5321a and 75-7033 and repealing
5 the existing sections.
6

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

8 Section 1. K.S.A. 2015 Supp. 21-5909 is hereby amended to read as
9 follows: 21-5909. (a) Intimidation of a witness or victim is preventing or
10 dissuading, or attempting to prevent or dissuade, with an intent to vex,
11 annoy, harm or injure in any way another person or an intent to thwart or
12 interfere in any manner with the orderly administration of justice:

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

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

16 (A) Making any report of the victimization of a victim to any law
17 enforcement officer, prosecutor, probation officer, parole officer,
18 correctional officer, community correctional services officer or judicial
19 officer, the secretary of the department of social and rehabilitation for
20 children and families, the secretary for aging and disability services or any
21 agent or representative of the secretary, or any person required to make a
22 report pursuant to K.S.A. 2015 Supp. 38-2223, and amendments thereto;

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

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

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

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

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

36 (2) act is in furtherance of a conspiracy;

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

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

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

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

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

13 Sec. 2. K.S.A. 2015 Supp. 36-502 is hereby amended to read as
14 follows: 36-502. (a) It shall be unlawful for any person to engage in the
15 business of conducting a lodging establishment unless such person shall
16 have in effect a valid license therefor issued by the secretary. Applications
17 for such licenses shall be made on forms prescribed by the secretary, and
18 each such application shall be accompanied by the appropriate license fee
19 required by subsection (c). Prior to the issuance of any such license, the
20 secretary shall inspect or cause to be inspected the lodging establishment
21 designated in the application, to determine that it complies with the
22 standards for lodging establishments promulgated pursuant to this act. If
23 such lodging establishment is found to be in compliance, and the
24 completed application and accompanying fees have been submitted, the
25 secretary shall issue the license. If such lodging establishment is found not
26 to be in compliance, the secretary shall deny such application after
27 providing notice and opportunity for a hearing in accordance with the
28 provisions of the Kansas administrative procedure act.

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

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

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

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

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

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

27 Sec. 3. K.S.A. 2015 Supp. 38-2006 is hereby amended to read as
28 follows: 38-2006. The secretary ~~of social and rehabilitation services for~~
29 *children and families* shall advise and consult with the secretary of health
30 and environment on issues relating to children's health status.

31 Sec. 4. K.S.A. 2015 Supp. 38-2212 is hereby amended to read as
32 follows: 38-2212. (a) *Principle of appropriate access*. Information
33 contained in confidential agency records concerning a child alleged or
34 adjudicated to be in need of care may be disclosed as provided in this
35 section. Disclosure shall in all cases be guided by the principle of
36 providing access only to persons or entities with a need for information
37 that is directly related to achieving the purposes of this code.

38 (b) *Free exchange of information*. Pursuant to K.S.A. 2015 Supp. 38-
39 2210, and amendments thereto, the secretary and juvenile intake and
40 assessment agencies shall participate in the free exchange of information
41 concerning a child who is alleged or adjudicated to be in need of care.

42 (c) *Necessary access*. The following persons or entities shall have
43 access to information from agency records. Access shall be limited to

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

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

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

11 (3) A court-appointed special advocate for a child, a citizen review
12 board or other advocate which reports to the court.

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

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

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

24 (7) The state child death review board established under K.S.A. 22a-
25 243, and amendments thereto.

26 (8) An attorney for a private party who files a petition pursuant to
27 ~~subsection (b) of~~ K.S.A. 2015 Supp. 38-2233(b), and amendments thereto.

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

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

37 (B) circumstances which necessitated placement;

38 (C) information about the child's family and the child's relationship to
39 the family which may affect the placement;

40 (D) important life experiences and relationships which may affect the
41 child's feelings, behavior, attitudes or adjustment;

42 (E) medical history of the child, including third-party coverage which
43 may be available to the child; and

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

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

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

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

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

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

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

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

42 (3) Information from confidential reports or records of a child alleged
43 or adjudicated to be a child in need of care may be disclosed to the public

1 when:

2 (A) The individuals involved or their representatives have given
3 express written consent; or

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

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

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

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

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

1 places the child in serious or critical condition.

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

7 Sec. 5. K.S.A. 2015 Supp. 39-1702 is hereby amended to read as
8 follows: 39-1702. As used in this act:

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

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

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

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

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

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

1 child or adolescent, by a court of competent jurisdiction.

2 Sec. 6. K.S.A. 2015 Supp. 40-4702 is hereby amended to read as
3 follows: 40-4702. (a) The governor of the state of Kansas shall appoint a
4 committee which shall be known as the Kansas business health policy
5 committee, whose purpose is to explore opportunities and encourage
6 employer participation in health plans developed by the committee for low
7 and modest wage employees of small employers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (e) The health committee shall evaluate responses to the request for

- 1 proposals and select the qualified entity to serve as the health partnership.
- 2 (f) The health committee shall:
- 3 (1) Develop, approve and revise subsidy eligibility criteria provided
- 4 that:
- 5 (A) Low wage and modest wage employees of small employers shall
- 6 be eligible for subsidies if:
- 7 (i) The small employer has not previously offered health insurance
- 8 coverage within the two years next preceding the date upon which health
- 9 insurance is offered; or
- 10 (ii) the small employer has previously offered health insurance
- 11 coverage and a majority of such small employer's employees are low wage
- 12 or modest wage employees as defined in K.S.A. 40-4701, and amendments
- 13 thereto;
- 14 (B) any small employer's eligible employee with a child who is
- 15 eligible for coverage under the state childrens' health insurance program
- 16 established by K.S.A. 38-2001 et seq., and amendments thereto, or in the
- 17 state medical assistance program shall be eligible automatically for a
- 18 subsidy and shall be included in the determination of eligibility for the
- 19 small employer and its low and modest wage employees; and
- 20 (C) at least 70% of the small employer's eligible employees without
- 21 group health insurance coverage from another source are insured through
- 22 the partnership; and
- 23 (2) determine and arrange for eligibility determination for subsidies
- 24 of low wage or modest wage employees; and
- 25 (3) develop subsidy schedules based upon eligible employee wage
- 26 levels and family income; and
- 27 (4) be responsible for arranging for the provision of affordable health
- 28 care coverage for eligible employees of small employers and evaluating
- 29 and creating the opportunity to improve health care provided by plans in
- 30 the small group health insurance program.
- 31 (g) The health committee shall oversee and monitor the ongoing
- 32 operation of any subsidy program and the financial accountability of all
- 33 subsidy funds. If, in the judgment of the health committee, the entity
- 34 selected to serve as the health partnership fails to perform as intended, the
- 35 health committee may terminate its selection and designation of that entity
- 36 as the health partnership and may issue a new request for proposal and
- 37 select a different qualified entity to serve as the health partnership.
- 38 (h) The health committee is hereby authorized to accept funds from
- 39 the federal government, or its agencies, or any other source whatsoever for
- 40 research studies, investigation, planning and other purposes related to
- 41 implementation of the objectives of this act. Any funds so received shall be
- 42 deposited in the state treasury and shall be credited to a special revenue
- 43 fund which is hereby created and shall be known as the health committee

1 insurance fund and used in accordance with or direction of the contributing
2 federal agencies. Expenditures from such fund may be made for any
3 purpose in keeping with the responsibilities, functions and authority of the
4 department. Warrants on such fund shall be drawn in the same manner as
5 required of other state agencies upon vouchers approved by the secretary
6 of health and environment, or the secretary's designee, upon receiving
7 prior approval of the health committee.

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

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

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

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

32 Sec. 7. K.S.A. 2015 Supp. 65-689 is hereby amended to read as
33 follows: 65-689. (a) It shall be unlawful for any person to engage in the
34 business of conducting a food establishment or food processing plant
35 unless such person shall have in effect a valid license therefor issued by
36 the secretary.

37 (b) Applications for such licenses shall be made on forms prescribed
38 by the secretary, and each such application shall be accompanied by an
39 application fee and by a license fee. Prior to the issuance of any such
40 license, the secretary shall inspect or cause to be inspected the food
41 establishment or food processing plant designated in the application, to
42 determine that it complies with rules and regulations adopted pursuant to
43 the food, drug and cosmetic act, and amendments thereto. If the food

1 establishment or food processing plant is found to be in compliance, and
2 the completed application and accompanying fees have been submitted,
3 the secretary shall issue the license. If the food establishment or food
4 processing plant is found not to be in compliance, the secretary shall deny
5 the application for a license after providing notice and opportunity for a
6 hearing in accordance with the provisions of the Kansas administrative
7 procedure act.

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

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

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

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

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

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

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

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

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

38 (8) A person operating a food vending machine, if the food vending
39 machine company:

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

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

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

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

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

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

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

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

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

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

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

36 Sec. 8. K.S.A. 2015 Supp. 75-7d01 is hereby amended to read as
37 follows: 75-7d01. (a) There is hereby created in the office of the attorney
38 general a batterer intervention program certification unit.

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

43 (c) The purpose of the batterer intervention program certification unit

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

11 (d) The attorney general shall develop a set of tools, methodologies,
12 requirements and forms for the domestic violence offender assessment
13 required by ~~subsection (p) of K.S.A. 2015 Supp. 21-6604(p), and~~
14 amendments thereto. The batterer intervention program tools,
15 methodologies, requirements and forms shall be developed in consultation
16 with the agency certified by the centers for disease control and prevention
17 and the department of health and human services as the domestic violence
18 coalition for the state and with local domestic violence victims' services
19 organizations.

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

22 (1) Content and development of a batterer intervention certification
23 program; and

24 (2) rules and regulations.

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

32 Sec. 9. K.S.A. 75-5309 is hereby amended to read as follows: 75-
33 5309. Except as otherwise provided in this order, or in K.S.A. 75-5310, the
34 ~~secretary of social and rehabilitation services for children and families~~
35 shall appoint, subject to the Kansas civil service act, all subordinate
36 officers and employees of the ~~Kansas department of social and~~
37 ~~rehabilitation services for children and families, and all such subordinate~~
38 officers and employees shall be within the classified service.

39 Sec. 10. K.S.A. 2015 Supp. 75-5321a is hereby amended to read as
40 follows: 75-5321a. The ~~secretary of social and rehabilitation services for~~
41 ~~children and families~~ shall take necessary actions to transfer the
42 administration of certain long-term care programs and services to the
43 ~~secretary of aging for aging and disability services.~~ The programs shall

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

9 Sec. 11. K.S.A. 2015 Supp. 75-7033 is hereby amended to read as
10 follows: 75-7033. On and after July 1, 1997:

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

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

1 thereto, and the juvenile corrections advisory board, as established by
2 K.S.A. 75-7044, and amendments thereto, to be a part of the community
3 planning team.

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

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

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

28 (1) Foster collaboration among stakeholders in the juvenile justice
29 system;

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

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

33 (4) develop programs, services and placements, with sufficient
34 capacity, to appropriately hold juvenile offenders in the community
35 accountable for behavior which violates the law;

36 (5) provide communities with assistance in developing juvenile
37 justice programs which respond to community needs and priorities and
38 which are capable of achieving desired outcomes, and in identifying
39 resources necessary to provide such programs;

40 (6) encourage the staffing of juvenile justice programs with
41 appropriately trained personnel; and

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

1 (f) The commissioner shall provide training and expertise for
2 communities during the strategic planning process of the community
3 planning team.

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

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

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

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

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

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

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

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

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

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

5 (1) (1) There is hereby created in the state treasury a juvenile justice
6 community initiative fund. Money credited to the fund shall be used solely
7 for the purpose of making grants to communities to assist in supporting
8 field services, case management services and juvenile justice programs,
9 services and placements in the judicial district.

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

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

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

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

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

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

42 Sec. 13. K.S.A. 76-158 is hereby amended to read as follows: 76-158.
43 The secretary ~~of social and rehabilitation services~~ *for children and families*

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

15 Sec. 14. K.S.A. 75-5309, 76-157 and 76-158 and K.S.A. 2015 Supp.
16 21-5909, 36-502, 38-2006, 38-2212, 39-1702, 40-4702, 65-689, 75-7d01,
17 75-5321a and 75-7033 are hereby repealed.

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