

**SENATE BILL No. 216**

By Committee on Ways and Means

3-6

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **(3) *the secretary for aging and disability services or the secretary's***  
18 ***designee;***

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

20 ~~(4)~~**(5)** one member appointed by the president of the senate;

21 ~~(5)~~**(6)** one member appointed by the speaker of the house of  
22 representatives;

23 ~~(6)~~**(7)** one member appointed by the minority leader of the senate;

24 ~~(7)~~**(8)** one member appointed by the minority leader of the house of  
25 representatives; and

26 ~~(8)~~**(9)** three members at large from the private sector appointed by the  
27 governor.

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

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

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

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

41 (d) The health committee shall develop and approve a request for  
42 proposals for a qualified entity to serve as the Kansas business health  
43 partnership, hereinafter referred to as health partnership, ~~which~~ *that* shall

1 provide a mechanism to combine federal and state subsidies with  
2 contributions from small employers and eligible employees to purchase  
3 health insurance in accordance with guidelines developed by the health  
4 committee.

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

7 (f) The health committee shall:

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

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

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

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

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

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

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

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

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

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

43 (h) The health committee is hereby authorized to accept funds from

1 the federal government, or its agencies, or any other source whatsoever for  
2 research studies, investigation, planning and other purposes related to  
3 implementation of the objectives of this act. Any funds so received shall be  
4 deposited in the state treasury and shall be credited to a special revenue  
5 fund—~~which~~ *that* is hereby created and shall be known as the health  
6 committee insurance fund and used in accordance with or direction of the  
7 contributing federal agencies. Expenditures from such fund may be made  
8 for any purpose in keeping with the responsibilities, functions and  
9 authority of the department. Warrants on such fund shall be drawn in the  
10 same manner as required of other state agencies upon vouchers approved  
11 by the secretary of health and environment, or the secretary's designee,  
12 upon receiving prior approval of the health committee.

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

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

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

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

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

42 (b) Applications for such licenses shall be made on forms prescribed  
43 by the secretary, and each such application shall be accompanied by an

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

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

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

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

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

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

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

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

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

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

43 (8) A person operating a food vending machine, if the food vending

1 machine company:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (1) Content and development of a batterer intervention certification  
28 program; and

29 (2) rules and regulations.

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

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

1       Sec. 10. K.S.A. 2016 Supp. 75-5321a is hereby amended to read as  
2 follows: 75-5321a. The secretary ~~of social and rehabilitation services for~~  
3 *children and families* shall take necessary actions to transfer the  
4 administration of certain long-term care programs and services to the  
5 secretary ~~of~~ *for aging and disability services*. The programs shall include  
6 the nursing facility services payment program, the home and community  
7 based services for the frail elderly waiver program, the case management  
8 for the frail elderly program and the income-eligible (home care) program.  
9 Excluding nursing facility programs, the programs to be transferred shall  
10 not include long-term care programs for individuals under the age of 65  
11 with mental illness, intellectual disability, other mental disabilities or  
12 physical disabilities. All such transfers shall be made only in accordance  
13 with federal grant requirements related to such programs.

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

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

36       (b) The community planning team convener shall invite  
37 representatives from the following groups and agencies to be a part of the  
38 community planning team: The courts, court services, public education,  
39 juvenile community correctional services, the county or district attorney,  
40 the public defender's office or private defense counsel, law enforcement,  
41 juvenile detention, prevention services, health care professionals, mental  
42 health services, juvenile intake and assessment, municipal officials, county  
43 officials, private service providers, the *Kansas* department ~~of social and~~

1 ~~rehabilitation services for children and families~~, the business community,  
2 the religious community, youth and such other representatives as the  
3 convener and commissioner deem necessary. The community planning  
4 team convener may invite the entire membership of the corrections  
5 advisory board, as established in K.S.A. 75-5297, and amendments  
6 thereto, and the juvenile corrections advisory board, as established by  
7 K.S.A. 75-7044, and amendments thereto, to be a part of the community  
8 planning team.

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

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

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

34 (1) Foster collaboration among stakeholders in the juvenile justice  
35 system;

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

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

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

42 (5) provide communities with assistance in developing juvenile  
43 justice programs ~~which~~ *that* respond to community needs and priorities

1 and which are capable of achieving desired outcomes, and in identifying  
2 resources necessary to provide such programs;

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

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

7 (f) The commissioner shall provide training and expertise for  
8 communities during the strategic planning process of the community  
9 planning team.

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

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

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

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

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

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

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

1 amendments thereto. Upon receipt of each such remittance, the state  
2 treasurer shall deposit the entire amount in the state treasury to the credit  
3 of the juvenile justice community planning fund.

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

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

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

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

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

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

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

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

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

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

1 receive and as one who ought to receive the aid hereinafter provided for,  
2 ~~said the~~ secretary shall employ persons to read to such student from  
3 textbooks and pamphlets used by such ~~students~~ *student* in ~~his or her~~ *the*  
4 *student's* studies at such college, university, or school.

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

21 Sec. 14. K.S.A. 75-5309, 76-157 and 76-158 and K.S.A. 2016 Supp.  
22 21-5909, 36-502, 38-2006, 38-2212, 39-1702, 40-4702, 65-689, 75-7d01,  
23 75-5321a and 75-7033 are hereby repealed.

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