

Senate Substitute for HOUSE BILL No. 2028

By Committee on Public Health and Welfare

3-26

1 AN ACT concerning 2012 executive reorganization order no. 41; relating
2 to the Kansas department for aging and disability services and the
3 Kansas department for children and families; updating statutory
4 references and making technical changes related thereto; amending
5 K.S.A. 75-5309, 75-5904, 76-157, 76-158, 76-1238, 76-14a04 and 76-
6 1519a and K.S.A. 2017 Supp. 21-5909, 22-3302, 36-502, 38-2006, 38-
7 2212, 39-1702, 40-4702, 65-689, 65-6610, 75-7d01; *{and}* 75-5321a
8 ~~and 75-7033~~ and repealing the existing sections; also repealing K.S.A.
9 76-371, 76-1510b and 76-1522 *{and K.S.A. 2017 Supp. 75-7033}*.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 2017 Supp. 21-5909 is hereby amended to read as
13 follows: 21-5909. (a) Intimidation of a witness or victim is preventing or
14 dissuading, or attempting to prevent or dissuade, with an intent to vex,
15 annoy, harm or injure in any way another person or an intent to thwart or
16 interfere in any manner with the orderly administration of justice:

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

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

20 (A) Making any report of the victimization of a victim to any law
21 enforcement officer, prosecutor, probation officer, parole officer,
22 correctional officer, community correctional services officer ~~or~~, judicial
23 officer, the secretary ~~of the department of social and rehabilitation for~~
24 *children and families, the secretary for aging and disability services,* or
25 any agent or representative of ~~the~~ *either* secretary, or any person required
26 to make a report pursuant to K.S.A. 2017 Supp. 38-2223, and amendments
27 thereto;

28 (B) causing a complaint, indictment or information to be sought and
29 prosecuted; or causing a violation of probation, parole or assignment to a
30 community correctional services program to be reported and prosecuted,
31 and assisting in its prosecution;

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

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

36 (b) Aggravated intimidation of a witness or victim is intimidation of a

1 witness or victim, as defined in subsection (a), when the:

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

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

6 (3) act is committed by a person who has been previously convicted
 7 of corruptly influencing a witness or has been convicted of a violation of
 8 this section or any federal or other state's statute ~~which~~ *that*, if the act
 9 prosecuted was committed in this state, would be a violation of this
 10 section;

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

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

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

16 (2) Aggravated intimidation of a witness or victim is a severity level
 17 6, person felony.

18 Sec. 2. K.S.A. 2017 Supp. 22-3302 is hereby amended to read as
 19 follows: 22-3302. (1) At any time after the defendant has been charged
 20 with a crime and before pronouncement of sentence, the defendant, the
 21 defendant's counsel or the prosecuting attorney may request a
 22 determination of the defendant's competency to stand trial. If, upon the
 23 request of either party or upon the judge's own knowledge and
 24 observation, the judge before whom the case is pending finds that there is
 25 reason to believe that the defendant is incompetent to stand trial the
 26 proceedings shall be suspended and a hearing conducted to determine the
 27 competency of the defendant.

28 (2) If the defendant is charged with a felony, the hearing to determine
 29 the competency of the defendant shall be conducted by a district judge.

30 (3) The court shall determine the issue of competency and may
 31 impanel a jury of six persons to assist in making the determination. The
 32 court may order a psychiatric or psychological examination of the
 33 defendant. To facilitate the examination, the court may: (a) If the
 34 defendant is charged with a felony, commit the defendant to the state
 35 security hospital or any county or private institution for examination and
 36 report to the court, or, if the defendant is charged with a misdemeanor,
 37 commit the defendant to any appropriate state, county or private institution
 38 for examination and report to the court, except that the court shall not
 39 commit the defendant to the state security hospital or any other state
 40 institution unless, prior to such commitment, the director of a local county
 41 or private institution recommends to the court and to the secretary of social
 42 and rehabilitation for aging and disability services that examination of the
 43 defendant should be performed at a state institution; (b) designate any

1 appropriate psychiatric or psychological clinic, mental health center or
2 other psychiatric or psychological facility to conduct the examination
3 while the defendant is in jail or on pretrial release; or (c) appoint two
4 qualified licensed physicians or licensed psychologists, or one of each, to
5 examine the defendant and report to the court. If the court commits the
6 defendant to an institution for the examination, the commitment shall be
7 for not more than 60 days or until the examination is completed,
8 whichever is the shorter period of time. No statement made by the
9 defendant in the course of any examination provided for by this section,
10 whether or not the defendant consents to the examination, shall be
11 admitted in evidence against the defendant in any criminal proceeding.
12 Upon notification of the court that a defendant committed for psychiatric
13 or psychological examination under this subsection has been found
14 competent to stand trial, the court shall order that the defendant be
15 returned not later than seven days after receipt of the notice for
16 proceedings under this section. If the defendant is not returned within that
17 time, the county in which the proceedings will be held shall pay the costs
18 of maintaining the defendant at the institution or facility for the period of
19 time the defendant remains at the institution or facility in excess of the
20 seven-day period.

21 (4) If the defendant is found to be competent, the proceedings which
22 have been suspended shall be resumed. If the proceedings were suspended
23 before or during the preliminary examination, the judge who conducted the
24 competency hearing may conduct a preliminary examination or, if a
25 district magistrate judge was conducting the proceedings prior to the
26 competency hearing, the judge who conducted the competency hearing
27 may order the preliminary examination to be heard by a district magistrate
28 judge.

29 (5) If the defendant is found to be incompetent to stand trial, the court
30 shall proceed in accordance with K.S.A. 22-3303, and amendments
31 thereto.

32 (6) If proceedings are suspended and a hearing to determine the
33 defendant's competency is ordered after the defendant is in jeopardy, the
34 court may either order a recess or declare a mistrial.

35 (7) The defendant shall be present personally at all proceedings under
36 this section.

37 Sec. 3. K.S.A. 2017 Supp. 36-502 is hereby amended to read as
38 follows: 36-502. (a) It shall be unlawful for any person to engage in the
39 business of conducting a lodging establishment unless such person shall
40 have in effect a valid license therefor issued by the secretary. Applications
41 for such licenses shall be made on forms prescribed by the secretary, and
42 each such application shall be accompanied by the appropriate license fee
43 required by subsection (c). Prior to the issuance of any such license, the

1 secretary shall inspect or cause to be inspected the lodging establishment
2 designated in the application, to determine that it complies with the
3 standards for lodging establishments promulgated pursuant to this act. If
4 such lodging establishment is found to be in compliance, and the
5 completed application and accompanying fees have been submitted, the
6 secretary shall issue the license. If such lodging establishment is found not
7 to be in compliance, the secretary shall deny such application after
8 providing notice and opportunity for a hearing in accordance with the
9 provisions of the Kansas administrative procedure act.

10 (b) Each license shall designate whether the licensed lodging unit is a
11 hotel, rooming house or boarding house. Any person obtaining a license to
12 engage in the business of conducting a rooming house or boarding house
13 shall not have the right to use the name "hotel" in connection with such
14 business. Every license issued hereunder shall be displayed conspicuously
15 in the lodging establishment for which it is issued, and no such license
16 shall be transferable to any other person or location. Whenever any such
17 license is lost, destroyed or mutilated, a duplicate license shall be issued to
18 any otherwise qualified licensee upon application therefor and the payment
19 of a fee in the amount of \$5.

20 (c) The fee for a license to conduct a lodging establishment in this
21 state for all or any part of any calendar year shall be \$30, except that the
22 fee for any lodging establishment containing 10 sleeping rooms shall be
23 \$40 and for every additional 10 rooms therein, an additional fee of \$10
24 shall be charged. All lodging establishments—~~which~~ *that* are newly
25 constructed, newly converted to use as a lodging establishment or have a
26 change of ownership shall pay an application fee—~~which~~ *that* may be
27 adjusted in accordance with the type of establishment or based on other
28 criteria as determined by the secretary, but in no event shall any
29 application fee exceed \$200 in addition to the license fee.

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

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

39 (f) A lodging establishment operated in connection with any premises
40 licensed, registered or permitted by the secretary of health and
41 environment, the secretary ~~of social and rehabilitation services for~~
42 *children and families*, the secretary of corrections or the secretary ~~of~~ *for*
43 *aging—*~~which~~ *and disability services that* is inspected and regulated

1 pursuant to the respective law or rule and regulation of such secretary,
2 shall not require a license as provided in this section, and the secretary of
3 agriculture shall not be authorized to inspect or cause such premises to be
4 inspected. This subsection shall not apply to a lodging establishment
5 whose primary function is not in connection with any premises licensed,
6 registered or permitted pursuant to the respective law or rule and
7 regulation of such secretary.

8 Sec. 4. K.S.A. 2017 Supp. 38-2006 is hereby amended to read as
9 follows: 38-2006. The secretary ~~of social and rehabilitation services for~~
10 *children and families* shall advise and consult with the secretary of health
11 and environment on issues relating to children's health status.

12 Sec. 5. K.S.A. 2017 Supp. 38-2212 is hereby amended to read as
13 follows: 38-2212. (a) *Principle of appropriate access.* Information
14 contained in confidential agency records concerning a child alleged or
15 adjudicated to be in need of care may be disclosed as provided in this
16 section. Disclosure shall in all cases be guided by the principle of
17 providing access only to persons or entities with a need for information
18 that is directly related to achieving the purposes of this code.

19 (b) *Free exchange of information.* Pursuant to K.S.A. 2017 Supp. 38-
20 2210, and amendments thereto, the secretary and juvenile intake and
21 assessment agencies shall participate in the free exchange of information
22 concerning a child who is alleged or adjudicated to be in need of care.

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

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

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

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

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

43 (5) A person or entity licensed or registered by the secretary of health

1 and environment or approved by the secretary of ~~social and rehabilitation~~
2 ~~services for children and families~~ to care for, treat or supervise a child in
3 need of care.

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

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

8 (8) An attorney for a private party who files a petition pursuant to
9 ~~subsection (b) of K.S.A. 2017 Supp. 38-2233(b)~~, and amendments thereto.

10 (9) A foster parent, prospective foster parent, permanent custodian,
11 prospective permanent custodian, adoptive parent or prospective adoptive
12 parent. In order to assist such persons in making an informed decision
13 regarding acceptance of a particular child, to help the family anticipate
14 problems ~~which that~~ may occur during the child's placement, and to help
15 the family meet the needs of the child in a constructive manner, the
16 secretary shall seek and shall provide the following information to such
17 person's as the information becomes available to the secretary:

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

19 (B) circumstances ~~which that~~ necessitated placement;

20 (C) information about the child's family and the child's relationship to
21 the family ~~which that~~ may affect the placement;

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

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

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

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

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

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

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

40 (d) *Specified access*. The following persons or entities shall have
41 access to information contained in agency records as specified.
42 Information authorized to be disclosed pursuant to this subsection shall not
43 contain information ~~which that~~ identifies a reporter of a child who is

1 alleged or adjudicated to be a child in need of care.

2 (1) Information from confidential agency records of the *Kansas*
3 ~~department of social and rehabilitation services for children and families~~, a
4 law enforcement agency or any juvenile intake and assessment worker of a
5 child alleged or adjudicated to be in need of care shall be available to
6 members of the standing house or senate committee on judiciary, house
7 committee on corrections and juvenile justice, house committee on
8 appropriations, senate committee on ways and means, legislative post audit
9 committee and any joint committee with authority to consider children's
10 and families' issues, when carrying out such member's or committee's
11 official functions in accordance with K.S.A. 75-4319, and amendments
12 thereto, in a closed or executive meeting. Except in limited conditions
13 established by $\frac{2}{3}$ of the members of such committee, records and reports
14 received by the committee shall not be further disclosed. Unauthorized
15 disclosure may subject such member to discipline or censure from the
16 house of representatives or senate. The ~~secretary of social and~~
17 ~~rehabilitation services for children and families~~ shall not summarize the
18 outcome of department actions regarding a child alleged to be a child in
19 need of care in information available to members of such committees.

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

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

27 (A) The individuals involved or their representatives have given
28 express written consent; or

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

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

41 (f) (1) Notwithstanding any other provision of law to the contrary,
42 except as provided in paragraph (4), in the event that child abuse or
43 neglect results in a child fatality or near fatality, reports or records of a

1 child alleged or adjudicated to be in need of care received by the secretary,
2 a law enforcement agency or any juvenile intake and assessment worker
3 shall become a public record and subject to disclosure pursuant to K.S.A.
4 45-215, and amendments thereto.

5 (2) Within seven days of receipt of a request in accordance with the
6 procedures adopted under K.S.A. 45-220, and amendments thereto, the
7 secretary shall notify any affected individual that an open records request
8 has been made concerning such records. The secretary or any affected
9 individual may file a motion requesting the court to prevent disclosure of
10 such record or report, or any select portion thereof. If the affected
11 individual does not file such motion within seven days of notification, and
12 the secretary has not filed a motion, the secretary shall release the reports
13 or records. If such motion is filed, the court shall consider the effect such
14 disclosure may have upon an ongoing criminal investigation, a pending
15 prosecution, or the privacy of the child, if living, or the child's siblings,
16 parents or guardians. The court shall make written findings on the record
17 justifying the closing of the records and shall provide a copy of the journal
18 entry to the affected parties and the individual requesting disclosure
19 pursuant to the Kansas open records act, K.S.A. 45-215 et seq., and
20 amendments thereto.

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

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

32 Sec. 6. K.S.A. 2017 Supp. 39-1702 is hereby amended to read as
33 follows: 39-1702. As used in this act:

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

1 inappropriate in view of the distinctive nature of the situation of the child
2 or adolescent.

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

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

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

16 (e) "Parent" means a natural parent, an adoptive parent, a stepparent,
17 a foster care provider of a child or adolescent for whom services are
18 needed from more than one agency; or a person acting as parent of a child
19 or adolescent for whom services are needed from more than one agency.

20 (f) "Person acting as parent" means a guardian or conservator, or a
21 person, other than a parent, who is liable by law to maintain, care for; or
22 support a child or adolescent, ~~or~~ who has actual care and custody of the
23 child or adolescent and is contributing the major portion of the cost of
24 support of the child or adolescent, ~~or~~ who has actual care and control of
25 the child or adolescent with the written consent of a person who has legal
26 custody of the child or adolescent; or who has been granted custody of the
27 child or adolescent; by a court of competent jurisdiction.

28 Sec. 7. K.S.A. 2017 Supp. 40-4702 is hereby amended to read as
29 follows: 40-4702. (a) The governor of the state of Kansas shall appoint a
30 committee ~~which~~ *that* shall be known as the Kansas business health policy
31 committee, whose purpose is to explore opportunities and encourage
32 employer participation in health plans developed by the committee for low
33 and modest wage employees of small employers.

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

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

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

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

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

43 (4)(5) one member appointed by the president of the senate;

1 ~~(5)~~(6) one member appointed by the speaker of the house of
2 representatives;

3 ~~(6)~~(7) one member appointed by the minority leader of the senate;

4 ~~(7)~~(8) one member appointed by the minority leader of the house of
5 representatives; and

6 ~~(8)~~(9) three members at large from the private sector appointed by the
7 governor.

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

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

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

17 (3) Commencing at the time of the initial meeting of the health
18 committee, the powers, authorities, duties and responsibilities conferred
19 and imposed upon the health committee by this act shall be operative and
20 effective.

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

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

30 (f) The health committee shall:

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

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

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

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

42 (B) any small employer's eligible employee with a child who is
43 eligible for coverage under the state childrens' health insurance program

1 established by K.S.A. 38-2001 et seq., and amendments thereto, or in the
2 state medical assistance program shall be eligible automatically for a
3 subsidy and shall be included in the determination of eligibility for the
4 small employer and its low and modest wage employees; and

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

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

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

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

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

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

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

1 program subsidy to the projected annualized expenditure.

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

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

- 13 (1) Quality assurance measures;
- 14 (2) disease prevention activities;
- 15 (3) disease management activities; and
- 16 (4) other activities or programs the committee decides to include.

17 Sec. 8. K.S.A. 2017 Supp. 65-689 is hereby amended to read as
18 follows: 65-689. (a) It shall be unlawful for any person to engage in the
19 business of conducting a food establishment or food processing plant
20 unless such person shall have in effect a valid license therefor issued by
21 the secretary.

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

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

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

- 43 (1) A plant or facility registered or licensed by the department of

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

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

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

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

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

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

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

23 (8) A person operating a food vending machine, if the food vending
24 machine company:

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

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

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

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

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

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

40 (12) A food establishment that sells or offers for sale only packaged
41 foods that are non-hazardous and are received directly from a licensed
42 food production facility in packaged form, if such food establishment
43 contains less than 200 cubic feet as measured pursuant to ~~subsection (e) of~~

1 K.S.A. 65-688(e), and amendments thereto.

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

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

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

10 (f) A food establishment operated in connection with any premises
11 licensed, registered or permitted by the secretary of health and
12 environment, the secretary ~~of social and rehabilitation services for~~
13 *children and families*, the secretary of corrections or the secretary ~~of~~ *for*
14 *aging, which and disability services* that is inspected and regulated
15 pursuant to the respective law or rule and regulation of such secretary,
16 shall not require a license, and the secretary of agriculture shall not be
17 authorized to inspect or cause such premises to be inspected. This
18 subsection shall not apply to a food establishment whose primary function
19 is not in connection with any premises licensed, registered or permitted
20 pursuant to the respective law or rule and regulation of such secretary.

21 Sec. 9. K.S.A. 2017 Supp. 65-6610 is hereby amended to read as
22 follows: 65-6610. (a) An applicant for licensure as an addiction counselor
23 shall furnish evidence that the applicant:

24 (1) Has attained the age of 21;

25 (2) (A) has completed at least a baccalaureate degree from an
26 addiction counseling program that is part of a college or university
27 approved by the board; or

28 (B) has completed at least a baccalaureate degree from a college or
29 university approved by the board. As part of, or in addition to, the
30 baccalaureate degree coursework, such applicant shall also complete a
31 minimum number of semester hours of coursework on substance use
32 disorders as approved by the board; or

33 (C) is currently licensed in Kansas as a licensed baccalaureate social
34 worker and has completed a minimum number of semester hours of
35 coursework on substance use disorders as approved by the board; and

36 (3) has passed an examination approved by the board;

37 (4) has satisfied the board that the applicant is a person who merits
38 the public trust; and

39 (5) has paid the application fee established by the board under K.S.A.
40 2017 Supp. 65-6618, and amendments thereto.

41 (b) Applications for licensure as a master's addiction counselor shall
42 be made to the board on a form and in the manner prescribed by the board.
43 Each applicant shall furnish evidence satisfactory to the board that the

1 applicant:

2 (1) (A) Has attained the age of 21;

3 (B) (i) has completed at least a master's degree from an addiction
4 counseling program that is part of a college or university approved by the
5 board;

6 (ii) has completed at least a master's degree from a college or
7 university approved by the board. As part of or in addition to the master's
8 degree coursework, such applicant shall also complete a minimum number
9 of semester hours of coursework supporting the diagnosis and treatment of
10 substance use disorders as approved by the board; or

11 (iii) is currently licensed in Kansas as a licensed master social
12 worker, licensed professional counselor, licensed marriage and family
13 therapist or licensed master's level psychologist; and

14 (C) has passed an examination approved by the board;

15 (D) has satisfied the board that the applicant is a person who merits
16 the public trust; and

17 (E) has paid the application fee fixed under K.S.A. 2017 Supp. 65-
18 6618, and amendments thereto; or

19 (2) (A) has met the following requirements on or before July 1, 2016:

20 (i) Holds an active license by the board as an addiction counselor; and

21 (ii) has completed at least a master's degree in a related field from a
22 college or university approved by the board; and

23 (B) has completed six hours of continuing education in the diagnosis
24 and treatment of substance use disorders during the three years
25 immediately preceding the application date.

26 (c) Applications for licensure as a clinical addiction counselor shall
27 be made to the board on a form and in the manner prescribed by the board.
28 Each applicant shall furnish evidence satisfactory to the board that the
29 applicant:

30 (1) Has attained the age of 21; and

31 (2) (A) (i) has completed at least a master's degree from an addiction
32 counseling program that is part of a college or university approved by the
33 board; and

34 (ii) has completed not less than two years of postgraduate supervised
35 professional experience in accordance with a clinical supervision plan
36 approved by the board of not less than 4,000 hours of supervised
37 professional experience including at least 1,500 hours of direct client
38 contact conducting substance abuse assessments and treatment with
39 individuals, couples, families or groups and not less than 150 hours of
40 clinical supervision, including not less than 50 hours of person-to-person
41 individual supervision, integrating diagnosis and treatment of substance
42 use disorders with use of the diagnostic and statistical manual of mental
43 disorders of the American psychiatric association; or has completed not

1 less than one year of postgraduate supervised professional experience in
2 accordance with a clinical supervision plan approved by the board of not
3 less than 2,000 hours of supervised professional experience including at
4 least 750 hours of direct client contact conducting substance abuse
5 assessments and treatment with individuals, couples, families or groups
6 and not less than 75 hours of clinical supervision, including not less than
7 25 hours of person-to-person individual supervision, integrating diagnosis
8 and treatment of substance use disorders with use of the diagnostic and
9 statistical manual of mental disorders of the American psychiatric
10 association, and such person has a doctoral degree in addiction counseling
11 or a related field as approved by the board; or

12 (B) (i) has completed at least a master's degree from a college or
13 university approved by the board. As part of or in addition to the master's
14 degree coursework, such applicant shall also complete a minimum number
15 of semester hours of coursework supporting the diagnosis and treatment of
16 substance use disorders as approved by the board; and

17 (ii) has completed not less than two years of postgraduate supervised
18 professional experience in accordance with a clinical supervision plan
19 approved by the board of not less than 4,000 hours of supervised
20 professional experience including at least 1,500 hours of direct client
21 contact conducting substance abuse assessments and treatment with
22 individuals, couples, families or groups and not less than 150 hours of
23 clinical supervision, including not less than 50 hours of person-to-person
24 individual supervision, integrating diagnosis and treatment of substance
25 use disorders with use of the diagnostic and statistical manual of mental
26 disorders of the American psychiatric association; or has completed not
27 less than one year of postgraduate supervised professional experience in
28 accordance with a clinical supervision plan approved by the board of not
29 less than 2,000 hours of supervised professional experience including at
30 least 750 hours of direct client contact conducting substance abuse
31 assessments and treatment with individuals, couples, families or groups
32 and not less than 75 hours of clinical supervision, including not less than
33 25 hours of person-to-person individual supervision, integrating diagnosis
34 and treatment of substance use disorders with use of the diagnostic and
35 statistical manual of mental disorders of the American psychiatric
36 association, and such person has a doctoral degree in addiction counseling
37 or a related field as approved by the board; or

38 (C) (i) has completed a master's degree from a college or university
39 approved by the board and is licensed by the board as a licensed master's
40 addiction counselor; and

41 (ii) has completed not less than two years of postgraduate supervised
42 professional experience in accordance with a clinical supervision plan
43 approved by the board of not less than 4,000 hours of supervised

1 professional experience including at least 1,500 hours of direct client
2 contact conducting substance abuse assessments and treatment with
3 individuals, couples, families or groups and not less than 150 hours of
4 clinical supervision, including not less than 50 hours of person-to-person
5 individual supervision, integrating diagnosis and treatment of substance
6 use disorders with use of the diagnostic and statistical manual of mental
7 disorders of the American psychiatric association; or has completed not
8 less than one year of postgraduate supervised professional experience in
9 accordance with a clinical supervision plan approved by the board of not
10 less than 2,000 hours of supervised professional experience including at
11 least 750 hours of direct client contact conducting substance abuse
12 assessments and treatment with individuals, couples, families or groups
13 and not less than 75 hours of clinical supervision, including not less than
14 25 hours of person-to-person individual supervision, integrating diagnosis
15 and treatment of substance use disorders with use of the diagnostic and
16 statistical manual of mental disorders of the American psychiatric
17 association, and such person has a doctoral degree in addiction counseling
18 or a related field as approved by the board; or

19 (D) is currently licensed in Kansas as a licensed psychologist,
20 licensed specialist clinical social worker, licensed clinical professional
21 counselor, licensed clinical psychotherapist or licensed clinical marriage
22 and family therapist and provides to the board an attestation from a
23 professional licensed to diagnose and treat mental disorders, or substance
24 use disorders, or both, in independent practice or licensed to practice
25 medicine and surgery stating that the applicant is competent to diagnose
26 and treat substance use disorders; and

27 (3) has passed an examination approved by the board; and

28 (4) has satisfied the board that the applicant is a person who merits
29 the public trust; and

30 (5) has paid the application fee fixed under K.S.A. 2017 Supp. 65-
31 6618, and amendments thereto.

32 ~~(d) Prior to July 1, 2017, a person who was registered by the~~
33 ~~behavioral sciences regulatory board as an alcohol and other drug~~
34 ~~counselor or credentialed by the Kansas department for aging and~~
35 ~~disability services as an alcohol and drug credentialed counselor or~~
36 ~~credentialed by the Kansas association of addiction professionals as an~~
37 ~~alcohol and other drug abuse counselor in Kansas at any time prior to the~~
38 ~~effective date of this act, who was registered in Kansas as an alcohol and~~
39 ~~other drug counselor, an alcohol and drug credentialed counselor or a~~
40 ~~credentialed alcohol and other drug abuse counselor within three years~~
41 ~~prior to the effective date of this act and whose last registration or~~
42 ~~credential in Kansas prior to the effective date of this act was not~~
43 ~~suspended or revoked, upon application to the board, payment of fees and~~

1 completion of applicable continuing education requirements, shall be
2 licensed as a licensed addiction counselor by providing demonstration
3 acceptable to the board of competence to perform the duties of an
4 addiction counselor.

5 ~~(e) Prior to July 1, 2017, any person who was registered by the~~
6 ~~behavioral sciences regulatory board as an alcohol and other drug~~
7 ~~counselor or credentialed by the department of social and rehabilitation~~
8 ~~services as an alcohol and drug credentialed counselor or credentialed by~~
9 ~~the Kansas association of addiction professionals as an alcohol and other~~
10 ~~drug abuse counselor in Kansas at any time prior to the effective date of~~
11 ~~this act, and who is also licensed to practice independently as a mental~~
12 ~~health practitioner or person licensed to practice medicine and surgery, and~~
13 ~~who was registered or credentialed in Kansas as an alcohol and other drug~~
14 ~~counselor within three years prior to the effective date of this act and~~
15 ~~whose last registration or credential in Kansas prior to the effective date of~~
16 ~~this act was not suspended or revoked, upon application to the board,~~
17 ~~payment of fees and completion of applicable continuing education~~
18 ~~requirements, shall be licensed as a licensed clinical addiction counselor~~
19 ~~and may engage in the independent practice of addiction counseling and is~~
20 ~~authorized to diagnose and treat substance use disorders specified in the~~
21 ~~edition of the diagnostic and statistical manual of mental disorders of the~~
22 ~~American psychiatric association designated by the board by rules and~~
23 ~~regulations.~~

24 ~~(f) Prior to July 1, 2017, any person who was credentialed by the~~
25 ~~department of social and rehabilitation services as an alcohol and drug~~
26 ~~counselor and has been actively engaged in the practice, supervision or~~
27 ~~administration of addiction counseling in Kansas for not less than four~~
28 ~~years and holds a master's degree in a related field from a college or~~
29 ~~university approved by the board and whose last registration or credential~~
30 ~~in Kansas prior to the effective date of this act was not suspended or~~
31 ~~revoked, upon application to the board, payment of fees and completion of~~
32 ~~applicable continuing education requirements, shall be licensed as a~~
33 ~~clinical addiction counselor and may engage in the independent practice of~~
34 ~~addiction counseling and is authorized to diagnose and treat substance use~~
35 ~~disorders specified in the edition of the diagnostic and statistical manual of~~
36 ~~mental disorders of the American psychiatric association designated by the~~
37 ~~board by rules and regulations.~~

38 Sec. 10. K.S.A. 2017 Supp. 75-7d01 is hereby amended to read as
39 follows: 75-7d01. (a) There is hereby created in the office of the attorney
40 general a batterer intervention program certification unit.

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

1 state or federal law.

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

13 (d) The attorney general shall develop a set of tools, methodologies,
14 requirements and forms for the domestic violence offender assessment
15 required by—~~subsection (p) of~~ K.S.A. 2017 Supp. 21-6604(*p*), and
16 amendments thereto. The batterer intervention program tools,
17 methodologies, requirements and forms shall be developed in consultation
18 with the agency certified by the centers for disease control and prevention
19 and the department of health and human services as the domestic violence
20 coalition for the state and with local domestic violence victims' services
21 organizations.

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

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

26 (2) rules and regulations.

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

34 Sec. 11. K.S.A. 75-5309 is hereby amended to read as follows: 75-
35 5309. Except as otherwise provided in this order, or in K.S.A. 75-5310,
36 *and amendments thereto*, the secretary—~~of social and rehabilitation services~~
37 *for children and families* shall appoint, subject to the Kansas civil service
38 act, all subordinate officers and employees of the *Kansas* department—~~of~~
39 ~~social and rehabilitation services for children and families~~, and all such
40 subordinate officers and employees shall be within the classified service.

41 Sec. 12. K.S.A. 2017 Supp. 75-5321a is hereby amended to read as
42 follows: 75-5321a. The secretary—~~of social and rehabilitation services for~~
43 *children and families* shall take necessary actions to transfer the

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

11 Sec. 13. K.S.A. 75-5904 is hereby amended to read as follows: 75-
12 5904. (a) On and after July 1, 1977, all the powers, duties, functions,
13 records, property and personnel of the existing services to the aging
14 section of the department of social and rehabilitation services are hereby
15 transferred to and conferred and imposed upon the secretary ~~of aging~~
16 ~~created by this act~~ *for aging and disability services*, except as otherwise
17 provided.

18 (b) The secretary ~~of aging created by this act~~ *for aging and disability*
19 *services* shall be a continuation of the services to the aging section of the
20 department of social and rehabilitation services and shall be the successor
21 in every way to the powers, duties and functions of the section, except as
22 herein otherwise provided. On and after July 1, 1977, every act performed
23 in the exercise of such powers, duties and functions by or under the
24 authority of the secretary ~~of aging~~ *for aging and disability services* shall be
25 deemed to have the same force and effect as if performed by the services
26 for aging section of the department of social and rehabilitation services in
27 which such functions were vested prior to July 1, 1977.

28 (c) On and after July 1, 1977, wherever the services to the aging
29 section of the department of social and rehabilitation services, or words of
30 like effect, is referred to or designated by a statute, contract or other
31 document, such reference or designation shall be deemed to apply to the
32 secretary ~~of aging~~ *for aging and disability services*.

33 (d) All orders and directives of the services to the aging section of the
34 department of social and rehabilitation services in existence immediately
35 prior to July 1, 1977, shall continue in force and effect and shall be
36 deemed to be duly issued orders and directives of the secretary ~~of aging~~
37 *for aging and disability services*, until reissued, amended or nullified
38 pursuant to law.

39 ~~Sec. 14. K.S.A. 2017 Supp. 75-7033 is hereby amended to read as~~
40 ~~follows: 75-7033. On and after July 1, 1997:~~

41 ~~(a) In order to provide technical assistance to communities, help~~
42 ~~facilitate community collaboration and assist in coordinating a statewide~~
43 ~~system of community based service providers, pursuant to K.S.A. 75-~~

1 ~~7024, and amendments thereto, the commissioner of juvenile justice shall~~
2 ~~appoint a community planning team convener and a community planning~~
3 ~~team facilitator in each judicial district. The commissioner may appoint a~~
4 ~~convener and facilitator for a multiple district planning team, if, in the~~
5 ~~commissioner's opinion, such multiple district planning team best furthers~~
6 ~~the purposes of the juvenile justice reform act. The convener and facilitator~~
7 ~~may be compensated by the grant funds. Upon request of the board of~~
8 ~~county commissioners of any county, the commissioner of juvenile justice~~
9 ~~may authorize such county to cooperate as a member of a community~~
10 ~~planning team in a judicial district other than the judicial district in which~~
11 ~~such county is located. If the corporate limits of a city extend into more~~
12 ~~than one judicial district and upon request of the board of county~~
13 ~~commissioners of any county in which such city is located, the~~
14 ~~commissioner of juvenile justice may authorize such city to participate as a~~
15 ~~member of a community planning team of and be included in the plan for~~
16 ~~the judicial district in which the majority of the population of such city is~~
17 ~~located.~~

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

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

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

42 ~~(e) Between July 1, 1997, and June 30, 1999, the community~~
43 ~~planning team shall engage in strategic planning to develop programs.~~

1 ~~services and placement options as are necessary and appropriate for each~~
2 ~~judicial district's juvenile justice program consistent with planning~~
3 ~~guidelines developed by the commissioner. The commissioner shall design~~
4 ~~the planning process to empower communities to develop community-~~
5 ~~based programs, services and placements sufficient to address juvenile~~
6 ~~crime and to appropriately provide programs and services to prevent~~
7 ~~juvenile crime. The commissioner shall develop an action plan to guide~~
8 ~~implementation of community planning. The action plan shall establish a~~
9 ~~schedule for the planning process and shall clearly state desired outcomes~~
10 ~~of the planning process. Before implementation of the community~~
11 ~~planning process, the commissioner shall submit the proposed action plan~~
12 ~~to the joint committee on corrections and juvenile justice oversight for~~
13 ~~review. The commissioner shall also provide such committee with regular~~
14 ~~progress reports on the status of the planning process. The primary~~
15 ~~purposes of the community planning process shall be to:~~

16 ~~(1) Foster collaboration among stakeholders in the juvenile justice~~
17 ~~system;~~

18 ~~(2) accurately assess community risk factors affecting juveniles;~~

19 ~~(3) determine community priorities to respond to juvenile crime and~~
20 ~~the risk factors affecting juveniles;~~

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

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

28 ~~(6) encourage the staffing of juvenile justice programs with~~
29 ~~appropriately trained personnel; and~~

30 ~~(7) provide communities with technical assistance, as needed, to~~
31 ~~achieve desired planning outcomes.~~

32 ~~(f) The commissioner shall provide training and expertise for~~
33 ~~communities during the strategic planning process of the community~~
34 ~~planning team.~~

35 ~~(g) On July 1, 1999, each judicial district, multiple judicial district or~~
36 ~~judicial districts and cities and counties cooperating pursuant to subsection~~
37 ~~(a) shall have developed and be prepared to implement a juvenile justice~~
38 ~~program. On or before June 30, 1999, such program shall be accredited by~~
39 ~~the commissioner pursuant to rules and regulations adopted by the~~
40 ~~commissioner.~~

41 ~~(h) Each juvenile justice program shall include, but not be limited to,~~
42 ~~local prevention services, juvenile intake and assessment, juvenile~~
43 ~~detention and attendant care, immediate intervention programs, aftercare~~

1 ~~services, graduated sanctions programs, probation programs, conditional~~
2 ~~release programs, sanctions for violations of probation terms or programs,~~
3 ~~sanctions for violations of conditional release programs and out-of-home~~
4 ~~placements.~~

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

8 ~~(j) Each juvenile justice program shall participate in the juvenile~~
9 ~~justice information system, intake and assessment system and the~~
10 ~~utilization of a standardized risk assessment data.~~

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

16 ~~(2) All expenditures from the juvenile justice community planning~~
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 planning 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 planning fund.~~

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

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

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

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

41 ~~(2) All expenditures from the juvenile justice community initiative~~
42 ~~fund shall be made in accordance with appropriations acts upon warrants~~
43 ~~of the director of accounts and reports issued pursuant to vouchers~~

1 ~~approved by the commissioner of juvenile justice or by a person or persons~~
2 ~~designated by the commissioner.~~

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

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

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

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

18 Sec. ~~15.~~ **{14.}** K.S.A. 76-157 is hereby amended to read as follows:
19 76-157. Whenever a blind person has been an actual resident of the state
20 for one year next preceding, and a student in actual attendance at a
21 community junior college in the state or at a college, university, technical
22 or professional school located in this state, and authorized by law to grant
23 degrees, other than an institution established for the regular instruction of
24 the blind, and such student shall be designated by the secretary of social
25 and rehabilitation services for children and families as a fit person to
26 receive and as one who ought to receive the aid hereinafter provided for,
27 said the secretary shall employ persons to read to such student from
28 textbooks and pamphlets used by such students student in his or her the
29 student's studies at such college, university, or school.

30 Sec. ~~16.~~ **{15.}** K.S.A. 76-158 is hereby amended to read as follows:
31 76-158. The secretary of social and rehabilitation services for children
32 and families is hereby authorized and empowered to select such persons as are
33 entitled to the benefits of this act in the several colleges, universities or
34 schools. The secretary of social and rehabilitation services for children
35 and families shall not furnish a reader to any blind person who is not
36 regularly matriculated, who is not in good and regular standing, who is
37 not working for a degree from the institution in which he or she such
38 person is matriculated; and who is not doing the work regularly prescribed
39 by the institution for the degree for which he or she such person is a
40 candidate, and after making such selection the secretary of social and
41 rehabilitation services for children and families is authorized to name and
42 designate some suitable and capable person to read to such blind student
43 from textbooks and pamphlets used by him or her such person in studies in

1 such college, university, or school and to fix the pay to be received by such
2 reader for such services.

3 Sec. ~~17~~ **{16.}** K.S.A. 76-1238 is hereby amended to read as follows:
4 76-1238. This act is cumulative, and is intended to give authority to the
5 ~~Kansas department of social and rehabilitation~~ *for aging and disability*
6 services to enter into new contract with the city of Osawatomie; for such
7 water supply; upon the termination of like contract about to expire.

8 Sec. ~~18~~ **{17.}** K.S.A. 76-14a04 is hereby amended to read as follows:
9 76-14a04. (a) The ~~secretary of social and rehabilitation~~ *for aging and*
10 *disability* services is hereby authorized and empowered to execute any
11 lease upon such terms and conditions deemed advisable by the secretary,
12 for the exploration or production of any oil, gas or other minerals retained
13 by the state of Kansas in and under the property in Ellsworth county
14 described as the southwest quarter of section 29, township 15, range eight,
15 except the portion thereof used for cemetery purposes, as provided in
16 K.S.A. 76-14a03.

17 (b) The amount of money received from such lease including any
18 money received for the production of any oil, gas or other minerals shall
19 be credited to the state general fund.

20 (c) The property described in subsection (a) is deemed to be under the
21 control of the secretary for purposes of executing such leases for the
22 exploration or production of any oil, gas or other minerals.

23 Sec. ~~19~~ **{18.}** K.S.A. 76-1519a is hereby amended to read as follows:
24 76-1519a. The ~~secretary of social and rehabilitation~~ *for aging and*
25 *disability* services is hereby authorized and empowered to lease, upon such
26 terms and conditions as it shall deem advisable, any part of the property at
27 the Norton state hospital, which is not now needed for the care and
28 treatment of tuberculosis patients, for the purpose of providing a home for
29 the aged or for the establishment of a school or home for ~~retarded~~
30 and adults *with intellectual or developmental disability* or for the
31 establishment of a public or private nonprofit alcoholic treatment center.
32 Such lease shall not be made for a period of more than two (2) years, but
33 may be renewed for like periods from time to time. All moneys received
34 from any such lease shall be paid into the state treasury, and the state
35 treasurer shall credit the same to the general fee fund of the state
36 sanatorium of tuberculosis.

37 Sec. ~~20~~ **{19.}** K.S.A. 75-5309, 75-5904, 76-157, 76-158, 76-371, 76-
38 1238, 76-14a04, 76-1510b, 76-1519a and 76-1522 and K.S.A. 2017 Supp.
39 21-5909, 22-3302, 36-502, 38-2006, 38-2212, 39-1702, 40-4702, 65-689,
40 65-6610, 75-7d01, 75-5321a and 75-7033 are hereby repealed.

41 Sec. ~~21~~ **{20.}** This act shall take effect and be in force from and after
42 its publication in the statute book.