

HOUSE BILL No. 2054

By Committee on Judiciary

1-12

1 AN ACT concerning ~~the department of labor; relating to employment~~
2 ~~security law; records and reports~~ **state agencies; relating to records**
3 **and reports of the department of labor; providing data and**
4 **information to the Kansas sentencing commission**; amending K.S.A.
5 2016 Supp. 44-714 **and 74-9101** and repealing the existing ~~section~~
6 **sections**.

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

9 Section 1. K.S.A. 2016 Supp. 44-714 is hereby amended to read as
10 follows: 44-714. (a) *Duties and powers of secretary*. It shall be the duty of
11 the secretary to administer this act and the secretary shall have power and
12 authority to adopt, amend or revoke such rules and regulations, to employ
13 such persons, make such expenditures, require such reports, make such
14 investigations, and take such other action as the secretary deems necessary
15 or suitable to that end. Such rules and regulations may be adopted,
16 amended, or revoked by the secretary only after public hearing or
17 opportunity to be heard thereon. The secretary shall determine the
18 organization and methods of procedure in accordance with the provisions
19 of this act, and shall have an official seal which shall be judicially noticed.
20 The secretary shall make and submit reports for the administration of the
21 employment security law in the manner prescribed by K.S.A. 75-3044 to
22 75-3046, inclusive, and 75-3048, and amendments thereto. Whenever the
23 secretary believes that a change in contribution or benefit rates will
24 become necessary to protect the solvency of the fund, the secretary shall
25 promptly so inform the governor and the legislature, and make
26 recommendations with respect thereto.

27 (b) *Publication*. The secretary shall cause to be printed for
28 distribution to the public the text of this act, the secretary's rules and
29 regulations and any other material the secretary deems relevant and
30 suitable and shall furnish the same to any person upon application therefor.

31 (c) *Personnel*. Subject to other provisions of this act, the secretary is
32 authorized to appoint, fix the compensation, and prescribe the duties and
33 powers of such officers, accountants, deputies, attorneys, experts and other
34 persons as may be necessary in carrying out the provisions of this act. The

1 secretary may delegate to any such person so appointed such power and
2 authority as the secretary deems reasonable and proper for the effective
3 administration of this act, and may in the secretary's discretion bond any
4 person handling moneys or signing checks under the employment security
5 law.

6 (d) *Employment stabilization.* The secretary, with the advice and aid
7 of the appropriate divisions of the department of labor, shall take all
8 appropriate steps to reduce and prevent unemployment; to encourage and
9 assist in the adoption of practical methods of vocational training, retraining
10 and vocational guidance; to investigate, recommend, advise, and assist in
11 the establishment and operation, by municipalities, counties, school
12 districts and the state, of reserves for public works to be used in time of
13 business depression and unemployment; to promote the reemployment of
14 unemployed workers throughout the state in every other way that may be
15 feasible; and to these ends to carry on and publish the results of
16 investigations and research studies.

17 (e) *Records and reports.* Each employing unit shall keep true and
18 accurate work records, containing such information as the secretary may
19 prescribe. Such records shall be open to inspection and subject to being
20 copied by the secretary or the secretary's authorized representatives at any
21 reasonable time and shall be preserved for a period of five years from the
22 due date of the contributions or payments in lieu of contributions for the
23 period to which they relate. Only one audit shall be made of any
24 employer's records for any given period of time. Upon request the
25 employing unit shall be furnished a copy of all findings by the secretary or
26 the secretary's authorized representatives, resulting from such audit. A
27 special inquiry or special examination made for a specific and limited
28 purpose shall not be considered to be an audit for the purpose of this
29 subsection. The secretary may require from any employing unit any sworn
30 or unsworn reports, with respect to persons employed by it, which the
31 secretary deems necessary for the effective administration of this act.
32 Information thus obtained or obtained from any individual pursuant to the
33 administration of this act shall be held confidential, except to the extent
34 necessary for the proper presentation of a claim by an employer or
35 employee under the employment security law, and shall not be published
36 or be open to public inspection, other than to public-employees officials or
37 the agents or contractors of a public official in the performance of their
38 public {official} duties, in any manner revealing the individual's or
39 employing unit's identity. The secretary may publish or otherwise disclose
40 appeals records and decisions, and precedential determinations on
41 coverage of employers, employment and wages, provided all social
42 security numbers have been removed. Any claimant or employing unit or
43 their representatives at a hearing before an appeal tribunal or the secretary

1 shall be supplied with information from such records to the extent
2 necessary for the proper presentation of the claim. The transcript made at
3 any such benefits hearing shall not be discoverable or admissible in
4 evidence in any other proceeding, hearing or determination of any kind or
5 nature. In the event of any appeal of a benefits matter, the transcript shall
6 be sealed by the hearing officer and shall be available only to any
7 reviewing authority who shall reseal the transcript after making a review
8 of it. In no event shall such transcript be deemed a public record. Nothing
9 in this subsection shall be construed to prohibit disclosure of any
10 information obtained under the employment security law, including
11 hearing transcripts, upon request of either of the parties, for the purpose of
12 administering or adjudicating a claim for benefits under the provisions of
13 any other state program, except that any party receiving such information
14 shall be prohibited from further disclosure and shall be subject to the same
15 duty of confidentiality otherwise imposed by this subsection and shall be
16 subject to the penalties imposed by this subsection for violations of such
17 duty of confidentiality. Nothing in this subsection shall be construed to
18 prohibit disclosure of any information obtained under the employment
19 security law, including hearing transcripts, for use as evidence in a
20 criminal investigation or in open court in a criminal prosecution or at an
21 appeal hearing under the employment security law. Nothing in this
22 subsection shall be construed to prohibit disclosure of any information
23 obtained under the employment security law, including hearing transcripts
24 to an agent or contractor of a public official to whom disclosure is
25 permissible under the employment security law, except that any party
26 receiving such information shall be prohibited from further disclosure,
27 *except for use in the performance of such party's official duties*, and shall
28 be subject to the same duty of confidentiality otherwise imposed by this
29 subsection and shall be subject to the penalties imposed by this subsection
30 for violations of such duty of confidentiality. ~~If the secretary or any officer~~
31 ~~or employee of the secretary~~ Any individual ~~that~~ **{who}** violates any
32 provisions of this subsection, ~~the secretary or such officer or employee~~
33 shall be fined not less than \$20 nor more than \$200 or imprisoned for not
34 longer than 90 days, or both. Original records of the agency and original
35 paid benefit warrants of the state treasurer may be made available to the
36 employment security agency of any other state or the federal government
37 to be used as evidence in prosecution of violations of the employment
38 security law of such state or federal government. Photostatic copies of
39 such records shall be made and where possible shall be substituted for
40 original records introduced in evidence and the originals returned to the
41 agency.

42 (f) *Oaths and witnesses.* In the discharge of the duties imposed by the
43 employment security law, the chairperson of an appeal tribunal, an appeals

1 referee, the secretary or any duly authorized representative of the secretary
2 shall have power to administer oaths and affirmations, take depositions,
3 issue interrogatories, certify to official acts, and issue subpoenas to compel
4 the attendance of witnesses and the production of books, papers,
5 correspondence, memoranda and other records deemed necessary as
6 evidence in connection with a disputed claim or the administration of the
7 employment security law.

8 (g) *Subpoenas, service.* Upon request, service of subpoenas shall be
9 made by the sheriff of a county within that county, by the sheriff's deputy,
10 by any other person who is not a party and is not less than 18 years of age
11 or by some person specially appointed for that purpose by the secretary of
12 labor or the secretary's designee. A person not a party as described above
13 or a person specially appointed by the secretary or the secretary's designee
14 to serve subpoenas may make service any place in the state. The subpoena
15 shall be served as follows:

16 (1) *Individual.* Service upon an individual, other than a minor or
17 incapacitated person, shall be made: (A) By delivering a copy of the
18 subpoena to the individual personally; (B) by leaving a copy at such
19 individual's dwelling house or usual place of abode with some person of
20 suitable age and discretion then residing therein; (C) by leaving a copy at
21 the business establishment of the employer with an officer or employee of
22 the establishment; (D) by delivering a copy to an agent authorized by
23 appointment or by law to receive service of process, but if the agent is one
24 designated by a statute to receive service, such further notice as the statute
25 requires shall be given; or (E) if service as prescribed above in
26 subparagraphs (A), (B), (C) or (D) cannot be made with due diligence, by
27 leaving a copy of the subpoena at the individual's dwelling house, usual
28 place of abode or usual business establishment, and by mailing a notice by
29 first-class mail to the place that the copy has been left.

30 (2) *Corporations and partnerships.* Service upon a domestic or
31 foreign corporation or upon a partnership or other unincorporated
32 association, when by law it may be sued as such, shall be made by
33 delivering a copy of the subpoena to an officer, partner or resident
34 managing or general agent thereof, or by leaving the copy at any business
35 office of the employer with the person having charge thereof or by
36 delivering a copy to any other agent authorized by appointment or required
37 by law to receive service of process, if the agent is one authorized by law
38 to receive service and, if the law so requires, by also mailing a copy to the
39 employer.

40 (3) *Refusal to accept service.* In all cases when the person to be
41 served, or an agent authorized by such person to accept service of petitions
42 and summonses shall refuse to receive copies of the subpoena, the offer of
43 the duly authorized process server to deliver copies thereof and such

1 refusal shall be sufficient service of such subpoena.

2 (4) *Proof of service.* (A) Every officer to whom a subpoena or other
3 process shall be delivered for service within or without the state, shall
4 make return thereof in writing stating the time, place and manner of
5 service of such writ and shall sign such officer's name to such return.

6 (B) If service of the subpoena is made by a person appointed by the
7 secretary or the secretary's designee to make service, or any other person
8 described in subsection (g), such person shall make an affidavit as to the
9 time, place and manner of service thereof in a form prescribed by the
10 secretary or the secretary's designee.

11 (5) *Time for return.* The officer or other person receiving a subpoena
12 shall make a return of service promptly and shall send such return to the
13 secretary or the secretary's designee in any event within 10 days after the
14 service is effected. If the subpoena cannot be served it shall be returned to
15 the secretary or the secretary's designee within 30 days after the date of
16 issue with a statement of the reason for the failure to serve the same.

17 (h) *Subpoenas, enforcement.* In case of contumacy by or refusal to
18 obey a subpoena issued to any person, any court of this state within the
19 jurisdiction of which the inquiry is carried on or within the jurisdiction of
20 which such person guilty of contumacy or refusal to obey is found, resides
21 or transacts business, upon application by the secretary or the secretary's
22 duly authorized representative, shall have jurisdiction to issue to such
23 person an order requiring such person to appear before the secretary, or the
24 secretary's duly authorized representative, to produce evidence, if so
25 ordered, or to give testimony relating to the matter under investigation or
26 in question. Failure to obey such order of the court may be punished by the
27 court as a contempt thereof. Any person who, without just cause, shall fail
28 or refuse to attend and testify or to answer any lawful inquiry or to
29 produce books, papers, correspondence, memoranda or other records in
30 obedience to the subpoena of the secretary or the secretary's duly
31 authorized representative shall be punished by a fine of not less than \$200
32 or by imprisonment of not longer than 60 days, or both, and each day such
33 violation continued shall be deemed to be a separate offense.

34 (i) *State-federal cooperation.* In the administration of this act, the
35 secretary shall cooperate to the fullest extent consistent with the provisions
36 of this act, with the federal security agency, shall make such reports, in
37 such form and containing such information as the federal security
38 administrator may from time to time require, and shall comply with such
39 provisions as the federal security administrator may from time to time find
40 necessary to assure the correctness and verification of such reports; and
41 shall comply with the regulations prescribed by the federal security agency
42 governing the expenditures of such sums as may be allotted and paid to
43 this state under title III of the social security act for the purpose of

1 assisting in the administration of this act. Upon request therefor the
2 secretary shall furnish to any agency of the United States charged with the
3 administration of public works or assistance through public employment,
4 the name, address, ordinary occupation, and employment status of each
5 recipient of benefits and such recipient's rights to further benefits under
6 this act.

7 (j) *Reciprocal arrangements.* The secretary shall participate in
8 making reciprocal arrangements with appropriate and duly authorized
9 agencies of other states or of the federal government, or both, whereby:

10 (1) Services performed by an individual for a single employing unit
11 for which services are customarily performed in more than one state shall
12 be deemed to be services performed entirely within any one of the states:
13 (A) In which any part of such individual's service is performed; (B) in
14 which such individual maintains residence; or (C) in which the employing
15 unit maintains a place of business, provided there is in effect as to such
16 services, an election, approved by the agency charged with the
17 administration of such state's unemployment compensation law, pursuant
18 to which all the services performed by such individual for such employing
19 units are deemed to be performed entirely within such state;

20 (2) service performed by not more than three individuals, on any
21 portion of a day but not necessarily simultaneously, for a single employing
22 unit which customarily operates in more than one state shall be deemed to
23 be service performed entirely within the state in which such employing
24 unit maintains the headquarters of its business; provided that there is in
25 effect, as to such service, an approved election by an employing unit with
26 the affirmative consent of each such individual, pursuant to which service
27 performed by such individual for such employing unit is deemed to be
28 performed entirely within such state;

29 (3) potential rights to benefits accumulated under the employment
30 compensation laws of one or more states or under one or more such laws
31 of the federal government, or both, may constitute the basis for the
32 payments of benefits through a single appropriate agency under terms
33 which the secretary finds will be fair and reasonable as to all affected
34 interests and will not result in any substantial loss to the fund;

35 (4) wages or services, upon the basis of which an individual may
36 become entitled to benefits under an unemployment compensation law of
37 another state or of the federal government, shall be deemed to be wages
38 for insured work for the purpose of determining such individual's rights to
39 benefits under this act, and wages for insured work, on the basis of which
40 an individual may become entitled to benefits under this act, shall be
41 deemed to be wages or services on the basis of which unemployment
42 compensation under such law of another state or of the federal government
43 is payable, but no such arrangement shall be entered into unless it contains

1 provisions for reimbursements to the fund for such of the benefits paid
2 under this act upon the basis of such wages or services, and provisions for
3 reimbursements from the fund for such of the compensation paid under
4 such other law upon the basis of wages for insured work, as the secretary
5 finds will be fair and reasonable as to all affected interests; and

6 (5) (A) contributions due under this act with respect to wages for
7 insured work shall be deemed for the purposes of K.S.A. 44-717, and
8 amendments thereto, to have been paid to the fund as of the date payment
9 was made as contributions therefor under another state or federal
10 unemployment compensation law, but no such arrangement shall be
11 entered into unless it contains provisions for such reimbursements to the
12 fund of such contributions and the actual earnings thereon as the secretary
13 finds will be fair and reasonable as to all affected interests;

14 (B) reimbursements paid from the fund pursuant to subsection (j)(4)
15 shall be deemed to be benefits for the purpose of K.S.A. 44-704 and 44-
16 712, and amendments thereto; the secretary is authorized to make to other
17 state or federal agencies, and to receive from such other state or federal
18 agencies, reimbursements from or to the fund, in accordance with
19 arrangements entered into pursuant to the provisions of this section or any
20 other section of the employment security law;

21 (C) the administration of this act and of other state and federal
22 unemployment compensation and public employment service laws will be
23 promoted by cooperation between this state and such other states and the
24 appropriate federal agencies in exchanging services and in making
25 available facilities and information; the secretary is therefore authorized to
26 make such investigations, secure and transmit such information, make
27 available such services and facilities and exercise such of the other powers
28 provided herein with respect to the administration of this act as the
29 secretary deems necessary or appropriate to facilitate the administration of
30 any such unemployment compensation or public employment service law
31 and, in like manner, to accept and utilize information, service and facilities
32 made available to this state by the agency charged with the administration
33 of any such other unemployment compensation or public employment
34 service law; and

35 (D) to the extent permissible under the laws and constitution of the
36 United States, the secretary is authorized to enter into or cooperate in
37 arrangements whereby facilities and services provided under this act and
38 facilities and services provided under the unemployment compensation
39 law of any foreign government may be utilized for the taking of claims and
40 the payment of benefits under the employment security law of this state or
41 under a similar law of such government.

42 (k) *Records available.* The secretary may furnish the railroad
43 retirement board, at the expense of such board, such copies of the records

1 as the railroad retirement board deems necessary for its purposes.

2 (l) *Destruction of records, reproduction and disposition.* The
3 secretary may provide for the destruction, reproduction, temporary or
4 permanent retention, and disposition of records, reports and claims in the
5 secretary's possession pursuant to the administration of the employment
6 security law provided that prior to any destruction of such records, reports
7 or claims the secretary shall comply with K.S.A. 75-3501 to 75-3514,
8 inclusive, and amendments thereto.

9 (m) *Federal cooperation.* The secretary may afford reasonable
10 cooperation with every agency of the United States charged with
11 administration of any unemployment insurance law.

12 (n) The secretary is hereby authorized to fix, charge and collect fees
13 for copies made of public documents, as defined by K.S.A. 45-217(c), and
14 amendments thereto, by xerographic, thermographic or other photocopying
15 or reproduction process, in order to recover all or part of the actual costs
16 incurred, including any costs incurred in certifying such copies. All
17 moneys received from fees charged for copies of such documents shall be
18 remitted to the state treasurer in accordance with the provisions of K.S.A.
19 75-4215, and amendments thereto. Upon receipt of each such remittance,
20 the state treasurer shall deposit the entire amount in the state treasury to
21 the credit of the employment security administration fund. No such fees
22 shall be charged or collected for copies of documents that are made
23 pursuant to a statute which requires such copies to be furnished without
24 expense.

25 **{(o) "Performance of official duties" means the administration or**
26 **enforcement of law or the execution of the official responsibilities of a**
27 **federal, state or local official, collection of debts owed to the courts or**
28 **the enforcement of child support on behalf of a state or local official.**
29 **Administration of law includes research related to the law**
30 **administered by the public official. "Performance of official duties"**
31 **does not include solicitation of contributions or expenditures to or on**
32 **behalf of a candidate for public or political office or a political party.}**

33 *Sec. 2. K.S.A. 2016 Supp. 74-9101 is hereby amended to read as*
34 *follows: 74-9101. (a) There is hereby established the Kansas sentencing*
35 *commission.*

36 (b) *The commission shall:*

37 (1) *Develop a sentencing guideline model or grid based on fairness*
38 *and equity and shall provide a mechanism for linking justice and*
39 *corrections policies. The sentencing guideline model or grid shall*
40 *establish rational and consistent sentencing standards which reduce*
41 *sentence disparity, to include, but not be limited to, racial and regional*
42 *biases which may exist under current sentencing practices. The*
43 *guidelines shall specify the circumstances under which imprisonment of*

1 *an offender is appropriate and a presumed sentence for offenders for*
2 *whom imprisonment is appropriate, based on each appropriate*
3 *combination of reasonable offense and offender characteristics. In*
4 *developing its recommended sentencing guidelines, the commission shall*
5 *take into substantial consideration current sentencing and release*
6 *practices and correctional resources, including, but not limited to, the*
7 *capacities of local and state correctional facilities. In its report, the*
8 *commission shall make recommendations regarding whether there is a*
9 *continued need for and what is the projected role of, if any, the prisoner*
10 *review board and whether the policy of allocating good time credits for*
11 *the purpose of determining an inmate's eligibility for parole or*
12 *conditional release should be continued;*

13 (2) *consult with and advise the legislature with reference to the*
14 *implementation, management, monitoring, maintenance and operations*
15 *of the sentencing guidelines system;*

16 (3) *direct implementation of the sentencing guidelines system;*

17 (4) *assist in the process of training judges, county and district*
18 *attorneys, court services officers, state parole officers, correctional*
19 *officers, law enforcement officials and other criminal justice groups.*
20 *For these purposes, the sentencing commission shall develop an*
21 *implementation policy and shall construct an implementation manual*
22 *for use in its training activities;*

23 (5) *receive presentence reports and journal entries for all persons*
24 *who are sentenced for crimes committed on or after July 1, 1993, to*
25 *develop post-implementation monitoring procedures and reporting*
26 *methods to evaluate guideline sentences. In developing the evaluative*
27 *criteria, the commission shall take into consideration rational and*
28 *consistent sentencing standards which reduce sentence disparity to*
29 *include, but not be limited to, racial and regional biases;*

30 (6) *advise and consult with the secretary of corrections and*
31 *members of the legislature in developing a mechanism to link guidelines*
32 *sentence practices with correctional resources and policies, including,*
33 *but not limited to, the capacities of local and state correctional facilities.*
34 *Such linkage shall include a review and determination of the impact of*
35 *the sentencing guidelines on the state's prison population, review of*
36 *corrections programs and a study of ways to more effectively utilize*
37 *correction dollars and to reduce prison population;*

38 (7) *make recommendations relating to modification to the*
39 *sentencing guidelines as provided in K.S.A. 2016 Supp. 21-6822, and*
40 *amendments thereto;*

41 (8) *prepare and submit fiscal impact and correctional resource*
42 *statement as provided in K.S.A. 74-9106, and amendments thereto;*

43 (9) *make recommendations to those responsible for developing a*

1 *working philosophy of sentencing guideline consistency and rationality;*
2 *(10) develop prosecuting standards and guidelines to govern the*
3 *conduct of prosecutors when charging persons with crimes and when*
4 *engaging in plea bargaining;*

5 *(11) analyze problems in criminal justice, identify alternative*
6 *solutions and make recommendations for improvements in criminal law,*
7 *prosecution, community and correctional placement, programs, release*
8 *procedures and related matters including study and recommendations*
9 *concerning the statutory definition of crimes and criminal penalties and*
10 *review of proposed criminal law changes;*

11 *(12) perform such other criminal justice studies or tasks as may be*
12 *assigned by the governor or specifically requested by the legislature,*
13 *department of corrections, the chief justice or the attorney general;*

14 *(13) develop a program plan which includes involvement of*
15 *business and industry in the public or other social or fraternal*
16 *organizations for admitting back into the mainstream those offenders*
17 *who demonstrate both the desire and ability to reconstruct their lives*
18 *during their incarceration or during conditional release;*

19 *(14) appoint a task force to make recommendations concerning the*
20 *consolidation of probation, parole and community corrections services;*

21 *(15) produce official inmate population projections annually on or*
22 *before six weeks following the date of receipt of the data from the*
23 *department of corrections. When the commission's projections indicate*
24 *that the inmate population will exceed available prison capacity within*
25 *two years of the date of the projection, the commission shall identify and*
26 *analyze the impact of specific options for: (A) Reducing the number of*
27 *prison admissions; or (B) adjusting sentence lengths for specific groups*
28 *of offenders. Options for reducing the number of prison admissions*
29 *shall include, but not be limited to, possible modification of both*
30 *sentencing grids to include presumptive intermediate dispositions for*
31 *certain categories of offenders. Intermediate sanction dispositions shall*
32 *include, but not be limited to: Intensive supervision; short-term jail*
33 *sentences; halfway houses; community-based work release; electronic*
34 *monitoring and house arrest; substance abuse treatment; and pre-*
35 *revocation incarceration. Intermediate sanction options shall include,*
36 *but not be limited to, mechanisms to explicitly target offenders that*
37 *would otherwise be placed in prison. Analysis of each option shall*
38 *include an assessment of such option's impact on the overall size of the*
39 *prison population, the effect on public safety and costs. In preparing the*
40 *assessment, the commission shall review the experience of other states*
41 *and shall review available research regarding the effectiveness of such*
42 *option. The commission's findings relative to each sentencing policy*
43 *option shall be presented to the governor and the joint committee on*

1 *corrections and juvenile justice oversight no later than November 1;*

2 *(16) at the request of the governor or the joint committee on*
3 *corrections and juvenile justice oversight, initiate and complete an*
4 *analysis of other sentencing policy adjustments not otherwise evaluated*
5 *by the commission;*

6 *(17) develop information relating to the number of offenders on*
7 *postrelease supervision and subject to electronic monitoring for the*
8 *duration of the person's natural life;*

9 *(18) determine the effect the mandatory sentencing established in*
10 *K.S.A. 21-4642 and 21-4643, prior to their repeal, or K.S.A. 2016 Supp.*
11 *21-6626 and 21-6627, and amendments thereto, would have on the*
12 *number of offenders civilly committed to a treatment facility as a*
13 *sexually violent predator as provided pursuant to K.S.A. 59-29a01 et*
14 *seq., and amendments thereto;*

15 *(19) assume the designation and functions of the state statistical*
16 *analysis center. All criminal justice agencies, as defined in ~~subsection (e)~~*
17 *of K.S.A. 22-4701(c), and amendments thereto, ~~and the juvenile justice~~*
18 *authority shall provide any data or information, including juvenile*
19 *offender information, requested by the commission to facilitate the*
20 *function of the state statistical analysis center;*

21 *(20) subject to the provisions of appropriation acts and the*
22 *availability of funds therefor, produce official juvenile correctional*
23 *facility population projections annually on or before November 1, not*
24 *more than six weeks following the receipt of the data from the juvenile*
25 *justice authority and develop bed impacts regarding legislation that may*
26 *affect juvenile correctional facility population;*

27 *(21) be authorized to make statewide supervision and placement*
28 *cutoff decisions based upon the risk levels and needs of the offender.*
29 *The commission shall periodically review data and make recommended*
30 *changes; ~~and~~*

31 *(22) determine the impact and effectiveness of supervision and*
32 *sanctions for felony offenders regarding recidivism and prison and*
33 *community-based supervision populations; and*

34 *(23) gather data and information from any state agency to carry out*
35 *the duties and functions described in this section. Unless otherwise*
36 *prohibited by law, all state agencies shall provide any data or information*
37 *requested by the commission to carry out such duties and functions. As*
38 *used in this paragraph, "state agency" means any state office, officer,*
39 *department, board, commission, institution, bureau, agency, or authority*
40 *or any division or unit thereof.*

41 ~~Sec. 2 3. K.S.A. 2016 Supp. 44-714-~~is~~ and 74-9101 are hereby~~
42 ~~repealed.~~

43 ~~Sec. 3 4. This act shall take effect and be in force from and after its~~

- 1 publication in the statute book.