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Bill # SB 248
Please note nomenclature (HB, SB, SCR, etc.)

Date of Testimony 01/20/2020
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Category:

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- Proponent
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KANSAS BUREAU OF
INVESTIGATION
DEDICATION | SERVICE | INTEGRITY

Kris W. Kobach
Attorney General

Before the
Senate Committee on Judiciary
Regarding SB 248 (Proponent)
Bob Stuart, Executive Officer
January 20, 2026

Chairwoman Warren and Members of the Committee:

Thank you for the opportunity to provide written testimony on the continuing effort to update Kansas Statutes regarding fingerprint based criminal history checks.

Background:

In 1978, the KBI was statutorily required the responsibility of maintaining the state's criminal history records through K.S.A. 22-4705. Per K.S.A. 21-2501, fingerprint and palm prints are to be taken by local law enforcement agencies if a person is wanted for the commission of a felony or a class A or B misdemeanor or assault as defined in K.S.A. 21-3408. Those fingerprint and palm prints are to be provided to and maintained by the KBI. The KBI shall forward one set of the fingerprints to the Federal Bureau of Investigation (FBI).

The KBI offers criminal history record checks to both criminal justice and non-criminal justice entities. Presently, there are fifty-five (55) state statutes that authorize fingerprint based criminal history record checks for non-criminal justice entities. There are four (4) state statutes that authorize fingerprint based criminal history record checks for criminal justice entities. There are eighteen (18) state statutes that authorize name based criminal history record checks for noncriminal justice entities. Some examples of non-criminal justice entities who are authorized to receive fingerprint based criminal history record checks are: State Bank Commissioner, Kansas Department of Aging and Disability Services (KDADS), Kansas Real Estate Commission, State Board of Nursing, Department of Education, Kansas Department of Health and Environment, and Kansas Department of Children and Families (DCF). Many of these entities request criminal history record checks on applicants, employees, and volunteers who work in positions of trust and those working with vulnerable populations such as children, the elderly, and disabled individuals.

When a criminal history record check is requested the KBI searches not only the state criminal history record repository, but also the national criminal history repository, which is maintained by the FBI. The national repository includes arrests and convictions of crimes committed in Kansas as well as all other states and US territories.

Current Issues:

The KBI is in regular contact with the FBI and has recently received a list of statues which the FBI has approved as well as a list which continues to be denied. In an attempt to continue to comport Kansas statutory language to the requirements of the FBI and the federal Privacy Act the KBI offers the following amendments based upon communications with relevant and affected Kansas agencies. Those recommended amendments are in an attached an incorporated file.

Thank you for your attention to this important matter. I am available to answer any questions or provide additional information as needed.

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SENATE BILL No. 248

K.S.A. 22-4714

22-4714. Employment with governmental agency other than criminal justice agency; use of fingerprints and disclosure of criminal history record information by the agency for employment, licensure, certification or permit; confidentiality; penalties for improper use or disclosure

(a) A governmental agency other than a criminal justice agency as defined in K.S.A. 22-4701, and amendments thereto, identified in subsection (b) may require a person to be fingerprinted and shall submit such fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a search of the state and federal database. Fingerprints provided pursuant to this section may be used to identify a person and to determine whether such person has a record of criminal history in this state or in another jurisdiction. An agency identified in subsection (b) may use the information obtained from the criminal history record check for the purposes of verifying the identification of a person and in the official determination of the qualifications and fitness of such person to be issued or maintain employment, licensure, registration, certification or a permit, act as an agent of a licensee, hold ownership of a licensee or serve as a director or officer of a licensee.

(b)(1) The Kansas bureau of investigation shall release criminal history record information related to adult convictions, adult non-convictions, adult diversions, adult expunged records, juvenile adjudications, juvenile non-adjudications, juvenile diversions and juvenile expunged records to:

(A) The Kansas department for children and families ~~or the Kansas department for aging and disability services~~ for initial or continuing employment or participation in any program administered for the placement, safety, protection or treatment of vulnerable children or adults as described in K.S.A. 75-53,105, and amendments thereto;

(B) the attorney general for applicants as defined in K.S.A. 75-7b01, and amendments thereto, in connection with such application as described in K.S.A. 75-7b04 and 75-7b17, and amendments thereto;

(C) the attorney general for applicants as defined in K.S.A. 75-7c02, and amendments thereto, in connection with such application as described in K.S.A. 75-7c05, and amendments thereto;

(D) the attorney general for applicants as defined in K.S.A. 75-7b01, and amendments thereto, in connection with such application for certification as described in K.S.A. 75-7b21, and amendments thereto; and

(E) the attorney general for applicants as defined in K.S.A. 7e01, and amendments thereto, in connection with such application as described in K.S.A. 75-7e03, and amendments thereto.

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(2) The Kansas bureau of investigation shall release criminal history record information related to adult convictions, adult non-convictions, adult diversions, adult expunged records and juvenile expunged records to:

(A) The state lottery for candidates for employees as defined in K.S.A. 74-8702, and amendments thereto, in connection with such employment as described in K.S.A. 74-8704, and amendments thereto; and

(B) the Kansas racing and gaming commission for candidates for employees or licensees as defined in K.S.A. 74-8802, and amendments thereto, in connection with such employment or license as described in K.S.A. 74-8804, and amendments thereto, including an applicant for a simulcasting license.

(3) The Kansas bureau of investigation shall release criminal history record information related to adult convictions, adult non-convictions, adult diversions, adult expunged records, juvenile adjudications, juvenile non-adjudications and juvenile diversions to:

(A) The emergency medical services board for applicants as defined in K.S.A. 65-6129, and amendments thereto, in connection with such application as described in K.S.A. 65-6129, and amendments thereto;

(B) the department of administration for candidates for sensitive employees as defined in K.S.A. 75-3707e, and amendments thereto, in connection with such employment as described in K.S.A. 75-3707e, and amendments thereto; and

(C) the state gaming agency for candidates for employees and licensees as defined in K.S.A. 74-9802, and amendments thereto, in connection with such employment or license as described in K.S.A. 74-9805, and amendments thereto.

(4) The Kansas bureau of investigation shall release criminal history record information related to adult convictions, adult non-convictions, adult diversions and adult expunged records to:

(A) The supreme court and state board of law examiners for applicants as defined in K.S.A. 7-127, and amendments thereto, in connection with such application as described in K.S.A. 7-127, and amendments thereto; and

(B) the commission on peace officers' standards and training for applicants for certification under the Kansas law enforcement training act as described in K.S.A. 74-5607, and amendments thereto.

(5) The Kansas bureau of investigation shall release criminal history record information related to adult convictions, adult

non-convictions, adult diversions and juvenile adjudications to:

(A) The athletic commission within the Kansas department of commerce for a candidate for boxing commission as defined in K.S.A. 74-50,182, and amendments thereto, in connection with such appointment as described in K.S.A. 74-50,184, and amendments thereto;

(B) the secretary of health and environment for employees at a child care facility as defined in K.S.A. 65-503, and amendments thereto, in connection with such employment as described in K.S.A. 65-516, and amendments thereto;

(C) the secretary of commerce for final applicants for a sensitive position or employees in a sensitive position as defined in section 1, and amendments thereto, in connection with such employment as described in section 1, and amendments thereto;

(D) the secretary of labor for employees as defined in K.S.A. 75-5702, and amendments thereto, in connection with such employment as described in K.S.A. 75-5702, and amendments thereto; and

(E) the state bank commissioner for any officer, partner, member, owner, principal or director of an applicant or registrant in connection with such application or registration as described in K.S.A. 9-2411, and amendments thereto.

(F) the secretary of aging and disability services for determining initial and continuing qualification for employees, and applicants for license, certification or registration for the disability and behavioral health services programs, the administration of institutions, the health occupations credentialing program and criminal history record check program, the psychiatric residential treatment facilities licensure program, and the aged and senior programs that were transferred to aging and disability services pursuant to K.S.A. 39-1903, K.S.A. 39-1904, K.S.A. 39-1908, K.S.A. 39-1909, and K.S.A. 75-5908, and amendments thereto, in connection with employees and applicants as defined in new Section 11 and amendments thereto.

(G) the secretary of aging and disability services for determining initial and continuing qualification for employees, and applicants for certification of the certified community behavior health centers program and peer support specialists program pursuant to K.S.A. 39-2019 and K.S.A. 75-5964, and amendments thereto, in connection with employees and applicants as defined in new Section 11, and amendments thereto.

(6) The Kansas bureau of investigation shall release criminal history record information related to adult convictions and juvenile adjudications to:

(A) The secretary for aging and disability services for applicants as defined in K.S.A. 39-970, and amendments thereto, in connection with such application as described in K.S.A. 39-970, and amendments thereto;

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(B) the Kansas department for aging and disability services for applicants as defined in K.S.A. 39-2009, and amendments thereto, in connection with such application as described in K.S.A. 39-2009, and amendments thereto; and

(C) the secretary for aging and disability services for applicants as defined in K.S.A. 65-5117, and amendments thereto, in connection with such application as described in K.S.A. 65-5117, and amendments thereto.

(7) The Kansas bureau of investigation shall release criminal history record information related to adult convictions and adult non-convictions to:

(A) The division of motor vehicles within the department of revenue for applicants for reinstatement of a license to drive a commercial motor vehicle as described in K.S.A. 8-2,142, and amendments thereto;

(B) the board of examiners in optometry for applicants or licensees as defined in K.S.A. 65-1501, and amendments thereto, in connection with such application or an investigation as described in K.S.A. 65-1505, and amendments thereto;

(C) the board of pharmacy for fingerprint candidates as defined in K.S.A. 65-1626, and amendments thereto, in connection with such application or license as described in K.S.A. 65-1696, and amendments thereto;

(D) the state board of healing arts for *an employee of the board as defined in K.S.A. 65-2802 and amendments thereto, in connection with such employment as described in K.S.A. 65-2802 and for applicants or licensees as defined in K.S.A. 65-2802, and amendments thereto, in connection with such application or an investigation as described in K.S.A. 65-28,129, and amendments thereto;*

~~(E) the state board of healing arts for applicants or licensees as defined in K.S.A. 65-2901, and amendments thereto, in connection with such application or an investigation as described in K.S.A. 65-2924, and amendments thereto;~~

(F) the board of nursing for applicants as defined in K.S.A. 74-1112, and amendments thereto, in connection with such application as described in K.S.A. 74-1112, and amendments thereto;

(G) the behavioral sciences regulatory board for licensees as defined in K.S.A. 74-7511, and amendments thereto, in connection with such application or license as described in K.S.A. 74-7511, and amendments thereto;

(H) the state lottery for a vendor to whom a major procurement contract is to be awarded in connection with an investigation as described in K.S.A. 74-8705, and amendments thereto;

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(I) the attorney general for appointees of the governor to positions subject to confirmation by the senate and judicial appointees as described in K.S.A. 75-712, and amendments thereto;

(J) appointing authorities as defined in K.S.A. 75-4315d, and amendments thereto, for nongubernatorial appointees as described in K.S.A. 75-4315d, and amendments thereto;

(K) the Kansas real estate commission for applicants as defined in K.S.A. 58-3035, and amendments thereto, or for licensees as defined in K.S.A. 58-3035, and amendments thereto, in connection with an investigation as described in K.S.A. 58-3039, and amendments thereto;

(L) the insurance commissioner for applicants for licensure as an insurance agent as defined in K.S.A. 40-4902, and amendments thereto, in connection with such application as described in K.S.A. 40-4905, and amendments thereto;

(M) the insurance commissioner for applicants as defined in ~~K.S.A. 40-5504~~ K.S.A. 40-5502, and amendments thereto, in connection with such application as described in K.S.A. 40-5505, and amendments thereto; and

(N) the state bank commissioner for applicants in control of a licensee, licensees or key individuals as defined in K.S.A. 9-555, and amendments thereto, in connection with such application as described in K.S.A. 9-565, and amendments thereto.

(8) The Kansas bureau of investigation shall release criminal history record information related to adult convictions to:

(A) The department of agriculture for hemp employees as defined in K.S.A. 2-3901, and amendments thereto, in connection with such employment as described in K.S.A. 2-3902, and amendments thereto;

(B) the department of agriculture for applicants for licensure as a hemp producer as defined in K.S.A. 2-3901, and amendments thereto, in connection with such application as described in K.S.A. 2-3906, and amendments thereto;

(C) the office of state fire marshal for applicants for registration as a hemp processor as defined in K.S.A. 2-3901, and amendments thereto, in connection with such application as described in K.S.A. 2-3907, and amendments thereto;

(D) the department of agriculture for hemp destruction employees as defined in K.S.A. 2-3901, and amendments thereto, in connection with such employment as described in K.S.A. 2-3911, and amendments thereto;

(E) the bank commissioner for any applicant as defined in K.S.A. 9-508, and amendments thereto, in connection with

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such application as described in K.S.A. 9-509, and amendments thereto;

(F) the bank commissioner for an applicant for employment as a new executive officer or director with a money transmitter company as described in K.S.A. 9-513e, and amendments thereto;

(G) the bank commissioner for any applicant as defined in K.S.A. 9-1719, and amendments thereto, in connection with such application as described in K.S.A. 9-1722, and amendments thereto;

(H) the bank commissioner for an applicant, registrant or licensee as defined in K.S.A. 9-2201, and amendments thereto, in connection with such application, registration or license as described in K.S.A. 9-2209, and amendments thereto;

(I) the state banking board for any officer, director or organizer of a proposed fiduciary financial institution as defined in K.S.A. 9-2301, and amendments thereto, in connection with such role as described in K.S.A. 9-2302, and amendments thereto;

(J) municipalities for applicants for merchant or security police as described in K.S.A. 12-1679, and amendments thereto;

(K) the bank commissioner for applicants as defined in K.S.A. 16a-6-104, and amendments thereto, in connection with such application as described in K.S.A. 16a-6-104, and amendments thereto;

(L) the state department of credit unions for every candidate as defined in K.S.A. 17-2234, and amendments thereto, in connection with such employment as described in K.S.A. 17-2234, and amendments thereto;

(M) the division of alcoholic beverage control within the department of revenue for applicants as defined in K.S.A. 41-102, and amendments thereto, in connection with such application as described in K.S.A. 41-311b, and amendments thereto;

(N) the division of post audit for employees as defined in K.S.A. 46-1103, and amendments thereto, in connection with such employment as described in K.S.A. 46-1103, and amendments thereto;

(O) the bank commissioner for licensees as defined in K.S.A. 50-1126, and amendments thereto, in connection with such license as described in K.S.A. 50-1128, and amendments thereto;

(P) the real estate appraisal board for licensees as defined in K.S.A. 58-4102, and amendments thereto, in connection

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with an application or investigation as described in K.S.A. 58-4127, and amendments thereto;

(Q) the real estate appraisal board for applicants as defined in K.S.A. 58-4703, and amendments thereto, in connection with such application as described in K.S.A. 58-4709, and amendments thereto;

(R) the real estate appraisal board for a controlling person as defined in K.S.A. 58-4703, and amendments thereto, in connection with such application and designation as described in K.S.A. 58-4710, and amendments thereto;

(R-S) the department of health and environment for an employee as defined in K.S.A. 65-2401, and amendments thereto, in connection with such employment as described in K.S.A. 65-2402, and amendments thereto;

(S T) the Kansas office of veterans services for candidates as defined in K.S.A. 73-1210a, and amendments thereto, in connection with an application as described in K.S.A. 73-1210a, and amendments thereto;

(F/U) a senate standing committee for a member named, appointed or elected to the public employee retirement systems board of trustee membership as described in K.S.A. 74-4905, and amendments thereto;

(U/V) the department of revenue for employees as defined in K.S.A. 75-5133c, and amendments thereto, in connection with such employment as described in K.S.A. 75-5133c, and amendments thereto;

(W/W) the division of motor vehicles within the department of revenue for employees as defined in K.S.A. 75-5156, and amendments thereto, in connection with such employment as described in K.S.A. 75-5156, and amendments thereto;

(W/X) the Kansas commission for the deaf and hard of hearing for applicants as defined in K.S.A. 75-5397f, and amendments thereto, in connection with such application as described in K.S.A. 75-5393a, and amendments thereto;

(X/Y) the Kansas commission for the deaf and hard of hearing for employees as defined in K.S.A. 75-5397f, and amendments thereto, in connection with such employment as described in K.S.A. 75-5393c, and amendments thereto;

(X/Z) the department of health and environment for employees as defined in K.S.A. 75-5609a, and amendments thereto, in connection with such employment as described in K.S.A. 75-5609a, and amendments thereto; and

(Z/AA) an executive branch agency head for employees as defined in K.S.A. 75-7241, and amendments thereto, in connection with such employment as described in K.S.A. 75-7241, and amendments thereto.

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(c) State and local law enforcement agencies shall assist with taking fingerprints of individuals as authorized by this section.

(d) Any board, commission, committee or other public body shall recess into a closed executive session pursuant to K.S.A. 75-4319, and amendments thereto, to receive and discuss criminal history record information obtained pursuant to this section.

(e) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(f)(1) Fingerprints and criminal history record information received pursuant to this section shall be confidential and shall not be subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2029, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

(2) Disclosure or use of any information received pursuant to this section for any purpose other than the purpose described in this section shall be a class A nonperson misdemeanor and shall constitute grounds for removal from office.

Section 1. 74-5602. **Definitions.** As used in the Kansas law enforcement training act:

(a) "Training center" means the law enforcement training center within the university of Kansas, created by K.S.A. 74-5603, and amendments thereto.

(b) "Commission" means the Kansas commission on peace officers' standards and training, created by K.S.A. 74-5606, and amendments thereto, or the commission's designee *who works at the Kansas commission on peace officers' standards and training.*

(c) "Chancellor" means the chancellor of the university of Kansas, or the chancellor's designee.

(d) "Director of police training" means the director of police training at the law enforcement training center.

(e) "Director" means the executive director of the Kansas commission on peace officers' standards and training.

(f) "Law enforcement" means the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof.

(g)(1) "Police officer" or "law enforcement officer" means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof.

(2) "Police officer" or "law enforcement officer" includes, but is not limited to: The sheriff, undersheriff and full-time or part-time salaried deputies in the sheriff's office in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858, and amendments thereto; conservation officers of the Kansas department of wildlife and parks; university police officers, as defined in K.S.A. 22-2401a, and amendments thereto; campus police officers, as defined in K.S.A. 22-2401a, and

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amendments thereto; law enforcement agents of the director of alcoholic beverage control; law enforcement agents designated by the secretary of revenue pursuant to K.S.A. 75-5157, and amendments thereto; law enforcement agents of the Kansas lottery; law enforcement agents of the Kansas racing commission; deputies and assistants of the state fire marshal having law enforcement authority; capitol police, existing under the authority of K.S.A. 75-4503, and amendments thereto; special agents of the department of corrections; special investigators designated by the secretary of labor; and law enforcement officers appointed by the adjutant general pursuant to K.S.A. 48-204, and amendments thereto; railroad policemen appointed pursuant to K.S.A. 66-524, and amendments thereto; school security officers designated as school law enforcement officers pursuant to K.S.A. 72-6146, and amendments thereto; the manager and employees of the horsethief reservoir benefit district pursuant to K.S.A. 82a-2212, and amendments thereto; and the director of the Kansas commission on peace officers' standards and training and any other employee of such commission designated by the director pursuant to K.S.A. 74-5603, and amendments thereto, as a law enforcement officer. "Police officer" or "law enforcement officer" includes any officer appointed or elected on a provisional basis.

(3) "Police officer" or "law enforcement officer" does not include any elected official, other than a sheriff, serving in the capacity of a law enforcement or police officer solely by virtue of such official's elected position; any attorney-at-law having responsibility for law enforcement and discharging such responsibility solely in the capacity of an attorney; any employee of the secretary of corrections other than a special agent; any employee of the secretary for children and families; any deputy conservation officer of the Kansas department of wildlife and parks; or any employee of a city or county who is employed solely to perform correctional duties related to jail inmates and the administration and operation of a jail; or any full-time or part-time salaried officer or employee whose duties include the issuance of a citation or notice to appear provided such officer or employee is not vested by law with the authority to make an arrest for violation of the laws of this state or any municipality thereof, and is not authorized to carry firearms when discharging the duties of such person's office or employment.

(h) "Full-time" means employment requiring at least 1,000 hours of law enforcement related work per year.

(i) "Part-time" means employment on a regular schedule or employment which requires a minimum number of hours each payroll period, but in any case requiring less than 1,000 hours of law enforcement related work per year.

(j) "Misdemeanor crime of domestic violence" means a violation of domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or K.S.A. 21-5414, and amendments thereto, or any other misdemeanor under federal, municipal or state law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, committed against a person with whom the offender is involved or has been involved in a "dating relationship" or is a "family or household member" as defined in K.S.A. 21-5414, and amendments thereto, at the time of the offense.

(k) "Auxiliary personnel" means members of organized nonsalaried groups who operate as an adjunct to a police or sheriff's department, including reserve officers, posses and search and rescue groups.

(l) "Active law enforcement certificate" means a certificate that attests to the qualification of a person to perform the duties of a law enforcement officer and that has not been suspended or revoked by action of the Kansas commission on peace

officers' standards and training and has not lapsed by operation of law as provided in K.S.A. 74-5622, and amendments thereto.

(m) "Applicant" means a person seeking certification as an officer under this act.

Section 2. 74-50,182. **Definitions.** As used in the Kansas professional regulated sports act:

- (a) "Amateur mixed martial arts" means any form of martial arts or self-defense conducted on a full-contact basis in a contest without weapons and in which the contestants compete without valuable consideration.
- (b) "Bout" means one match involving a regulated sport.
- (c) "Boxing commissioner" means the person appointed pursuant to K.S.A. 74-50,184, and amendments thereto, who shall be devoted full time to the duties prescribed by the commission.
- (d) "Commission" means the athletic commission or the commission's designee *who works for the athletic commission*.
- (e) "Contest" means a bout or a group of bouts involving licensed contestants competing in a regulated sport.
- (f) "Contestant" means a person who is licensed by the commission to compete in a regulated sport.
- (g) "Fund" means the athletic fee fund.
- (h) "Grappling arts" means any form of grappling including, but not limited to, Brazilian jujitsu, catch wrestling, judo, luta livre esportiva, sambo, shoot wrestling, shooto and shuai Jiao conducted on a full-contact basis in a bout or contest without weapons or striking and where contestants may compete for valuable consideration.
- (i) "Noncompetitive sparring" means boxing, kickboxing or mixed martial arts where a decision is not rendered.
- (j) "Pankration" means a martial art system which includes elements of karate, tae-kwon-do, jujitsu, kempo, kung-fu, wrestling, and submission grappling.
- (k) "Professional boxing" means the sport of attack and defense which uses the fists and where contestants compete for valuable consideration.
- (l) "Professional full-contact karate" means any form of full-contact martial arts including but not limited to full-contact kung fu, full-contact tae-kwon-do or any form of martial arts or self-defense conducted on a full-contact basis in a bout or contest without weapons and where contestants may compete for valuable consideration.
- (m) "Professional kickboxing" means any form of kickboxing in which blows are delivered with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot, and where contestants compete for valuable consideration.
- (n) "Professional mixed martial arts" means any form of martial arts or self-defense conducted on a full-contact basis in a bout or contest without weapons and where contestants compete for valuable consideration.
- (o) "Professional wrestling" means any performance of wrestling skills and techniques by two or more professional wrestlers, to which any admission is charged. Participating wrestlers may not be required to use their best efforts in order to win. The winner may have been selected before the performance commences and contestants compete for valuable consideration.

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- (p) "Regulated sports" means professional boxing, sparring, professional kickboxing, professional and amateur mixed martial arts, grappling arts, pankration, professional wrestling and professional full-contact karate.
- (q) "Sparring" means boxing, kickboxing, professional and amateur mixed martial arts, grappling arts, pankration, or full-contact karate for practice or as an exhibition.

Section 3. 12-1679. Merchant or security police; fingerprints required; municipal license or permit prohibited if vehicles not registered in Kansas. (a) As used in this act: (1) "Municipality" shall mean any incorporated city or county of this state;

- (2) "Merchants or security policeman" or "merchants or security police force or agency" shall mean any person engaged for hire in the business of guarding, watching, patrolling or otherwise attempting to provide security for the real or personal property of another person; and
- (3) "Person" shall mean any individual, partnership, association, firm, *or* corporation. ~~or other business entity.~~
- (b) Every municipality which requires a license pursuant to this act shall acquire or collect the fingerprints of any person who applies for a merchants or security policeman's license from such municipality in accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto.
- (c) No municipality shall license, permit or otherwise authorize or allow any person to do business within such municipality as a merchants or security policeman or as a merchants or security police force or agency, unless every motor vehicle, as defined by K.S.A. 8-1437, and amendments thereto, which is used in any way by such person while doing business as a merchants or security policeman or police force or agency is properly registered.

Section 4. 75-7b17. Firearms permit; expiration of; qualifications; application; discharge of firearm, report; suspension or revocation of permit; liability of licensee; firearm permit badge. (a) No licensee may carry a firearm concealed on or about the licensee's person unless the licensee obtains a permit therefor, upon application to the attorney general. No permit shall be issued to any licensee unless such licensee:

- (1) Demonstrates to the attorney general the need to carry a firearm in order to protect the licensee's life or property or to protect the life or property of a client of licensee and submits such proof as required by the attorney general to establish the necessity for the issuance of a firearm permit; and
- (2) (A) within 24 months before the date of submission of the original application for a firearm permit, has successfully completed the law enforcement training requirements of subsection (a) of K.S.A. 74-5607a, and amendments thereto, or, within 12 months before the date of submission of the original application for a firearm permit, has successfully completed the law enforcement training requirements of subsection (b) of K.S.A. 74-5607a, and amendments thereto, and submits such proof as required by the attorney general to show satisfactory completion of such training or (B) within six months before the date of submission of the original application for a firearm permit, has received training in the handling of firearms and the lawful use of force from a trainer certified pursuant to K.S.A. 75-7b21, and amendments thereto, and submits such proof as required by the attorney general to show satisfactory completion of such training.

(b) An application for a firearm permit by a licensee shall be made in the manner and form prescribed by the attorney general and shall be accompanied by a fee in an amount fixed by the attorney general pursuant to K.S.A. 75-7b22, and amendments thereto. Such application shall be made a part of and supplemental to such licensee's application for a license under this act. The application shall contain:

- (1) The applicant's name and business and residence addresses;
- (2) the make or manufacturer's name, model, serial number, caliber, gauge and any other identifying information concerning the firearm or firearms to be carried by the applicant;
- (3) a full set of the applicant's fingerprints; *which shall be submitted to the Kansas bureau of investigation for a state and national criminal history record check in accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto;*
- (4) a color photograph of the applicant taken within 30 days prior to date of application and suitable for identification purposes;
- (5) such other information as deemed necessary by the attorney general.

(c) (1) If the attorney general is satisfied that it is necessary for an applicant under this section to carry a firearm, the attorney general shall issue to such licensee a firearm permit identification card, the form of which shall be approved by the attorney general. Such card shall bear the licensee's color photograph, thumb prints and signature and a description of the firearm or firearms to be carried. The licensee shall have such permit in the licensee's possession when carrying a firearm. Identification cards and firearm permits shall be numbered consecutively, and the attorney general shall maintain a current file of all valid firearm permits.

(2) For the purpose of safety and emergency identification, licensees issued a firearm permit under this act to carry a concealed firearm may carry a firearm permit badge. The badge shall be carried in such a manner that at all times when the badge is visible the private detective's firearm permit identification card issued pursuant to paragraph (1) of this subsection also shall be visible. The attorney general shall determine the size, design and other specifications of the badge. The words "licensed private detective" shall be stated clearly on the face of the badge. The cost of the badge shall be borne by the licensee. Whenever any licensee terminates such licensee's activities as a private detective, or such licensee's license has been suspended or revoked, such badge shall be surrendered within five days following such termination, suspension or revocation to the attorney general for cancellation. Every licensee possessing a valid firearm permit badge shall report to the attorney general any loss of the badge within 72 hours of the discovery of the loss.

(d) Any licensee granted a firearm permit shall present the permit identification card and firearm permit badge upon request by a law enforcement officer acting within the officer's jurisdictional authority, or by a private person upon private property if the person owns or has legal control of the private property, to demonstrate the licensee's permit to carry a firearm. Every licensee possessing a valid firearm permit shall report to the attorney general any change of employment status, change of firearm or firearms to be carried, loss of identification card or change of personal or business address. Every licensee who discharges a firearm for any reason other than test firing, firearm training or target practice shall report the discharge to the attorney general within 24 hours, together with a written report giving full particulars and reason for such discharge.

(e) The attorney general shall revoke any firearm permit if the licensee's private detective license has been suspended or revoked. The attorney general may suspend or revoke any firearm permit if the licensee has used a firearm in a manner inconsistent with the lawful use of force or if the licensee can no longer demonstrate a need to carry a firearm, pursuant to subsection (a)(1). An order of suspension or revocation, and hearing thereon, shall be subject to the provisions of the Kansas administrative procedure act. The attorney general shall recall any suspended or revoked firearm permit identification card.

(f) A licensee to whom a firearm permit is granted under this section shall be deemed to have no greater justification in the use of force than a private person as prescribed by the Kansas criminal code. Nothing in this act shall be construed as limiting the civil liability of any such licensee with respect to the use of force.

(g) No firearm permit shall be issued to any:

(1) Organization;

(2) individual who has been declared, by any court of competent jurisdiction, to be incapacitated or mentally ill and has not been restored to capacity or mental health; or

(3) individual who suffers from alcohol or narcotics addiction or dependence.

(h) A firearm permit issued under this act shall expire on December 31 of the year of its issuance, except that on and after July 1, 2004, a firearm permit issued under this act shall expire on the date of expiration of the licensee's private detective license. Renewal of any such firearm permit shall be made in a form and manner prescribed by the attorney general and subject to such conditions as required by rules and regulations adopted by the attorney general. Renewal of a firearm permit shall be based on a demonstrated continuing need to carry a firearm in accordance with subsection (a)(1).

Section 5. ~~74-1112. Board of nursing; fingerprinting and criminal history record check; fees; criminal background and fingerprinting fund.~~ (a) The board of nursing may require an application to be fingerprinted and submit to a state and national criminal history record check in accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto.

Commented [NM1]: I believe the Board of Nursing may put this through themselves, but I added it just in case they planned for KBI to do.

(b) The board shall fix a fee for fingerprinting of applicants or licensees, or both, as may be required by the board in an amount necessary to reimburse the board for the cost of the fingerprinting. Fees collected under this subsection shall be deposited in the criminal background and fingerprinting fund.

(c) There is hereby created in the state treasury the criminal background and fingerprinting fund. All moneys credited to the fund shall be used to pay the Kansas bureau of investigation for the processing of fingerprints and criminal history background checks for the board of nursing. The fund shall be administered by the board of nursing. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or a person designated by the president.

(d) As used in this section, "applicant" means a person who has applied for licensure as a professional nurse, practical nurse, *advanced practice registered nurse*, *registered nurse anesthetist*, or mental health technician.

Section 6. 17-2234. State department of credit unions; supervision; employees; attorney; security background check. (a) (1) There is hereby established the state department of credit unions, which shall be under the administrative

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supervision of the administrator as directed by law. The administrator may appoint or employ an attorney to assist the department in its functions under this act, and in accordance with the civil service law, such special assistants, deputies or examiners, and other employees, as may be necessary for the purpose of administering and enforcing the provisions of this act.

- (2) The administrator is hereby authorized to appoint financial examiners and other staff who shall be in the unclassified service under the Kansas civil service act. The administrator's salary schedule for unclassified positions shall be reported to the credit union council annually.
- (b) Nothing in subsection (a) shall affect the classified status of any person employed with the department of credit unions on the day immediately preceding the effective day of this act.
- (c) Each *employee candidate for employment* shall submit to a state and national criminal background check prior to being employed in such position in accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto.
- (d) As used in this section, "candidate" means a person who has applied for a position with or is currently employed by the state department of credit unions as a deputy or an examiner.

Section 7. 40-4902. **Same; definitions.** As used in this act:

- (a) "Approved subject" or "approved course" means any educational presentation involving insurance fundamentals, insurance law, insurance policies and coverage, insurance needs, insurance risk management, insurance agency management or other areas, which is offered in a class, seminar, computer based training, interactive internet training or other similar form of instruction, and that has been approved by the commissioner under this act as expanding skills and knowledge obtained prior to initial licensure under this act or developing new and relevant skills and knowledge in preparation for such licensure.
- (b) "Biennial due date" means the last day of the birth month of any licensed insurance agent who is required to complete C.E.C.'s and report the completion of such C.E.C.'s to the commissioner pursuant to this act, except that such due date shall not be earlier than two years from the date of the insurance agent's initial licensure under this act. The biennial due date for a registered business entity shall be the last day of the month of the date of initial licensure under this act.
- (c) "Biennium" means the period starting with the insurance agent's biennial due date in 2001 and each two-year period thereafter for any insurance agent who was born in an odd-numbered year. For any insurance agent who was born in an even-numbered year, the term shall mean the period starting with the insurance agent's biennial due date in 2002 and each two-year period thereafter. The biennium for a registered business entity shall be the two-year period following such business entity's initial licensure or renewal of such license.
- (d) "Broker" means any individual who acts or aids in any manner in negotiating contracts of insurance, or in placing risks or in soliciting or effecting contracts of insurance as an agent for an insured other than such individual and not as an agent of an insurance company or any other type of insurance carrier. The term "broker" does not include: A person working as an officer for an insurance carrier, or in a clerical, administrative or service capacity for an insurance carrier, licensed agent or broker, provided that such person does not solicit contracts of insurance, or an attorney-at-law in the performance of such

attorney's duties, an insured who places or negotiates the placement of such insured's own insurance, or any employee of an insured engaged in placing or negotiating for placement of insurance for such employee's employer.

- (e) "Business entity" means any corporation, association, partnership, limited liability company, limited liability partnership or other legal entity.
- (f) "C.E.C." means continuing education credit containing at least 50 minutes of instruction in each clock hour. The term C.E.C. also includes any value, expressed in a whole number of units, assigned by the commissioner to an approved subject.
- (g) "Commissioner" means the commissioner of insurance as defined in K.S.A. 40-102, and amendments thereto. The term "commissioner" also includes any authorized representative or designee of the commissioner *that is employed by the Kansas Department of Insurance.*
- (h) "Department" means the insurance department established by K.S.A. 40-102, and amendments thereto.
- (i) "Home state" means the District of Columbia and any state or territory of the United States in which an insurance agent maintains such agent's principal place of residence or principal place of business and is licensed to act as an insurance agent.
- (j) "Inactive agent" means any licensed agent who presents evidence satisfactory to the commissioner that demonstrates that such agent will not do any act toward transacting the business of insurance for not more than four years from the date such evidence is received by the commissioner.
- (k) "Insurance agent" and "agent" means any person required to be licensed under the provisions of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, to sell, solicit or negotiate insurance. For the purposes of the uniform agents licensing act, whenever the terms "agent" or "broker" appear in chapter 40 of the Kansas Statutes Annotated, and amendments thereto, each term means insurance agent unless the context requires otherwise. "Insurance agent" also includes the terms "insurance producer" or "producer."
- (l) "Insurance" means any of the lines of authority specified in K.S.A. 40-4903(a), and amendments thereto.
- (m) "Insurance producer" or "producer" means any person licensed under the laws of another state to sell, solicit, or negotiate insurance. For the purposes of this act, the terms "insurance agent" and "agent" include an "insurance producer" or "producer" when the context so requires. In the context of a producer database maintained by this state, another state or the NAIC, the term "producer" includes "agent."
- (n) "Insurer" and "insurance company" means the same as "insurance company" as defined by K.S.A. 40-222c, and amendments thereto.
- (o) "License" means a document issued by the commissioner authorizing a person to act as an insurance agent for the lines of authority specified in such document.
- (p) "Limited line credit insurance" includes credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, automobile dealer gap insurance and any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing that credit obligation that the insurance commissioner determines should be designated a form of limited line credit insurance.
- (q) "Limited line credit insurance agent" means a person who sells, solicits or negotiates one or more forms of limited line credit insurance coverage to individuals through a master, corporate, group or individual policy.

- (r) "NAIC" means the national association of insurance commissioners.
- (s) "Negotiate" means the act of conferring directly with or offering advice directly to any purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms or conditions of such contract, provided that the person engaged in such act either sells insurance or obtains insurance from insurers for purchasers.
- (t) "Person" means an individual or a business entity.
- (u) "Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurance company.
- (v) "Solicit" includes any attempt to sell insurance or asking or urging a person to apply for any particular kind of insurance from any particular insurance company.

Section 8. 9-1719. **Change of control; definitions.** As used in K.S.A. 9-1719 to 9-1722, inclusive, and amendments thereto:

- (a) "Applicant" means a person who has submitted a change of control application pursuant to K.S.A. 9-1721, and amendments thereto.
- (b) "Control" means the power to:
 - (1) Vote 25% or more of any class of voting shares;
 - (2) direct, in any manner, the election of a majority of the directors; or
 - (3) direct or exercise a controlling influence over the management or policies. *A person shall be deemed to be directing or exercising a controlling influence over the management or policies if the person is:*
 - A) *An executive officer as defined by K.S.A. 9-701(e) or a member of the board of directors of a bank or trust company and directly or indirectly owns or has the power to vote more than 10 percent of any class of voting securities of the bank or trust company; or*
 - B) *Not an executive officer as defined by K.S.A. 9-701(e) or a member of the board of directors of a bank or trust company and directly or indirectly owns or has the power to vote more than 10 percent of any class of voting securities of the bank or trust company and no other person owns or has the power to vote a greater percentage of that class of voting securities.*
- (c) "Person" means an individual or a corporation, *limited liability corporation*, partnership, trust, association, joint venture, pool, syndicate, sole proprietorship, unincorporated organization or any other form of entity ~~not specifically listed in this subsection~~ *authorized to engage in business under the laws of the state of its formation.*

Section 9. 65-2802. **Definitions.** For the purpose of this act the following definitions shall apply:

- (a) The healing arts include any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, alteration or enhancement of a condition or appearance and includes specifically, but not by way of limitation, the practice of medicine and surgery; the practice of osteopathic medicine and surgery; and the practice of chiropractic.

- (b) "Board" means the state board of healing arts.
- (c) "Employee" for purposes of fingerprinting in accordance with K.S.A. 65-28,129 shall mean a person who has applied for a position of employment with the Board or is currently employed by the Board.
- (d) "License," unless otherwise specified, means a license to practice the healing arts granted under this act.
- (e) "Licensed" or "licensee," unless otherwise specified, means a person licensed under this act to practice medicine and surgery, osteopathic medicine and surgery or chiropractic.
- (f) "Healing arts school" means an academic institution which grants a doctor of chiropractic degree, doctor of medicine degree or doctor of osteopathy degree.
- (g) "Applicant" means a person who has submitted an application for any license, registration, permit or certificate to the board of healing arts.
- (h) "Licensee" means a person who holds a license, registration, permit or certificate issued by the board of healing arts.
- (i) Wherever the masculine gender is used, it shall be construed to include the feminine, and the singular number shall include the plural when consistent with the intent of this act.

Section 10. 65-28,129. State board of healing arts; fingerprinting and criminal history; fees. (a) *The state board of healing arts may require a person to be fingerprinted and submit to a state and national criminal history record check in accordance with K.S.A. 22-4714 and amendments thereto as part of an original application for, renewal of, or reinstatement of any license, registration, permit or certificate for the following license types issued by the Board:*

- 1.) *Accupuncturist*
- 2.) *Athletic trainer*
- 3.) *Doctor of Chiropractic medicine*
- 4.) *Doctor of Medicine and Surgery*
- 5.) *Doctor of Naturopathic Medicine*
- 6.) *Doctor of Osteopathic Medicine and Surgery*
- 7.) *Doctor of Podiatric Medicine*
- 8.) *Independent Certified Nurse Midwife*
- 9.) *Occupational Therapist*
- 10.) *Occupational Therapy Assistant*
- 11.) *Physical Therapist*
- 12.) *Physical Therapist Assistant*
- 13.) *Physician Assistant*
- 14.) *Radiologic Technologist*
- 15.) *Respiratory Therapist*
- 16.) *Contact Lens Distributor*

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17.) An owner, officer, partner, or official of a business entity issued a certificate by the Board under K.S.A. 65-28,134. ~~As part of an original application for or reinstatement of any license, registration, permit or certificate or in connection with any investigation of any holder of a license, registration, permit or certificate, the state board of healing arts may require a person to be fingerprinted and submit to a state and national criminal history record check in accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto.~~

(b) ~~The state board of healing arts may require a person to be fingerprinted and submit to a state and national criminal history record check in accordance with K.S.A. 22-4714, and amendments thereto in connection with any investigation of a holder of a license, registration, permit, or certificate.~~

(c) ~~The state board of healing arts may require an employee as defined in K.S.A. 65-2802 to be fingerprinted and submit to a state and national criminal history record check in accordance with K.S.A. 22-4714.~~

(b d) The state board of healing arts may fix and collect a fee as may be required by the board in an amount necessary to reimburse the board for the cost of fingerprinting and the criminal history record check. Any moneys collected under this subsection shall be deposited in the state treasury and credited to the healing arts fee fund.

(e e) This section shall be a part of and supplemental to the Kansas healing arts act.

New Section 11. (potentially located in K.S.A. 39-1915)

(a) *As used in this section:*

(1) "Applicant" means either of the following:

(A) *An individual who applies for a license, certification or registration to provide services administered by the secretary of aging and disability services in connection to the disability or behavioral health services program, operation of the institutions, the health occupations and credentialing program and the criminal history check program, the psychiatric residential treatment facilities program, and the aged and senior programs transferred to aging and disability services pursuant to K.S.A. 39-1903, K.S.A. 39-1904, K.S.A. 39-1908, K.S.A. 39-1909, and K.S.A. 75-5908, and amendments thereto;*

(B) *an individual who applies for employment with an entity that is applying for or holds a license, certification or registration to provide services administered by the secretary of aging and disability services in connection to the disability or behavioral health services program, operation of the institutions, the health occupations and credentialing program and the criminal history check program, the psychiatric residential treatment facilities program, and the aged and senior programs transferred to aging and disability services pursuant to K.S.A. 39-1903, K.S.A. 39-1904, K.S.A. 39-1908, K.S.A. 39-1909, and K.S.A. 75-5908, and amendments thereto;*

(C) *an individual who applies for a certification or who applies for employment with an entity that is applying for or holds a license, certification or registration to provide services administered by the secretary of aging and disability*

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services in connection with the certified community behavioral health clinic program or peer support specialists pursuant to K.S.A. 39-2019 and K.S.A. 75-5964, and amendments thereto; or

(D) an individual who is seeking or has obtained employment with aging and disability services or a state institution in relation to the disability or behavioral health services program, operation of the institutions, the health occupations and credentialing program and the criminal history check program, the psychiatric residential treatment facilities program, and the aged and senior programs transferred to aging and disability services pursuant to K.S.A. 39-1903, K.S.A. 39-1904, K.S.A. 39-1908, K.S.A. 39-1909, and K.S.A. 75-5908, and amendments thereto, and in relation to the certified community behavioral health clinic program or peer support specialists pursuant to K.S.A. 39-2019 and K.S.A. 75-5964, and amendments thereto.

(2) "Employment" means the following:

(A) An employee, an individual who works for an employment agency, an independent contractor or a volunteer who has direct access due to the nature of the work performed on behalf of the secretary of aging and disability services or a state institution;

(B) An employee, an individual who works for an employment agency, an independent contractor or a volunteer with aging and disability services or a state institution whose position is deemed by the secretary or the secretary's designee to require a security clearance due to the individual's direct access; or

(C) An employee, an individual who works for an employment agency, an independent contractor or a volunteer of an entity licensed, certified, or registered by the secretary of aging and disability services whose work involves direct access.

(3) "Completion of the sentence" means the last day of the entire term of incarceration imposed by a sentence, including any term that is deferred, suspended or subject to parole, probation, diversion, community corrections, fines, fees, restitution or any other imposed sentencing requirements.

(4) "Direct access" means work that involves any of the following: An actual or reasonable expectation of periodic or frequent interaction with a patient or participant whose services fall under the jurisdiction of the secretary of aging and disability services; access to the property, personally identifiable information, protected health information, or financial information of patients or participants under the jurisdiction of the secretary of aging or disability services; or access to data systems that may contain such information.

(5) "Employment agency" means an organization or entity that has a contractual relationship with the secretary for aging and disability services, a state institution, or an entity licensed, certified or registered by the secretary for aging and disability services to provide staff whose duties will involve direct access.

(6) "Independent contractor" means an organization, entity, agency or individual that provides contracted workers or services to the secretary for aging and disability services, a state institution, or an entity licensed, certified or registered by the secretary for aging and disability services to provide staff whose duties will involve direct access.

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(b)(1) The secretary of aging and disability services may require any applicant or any individual who is seeking or has obtained employment which involves direct access to complete a background check of any state or national registry designated by rules and regulations adopted by the secretary for aging and disability services; and

(2)(A) The secretary of aging and disability services may require any applicant or any individual who is seeking or has obtained employment which involves direct access to be fingerprinted and submit to a state and national criminal history record check in accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto.

(B) A reasonable fee shall be paid for each criminal history record check requested in accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto, and may be collected by aging and disability services prior to submission of the criminal history record request.

(c)(1) The secretary of aging and disability services shall issue a prohibition on employment for any applicant or for any individual who is seeking or has obtained employment whose duties involve direct access if a background check or criminal history record check was requested through aging and disabilities services and adverse findings from a state and federal registry check is included in the results, or a prohibited criminal offense, as defined by subsection (d) or (e), is included in the results of the criminal history record check.

(2) If a security clearance is required, the secretary of aging and disability services or the superintendent of a state institution shall not provide employment to any individual whose duties involve direct access if such individual is the subject of a prohibition on employment issued pursuant to paragraph (c)(1).

(3) The secretary of aging and disability services may consider a prohibition on employment issued by aging and disability services in relation to the secretary's review of any application for licensure, certification, or registration.

(3) An entity that holds a license, certification, or registration issued by the secretary of aging and disability services shall not provide employment to any individual who has direct access if aging and disability services has issued a prohibition on employment for the individual in relation to adverse findings received from a state or national registry check or in relation to a prohibited criminal offense, as established by subsection (d) or (e), received from a criminal history check.

(d) A permanent prohibition on employment shall be issued by aging and disability services pursuant to subsection (c) for any individual subject to a criminal history check requested through aging and disability services in relation to a conviction committed by an adult of any of the following enumerated criminal offenses or committed by an individual adjudicated as a juvenile offender because of having committed an act which, if committed by an adult, would constitute commission of the following: Capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 21-5401, and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 21-5402, and amendments thereto, second degree murder, pursuant to K.S.A. 21-3402(a), prior to its repeal, or K.S.A. 21-5403(a), and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-5407, and amendments thereto, mistreatment of a dependent adult or mistreatment of an elder person, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 21-5417, and amendments thereto, human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal, or K.S.A. 21-5426(a), and amendments thereto,

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aggravated human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or K.S.A. 21-5506(a), and amendments thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or K.S.A. 21-5504(b), and amendments thereto, indecent solicitation of a child, pursuant to K.S.A. 21-3510, prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 21-5510, and amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A. 21-5505(a), and amendments thereto, aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal, or K.S.A. 21-5505(b), and amendments thereto, commercial sexual exploitation of a child, pursuant to K.S.A. 21-6422, and amendments thereto, an attempt to commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-5301, and amendments thereto, a conspiracy to commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, or criminal solicitation of any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 21-5303, and amendments thereto, or similar statutes of other states or the federal government.

(e)(1) Unless a waiver is granted by the secretary of aging and disability services pursuant to paragraph (e)(32), a prohibition on employment shall be issued by aging and disability services pursuant to subsection (c) for any individual subject to a criminal history check requested through aging and disability services in relation to convictions and adjudications if six years or less has elapsed since the individual's completion of the sentence imposed or the individual was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence for the following enumerated criminal offenses: A felony conviction for a crime that is described in: (i) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, except those crimes listed in paragraph (1); (ii) article 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, prior to their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 21-6420, and amendments thereto, except those crimes listed in paragraph (1); (iii) K.S.A. 21-3701, prior to its repeal, or K.S.A. 21-5801, and amendments thereto; (iv) an attempt to commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-5301, and amendments thereto; (v) a conspiracy to commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto; (vi) criminal solicitation of any of the crimes listed in this paragraph pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 21-5303, and amendments thereto; or (vii) similar statutes of other states or the federal government.

(2) Unless a waiver is granted by the secretary of aging and disability services pursuant to paragraph (e)(3), a prohibition on employment shall be issued by aging and disability services pursuant to subsection (c) for any individual subject to a criminal history check through aging and disability services in relation to convictions and adjudications of any of the

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following if six years or less has elapsed since completion of the sentence imposed or the individual was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; if six years or less have elapsed since the individual was finally discharged from the custody of the secretary of corrections or from probation or has been adjudicated a juvenile offender, whichever time is longer, for the following enumerated offenses:

(A) Interference with custody of a committed person pursuant to K.S.A. 21-3423, prior to its repeal, or K.S.A. 21-5410, and amendments thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425, prior to its repeal, or K.S.A. 21-5416, and amendments thereto; unlawful administration of a substance pursuant to K.S.A. 21-3445, prior to its repeal, or K.S.A. 21-5425, and amendments thereto; violation of a protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A. 21-5924; promoting obscenity or promoting obscenity to minors pursuant to K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto; or cruelty to animals pursuant to K.S.A. 21-3727, 21-4310 or 21-4311, prior to their repeal, or K.S.A. 21-6412, and amendments thereto; or

(B) any felony conviction of: Unlawful manufacture of a controlled substance pursuant to K.S.A. 21-36a03, prior to its repeal, or K.S.A. 21-5703, and amendments thereto; unlawful cultivation or distribution of a controlled substance pursuant to K.S.A. 21-36a05, prior to its repeal, or K.S.A. 21-5705, and amendments thereto; unlawful manufacture, distribution, cultivation or possession of a controlled substance using a communication facility pursuant to K.S.A. 21-36a07, prior to its repeal, or K.S.A. 21-5707, and amendments thereto; unlawful obtainment or sale of a prescription-only drug pursuant to K.S.A. 21-36a08, prior to its repeal, or K.S.A. 21-5708, and amendments thereto; unlawful distribution of drug precursors or drug paraphernalia pursuant to K.S.A. 21-36a10, prior to its repeal, or K.S.A. 21-5710, and amendments thereto; unlawful distribution or possession of a simulated controlled substance pursuant to K.S.A. 21-36a13, prior to its repeal, or K.S.A. 21-5713, and amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its repeal, or K.S.A. 21-5823, and amendments thereto; criminal use of a financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 21-5828, and amendments thereto; any violation of the Kansas medicaid fraud control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or K.S.A. 21-5925 et seq., and amendments thereto; making a false claim, statement or representation to the medicaid program pursuant to K.S.A. 21-3846, prior to its repeal, or K.S.A. 21-5927, and amendments thereto; unlawful acts relating to the medicaid program pursuant to K.S.A. 21-3847, prior to its repeal, or K.S.A. 21-5928, and amendments thereto; obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856, prior to its repeal, or K.S.A. 21-5929, and amendments thereto; identity theft or identity fraud pursuant to K.S.A. 21-4018, prior to its repeal, or K.S.A. 21-6107, and amendments thereto; or social welfare fraud pursuant to K.S.A. 39-720, and amendments thereto.

(3) An individual who has been disqualified for employment due to conviction or adjudication of an offense listed in paragraphs (e)(1) or (e)(2) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and

regulations establishing the waiver process and the criteria to be utilized by the secretary in evaluating any such waiver request.

Section 12. 58-4102. Definitions. As used in this act:

- (a) "Appraisal" or "real estate appraisal" means an analysis, opinion or conclusion prepared by a real estate appraiser relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis. A valuation is an estimate of the value of real estate or real property. An analysis is a study of real estate or real property other than estimating value.
- (b) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested party in rendering an unbiased analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate.
- (c) "Broker's price opinion" and "comparative market analysis" means an analysis, opinion or conclusion prepared by an individual licensed as a real estate broker or salesperson pursuant to K.S.A. 58-3034 et seq., and amendments thereto, relating to the price of specified interests in or aspects of identified real estate property that is provided to a potential customer, client or third party in the ordinary course of business.
- (d) "Board" means the real estate appraisal board established pursuant to the provisions of this act.
- (e) "Federal law" means title XI of the financial institutions reform, recovery and enforcement act of 1989 (12 U.S.C. § 3331 et seq.) and any other federal law, and any regulations adopted pursuant thereto.
- (f) "Federally related transaction" means any real estate-related financial transaction which: (1) A federal financial institutions regulatory agency or the resolution trust corporation engages in, contracts for or regulates; and (2) requires the services of an appraiser.
- (g) "Licensee" means an individual who has submitted an application for an original license or certificate, licensure by reciprocity or endorsement or renewal of a license or certification or a person who is currently licensed or certified under this act as a class of appraiser established in K.S.A. 58-4109, and amendments thereto.
- (h) "Real estate" means an identified parcel or tract of land, including improvements, if any.
- (i) "Real estate appraisal organization" means any nationally recognized organization of professional appraisers.
- (j) "Real estate-related financial transaction" means any transaction involving: (1) The sale, lease, purchase, investment in or exchange of real property, including interests in property or the financing thereof; (2) the refinancing of real property or interests in real property; (3) the use of real property or interests in property as security for a loan or investment, including mortgage-backed securities; or (4) a federally related transaction.
- (k) "Real property" means one or more defined interests, benefits and rights inherent in the ownership of real estate.
- (l) "Specialized services" means those appraisal services which do not fall within the definition of appraisal assignment. Specified services may include valuation work and analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not specialized services.

- (m) A "state certified appraiser" means a person who develops and communicates real estate appraisals and who holds a current, valid certificate issued to such person under the provisions of this act.
- (n) A "state licensed appraiser" means a person who develops and communicates real estate appraisals and holds a current, valid license issued to such person under the provisions of this act.
- (o) "Written appraisal" means a written statement used in connection with a real estate-related financial transaction that is independently and impartially prepared by a licensed or certified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by presentation and analysis of relevant market information.
- (p) "Appraiser" means a person who develops and communicates real estate appraisals for real estate-related financial transactions and holds a current valid certification or license issued to such person under the provisions of K.S.A. 58-4101 et seq., and amendments thereto.

Section 13. 74-9802. Definitions. As used in the tribal gaming oversight act:

- (a) "Class III gaming" means ~~all tribal gaming activities defined as class III gaming by the Indian gaming regulatory act (25 U.S.C. 2701 et seq.), as in effect on the effective date of this act.~~ *all forms of gaming that are not class I gaming or class II gaming:*
1. Any house banking game;
 2. Any slot machines as defined in 15 U.S.C. 1171 (a)(1) and electronic or electromechanical facsimiles of any game of chance;
 3. Any sports betting and pari-mutuel wagering including but not limited to wagering on horse racing, dog racing or jai alai;
 4. Lotteries; or
 5. Any historical horse race machine games, as defined in K.S.A. 74-8802 and amendments thereto
- (b) "Employee" means a person who has applied for a position of employment or is currently employed by the state gaming agency.
- (c) "Executive director" means the executive director of the state gaming agency.
- (d) "Licensee" means a person who has submitted an application for licesure or currently holds a license in tribal gaming issued pursuant to a tribal-state gaming compact.
- (e) "Tribal gaming" means any class III gaming conducted pursuant to a tribal-state gaming compact. "Tribal gaming" does not include games on video lottery machines, as defined by K.S.A. 74-8702, and amendments thereto, that the Kansas lottery is prohibited from conducting under K.S.A. 74-8704, and amendments thereto.
- (f) "Tribal gaming commission" means a commission created by a native American tribe in accordance with a tribal-state gaming compact.
- (g) "Tribal gaming facility" means a facility where tribal gaming is conducted or operated.
- (h) ~~"Tribal-state gaming compact" means a compact entered into between the state of Kansas and the Iowa Tribe of Kansas and Nebraska, the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas, the Prairie Band Potawatomi Nation in~~

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Kansas or the Sac and Fox Nation of Missouri in Kansas and Nebraska with respect to the tribe's authority to engage in class III gaming on the tribe's reservation property in the state of Kansas.