

## HOUSE BILL No. 2342

AN ACT concerning criminal history record information; relating to state and national criminal history record checks; authorizing the attorney general and the state gaming agency to receive more criminal history records; updating criminal history record language related to the state bank commissioner; requiring the secretary of labor to conduct such checks on employees who have access to federal tax information; authorizing the secretary of commerce to conduct such checks on final applicants for and employees in certain sensitive positions; amending K.S.A. 75-5702 and K.S.A. 2024 Supp. 9-555, 9-565, 9-2411, 22-4714 and 75-7b01 and repealing the existing sections.

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

New Section 1. (a) The secretary of commerce may request the Kansas bureau of investigations to conduct a state and national criminal history record check on any final applicant for, or employee in, a sensitive position with the department of commerce, in accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto. The secretary may use the information obtained from such state and national criminal history record check in the determination of the qualifications and fitness of the final applicant for, or the employee in, a sensitive position with the department. Such determination shall be in the discretion of the secretary except for the minimum standard required pursuant to subsection (b).

(b) As a minimum standard for a final applicant offered employment with the department in a sensitive position or employment for an employee in a sensitive position, a person shall have no misdemeanor conviction for any crime involving theft, fraud, forgery or other financial crime or any felony conviction under the laws of any state or of the United States, either prior to or during such employment.

(d) For purposes of this section:

(1) "Final applicant" means an applicant for a sensitive position with the department of commerce whom the secretary has determined is among a select group of applicants that are the most qualified for the sensitive position and to whom the secretary intends to give final consideration for an offer of such employment.

(2) "Sensitive position" means an employee in:

(A) The positions of division director, assistant secretary, deputy secretary, IT manager and chief counsel;

(B) grant or loan program manager positions directly involved with accounting or disbursement of funds; and

(C) any position determined by the secretary to involve significant financial management responsibilities, the collection or maintenance of, or access to, confidential personal or business information or a significant risk of fraud or financial liability to the department.

(e) The provisions of K.S.A. 75-7241, and amendments thereto, shall supersede the provisions of this section.

Sec. 2. K.S.A. 2024 Supp. 9-555 is hereby amended to read as follows: 9-555. (a) K.S.A. 2024 Supp. 9-555 through 9-596, and amendments thereto, shall be known and may be cited as the Kansas money transmission act.

(b) As used in the Kansas money transmission act:

(1) "Act" means the Kansas money transmission act.

(2) "Acting in concert" means persons knowingly acting together with a common goal of jointly acquiring control of a licensee whether or not pursuant to an express agreement.

(3) "Applicant in control of a licensee" means a person or a person in a group of persons acting in concert that is in control of, or apply to acquire control of, a licensee pursuant to K.S.A. 2024 Supp. 9-571, and amendments thereto.

(4) "Authorized delegate" means a person designated by a licensee to engage in money transmission on behalf of the licensee.

~~(4)~~(5) "Average daily money transmission liability" means the amount of the licensee's outstanding money transmission obligations in Kansas at the end of each day in a given period of time added together and divided by the total number of days in the given period of time. For any licensee required to calculate "average daily money transmission liability" pursuant to this act, the given period of time shall be the

calendar quarters ending March 31, June 30, September 30 and December 31.

~~(5)~~(6) "Closed loop stored value" means stored value that is redeemable by the issuer only for goods or services provided by the issuer or the issuer's affiliates or franchisees of the issuer or the franchisees's affiliates, except to the extent required by applicable law to be redeemable in cash for its cash value.

~~(6)~~(7) "Commissioner" means the state bank commissioner, or a person designated by the state bank commissioner to enforce this act.

~~(7)~~(8) "Control" means the power to:

(A) Vote directly or indirectly at least 25% of the outstanding voting shares or voting interests of a licensee or person in control of a licensee;

(B) elect or appoint a majority of key individuals or executive officers, managers, directors, trustees or other persons exercising managerial authority of a person in control of a licensee; or

(C) exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee.

~~(8)~~(9) "Eligible rating" means a credit rating from any of the three highest rating categories provided by an eligible rating service. Each rating category may include rating category modifiers such as plus or minus for Standard & Poor or the equivalent for any other eligible rating service. "Eligible rating" shall be determined as follows:

(A) Long-term credit ratings shall be deemed eligible if the rating is equal to A- or higher by Standard & Poor or the equivalent from any other eligible rating service.

(B) Short-term credit ratings are deemed eligible if the rating is equal to or higher than A-2 or SP-2 by Standard & Poor or the equivalent from any other eligible rating service. If ratings differ among eligible rating services, the highest rating shall apply when determining whether a security bears an eligible rating.

~~(9)~~(10) "Eligible rating service" means any nationally recognized statistical rating organization that has been registered by the securities and exchange commission or any organization designated by the commissioner through order or rules and regulations as an eligible rating service.

~~(10)~~(11) "Federally insured depository financial institution" means a bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank or industrial loan company organized under the laws of the United States or any state of the United States, when such bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank or industrial loan company has federally insured deposits.

~~(11)~~(12) "In Kansas" means the:

(A) Physical location of a person who is requesting a transaction in person in the state of Kansas; or

(B) person's residential address or the principal place of business for a person requesting a transaction electronically or by telephone if such residential address or principal place of business is in the state of Kansas.

~~(12)~~(13) "Individual" means a natural person.

~~(13)~~(14) "Key individual" means any individual ultimately responsible for establishing or directing policies and procedures of the licensee, including, but not limited to, an executive officer, manager, director or trustee.

~~(14)~~(15) "Licensee" means a person licensed under this act.

~~(15)~~(16) "Material litigation" means litigation, that according to United States generally accepted accounting principles, is significant to a person's financial health and would be a required disclosure in the person's annual audited financial statements, report to shareholders or similar records.

~~(16)~~(17) "Money" means a medium of exchange that is authorized or adopted by the United States or a foreign government. "Money" includes a monetary unit of account established by an

intergovernmental organization or by agreement between two or more governments.

~~(17)~~(18) "Monetary value" means a medium of exchange, whether or not redeemable in money.

~~(18)~~(19) (A) "Money transmission" means any of the following:

- (i) Selling or issuing payment instruments to a person located in Kansas;
- (ii) selling or issuing stored value to a person located in Kansas;
- (iii) receiving money for transmission from a person located in Kansas; or
- (iv) payroll processing services.

(B) "Money transmission" does not include the provision of solely online or telecommunications services or network access.

~~(19)~~(20) "Money service business accredited state" means a state agency that is accredited by the conference of state bank supervisors and money transmitter regulators association for money transmission licensing and supervision.

~~(20)~~(21) "Multistate licensing process" means any agreement entered into by state regulators relating to coordinated processing of applications for money transmission licenses, applications for the acquisition of control of a licensee, control determinations or notice and information requirements for a change of key individuals.

~~(21)~~(22) "Nationwide multistate licensing system and registry" means a licensing system developed by the conference of state bank supervisors and the American association of residential mortgage regulators and owned and operated by the state regulatory registry, limited liability company or any successor or affiliated entity for the licensing and registration of persons in financial services industries.

~~(22)~~(23) (A) "Outstanding money transmission obligation" means:

- (i) Any payment instrument or stored value issued or sold by the licensee to a person located in the United States or reported as sold by an authorized delegate of the licensee to a person that is located in the United States that has not yet been paid or refunded by or for the licensee or escheated in accordance with applicable abandoned property laws; or
- (ii) any money received for transmission by the licensee or an authorized delegate in the United States from a person located in the United States that has not been received by the payee or refunded to the sender or escheated in accordance with applicable abandoned property laws.

(B) "In the United States" includes a person in any state, territory or possession of the United States, the District of Columbia, the commonwealth of Puerto Rico or a United States military installation that is located in a foreign country.

~~(23)~~(24) "Passive investor" means a person that:

(A) Does not have the power to elect a majority of key individuals or executive officers, managers, directors, trustees or other persons exercising managerial authority of a person in control of a licensee;

(B) is not employed by and does not have any managerial duties of the licensee or person in control of a licensee; or

(C) does not have the power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee; and

(D) (i) either attests to subparagraphs (A), (B) and (C) in a form and in a manner prescribed by the commissioner; or

(ii) commits to the passivity characteristics of subparagraphs (A), (B) and (C) in a written document.

~~(24)~~(25) (A) "Payment instrument" means a written or electronic check, draft, money order, traveler's check or other written or electronic instrument for the transmission or payment of money or monetary value, regardless of negotiability.

(B) "Payment instrument" does not include stored value or any instrument that is:

- (i) Redeemable by the issuer only for goods or services provided

by the issuer or the issuer's affiliate or franchisees of the issuer or the franchisees' affiliate, except to the extent required by applicable law to be redeemable in cash for its cash value; or

(ii) not sold to the public but issued and distributed as part of a loyalty, rewards or promotional program.

(25)(26) "Payroll processing services" means the receipt of money for transmission pursuant to a contract with a person to deliver wages or salaries, make payment of payroll taxes to state and federal agencies, make payments relating to employee benefit plans or make distributions of other authorized deductions from wages or salaries. "Payroll processing services" does not include an employer performing payroll processing services on the employer's own behalf or on behalf of an affiliate.

(26)(27) "Person" means any individual, general partnership, limited partnership, limited liability company, corporation, trust, association, joint stock corporation or other corporate entity identified or recognized by the commissioner.

(27)(28) "Receiving money for transmission" or "money received for transmission" means the receipt of money or monetary value in the United States for transmission within or outside the United States by electronic or other means.

(28)(29) "Stored value" means monetary value representing a claim against the issuer evidenced by an electronic or digital record and that is intended and accepted for use as a means of redemption for money or monetary value or payment for goods or services. "Stored value" includes, but is not limited to, prepaid access as defined by 31 C.F.R. § 1010.100. "Stored value" does not include a payment instrument or closed loop stored value or stored value not sold to the public but issued and distributed as part of a loyalty, rewards or promotional program.

(29)(30) "Tangible net worth" means the aggregate assets of a licensee excluding all intangible assets, less liabilities, as determined in accordance with United States generally accepted accounting principles.

(c) This section shall take effect on and after January 1, 2025.

Sec. 3. K.S.A. 2024 Supp. 9-565 is hereby amended to read as follows: 9-565. (a) As a part of any original application, any individual in control of a licensee, any applicant in control of a licensee and each key individual shall provide the commissioner with the following items through the nationwide multistate licensing system and registry:

(1) (A) The office of the state bank commissioner may require an *applicant in control of a licensee, a licensee or a key individual* 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.* ~~The fingerprints shall be used to identify the individual and to determine whether such individual has a record of criminal history in this state or other jurisdictions. The office of the state bank commissioner is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The office of the state bank commissioner may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the individual and in the official determination of the qualifications and fitness of the individual to be issued or to maintain a license;~~

~~(B) Local and state law enforcement officers and agencies shall assist the office of the state bank commissioner in taking and processing of fingerprints of applicants for and holders of any license, registration, permit or certificate;~~

~~(C) The Kansas bureau of investigation shall release all records of adult convictions and nonconvictions in Kansas and adult convictions, adjudications and nonconvictions of another state or country to the office of the state bank commissioner. Disclosure or use of any information received for any purpose other than provided in this section~~

~~shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment; and~~

~~(D)~~(B) Any individual—~~that~~ *who* currently resides and has continuously resided outside of the United States for the past 10 years shall not be required to comply with this subsection; and

(2) a description of the individual's personal history and experience provided in a form and manner prescribed by the commissioner to obtain the following:

(A) An independent credit report from a consumer reporting agency. This requirement shall be waived if the individual does not have a social security number;

(B) information related to any criminal convictions or pending charges; and

(C) information related to any regulatory or administrative action and any civil litigation involving claims of fraud, misrepresentation, conversion, mismanagement of funds, breach of fiduciary duty or breach of contract.

(b) (1) If the individual has resided outside of the United States at any time during the 10-year period immediately preceding the individual's application, the individual shall also provide an investigative background report prepared by an independent search firm.

(2) At a minimum, the search firm shall:

(A) Demonstrate that it has sufficient knowledge and resources and that such firm employs accepted and reasonable methodologies to conduct the research of the background report; and

(B) not be affiliated with or have an interest with the individual it is researching.

(3) The investigative background report shall be provided in English and, at a minimum, shall contain the following:

(A) A comprehensive credit report or any equivalent information obtained or generated by the independent search firm to accomplish such report, including a search of the court data in the countries, provinces, states, cities, towns and contiguous areas where the individual resided and worked if such report is available in the individual's current jurisdiction of residency;

(B) criminal records information for the 10-year period immediately preceding the individual's application, including, but not limited to, felonies, misdemeanors or similar convictions for violations of law in the countries, provinces, states, cities, towns and contiguous areas where the individual resided and worked;

(C) employment history;

(D) media history including an electronic search of national and local publications, wire services and business applications; and

(E) financial services-related regulatory history, including, but not limited to, money transmission, securities, banking, insurance and mortgage-related industries.

(c) Any information required by this section may be used by the commissioner in making an official determination of the qualifications and fitness of the person in control or who seeks to gain control of the licensee.

(d) This section shall take effect on and after January 1, 2025.

Sec. 4. K.S.A. 2024 Supp. 9-2411 is hereby amended to read as follows: 9-2411. (a) The commissioner shall administer the provisions of this act. In addition to other powers granted by this act, the commissioner, within the limitations provided by law, may exercise the following powers:

(1) Adopt, amend and revoke rules and regulations as necessary to carry out the intent and purpose of this act;

(2) make any investigation and examination of the operations, books and records of an earned wage access services provider as the commissioner deems necessary to aid in the enforcement of this act;

(3) have free and reasonable access to the offices, places of business and all records of the registrant that will enable the

commissioner to determine whether the registrant is complying with the provisions of this act. The commissioner may designate persons, including comparable officials of the state in which the records are located, to inspect the records on the commissioner's behalf;

(4) establish, charge and collect fees from applicants or registrants for reasonable costs of investigation, examination and administration of this act, in such amounts as the commissioner may determine to be sufficient to meet the budget requirements of the commissioner for each fiscal year. The commissioner may maintain an action in any court to recover such costs;

(5) order any registrant or person to cease any activity or practice that the commissioner deems to be deceptive, dishonest, a violation of this act, or of any other state or federal law, or unduly harmful to the interests of the public;

(6) exchange any information regarding the administration of this act with any agency of the United States or any state that regulates the applicant or registrant or administers statutes, rules and regulations or programs related to earned wage access services laws with any attorney general or district attorney with jurisdiction to enforce criminal violations of this act;

(7) disclose to any person or entity that an applicant's or registrant's application or registration has been denied, suspended, revoked or refused renewal;

(8) require or permit any person to file a written statement, under oath or otherwise as the commissioner may direct, setting forth all the facts and circumstances concerning any apparent violation of this act, any rule and regulation adopted thereunder or any order issued pursuant to this act;

(9) receive, as a condition in settlement of any investigation or examination, a payment designated for consumer education to be expended for such purpose as directed by the commissioner;

(10) delegate the authority to sign any orders, official documents or papers issued under or related to this act to the deputy of consumer and mortgage lending division of the office of the state bank commissioner;

~~(11)(A) require fingerprinting of any officer, partner, member, owner, principal or director of an applicant or registrant. Such fingerprints may be submitted to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check to be submitted to the office of the state bank commissioner. The fingerprints shall be used to identify the person and to determine whether the person has a record of arrests and convictions in this state or other jurisdictions. The office of the state bank commissioner may use information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the persons associated with the applicant. Whenever the office of the state bank commissioner requires fingerprinting, any associated costs shall be paid by the applicant or the parties to the application.~~

~~(B) The Kansas bureau of investigation shall release all records of adult convictions, adjudications, and juvenile adjudications in Kansas and of another state or country to the office of the state bank commissioner. The office of the state bank commissioner shall not disclose or use a state and national criminal history record check for any purpose except as provided for in this section. Unauthorized use of a state or national criminal history record check shall constitute a class A nonperson misdemeanor.~~

~~(C) Each state and national criminal history record check shall be confidential, not subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto, and not be disclosed to any applicant or registrant. The provisions of this subparagraph shall expire on July 1, 2029, unless the legislature reviews and acts to continue such provisions pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029 to submit to a state and national criminal history record~~

*check in accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto;*

(12) issue, amend and revoke written administrative guidance documents in accordance with the applicable provisions of the Kansas rules and regulations filing act;

(13) enter into any informal agreement with any person for a plan of action to address violations of this act; and

(14) require use of a nationwide multi-state licensing system and registry for processing applications, renewals, amendments, surrenders and any other activity that the commissioner deems appropriate. The commissioner may establish relationships or contracts with the nationwide multi-state licensing system and registry or other entities to collect and maintain records and process transaction fees or other fees related to applicants and licensees, as may be reasonably necessary to participate in the nationwide multi-state licensing system and registry. The commissioner may report violations of the law, as well as enforcement actions and other relevant information to the nationwide multi-state licensing system and registry. The commissioner may require any applicant or licensee to file reports with the nationwide multi-state licensing system and registry in the form prescribed by the commissioner.

(b) Examination reports and correspondence regarding such reports made by the commissioner or the commissioner's designees shall be confidential and shall not be subject to the provisions of the open records act, K.S.A. 45-215 et seq., and amendments thereto. The commissioner may release examination reports and correspondence regarding the reports in connection with a disciplinary proceeding conducted by the commissioner, a liquidation proceeding or a criminal investigation or proceeding. Additionally, the commissioner may furnish to federal or other state regulatory agencies or any officer or examiner thereof, a copy of any or all examination reports and correspondence regarding the reports made by the commissioner or the commissioner's designees. The provisions of this subsection shall expire on July 1, 2029, unless the legislature reviews and acts to continue such provisions pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

(c) For the purpose of any examination, investigation or proceeding under this act, the commissioner or the commissioner's designee may administer oaths and affirmations, subpoena witnesses, compel such witnesses' attendance, introduce evidence and require the production of any matter that is relevant to the examination or investigation, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of relevant information or items.

(d) The adoption of an informal agreement authorized by this section shall not be subject to the provisions of the Kansas administrative procedure act or the Kansas judicial review act. Any informal agreement authorized by this subsection shall not be considered an order or other agency action and shall be considered confidential examination material. All such examination material shall be confidential by law and privileged, shall not be subject to the provisions of the open records act, K.S.A. 45-215 et seq., and amendments thereto, shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any private civil action. The provisions of this subsection shall expire on July 1, 2029, unless the legislature reviews and acts to continue such provisions pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

Sec. 5. K.S.A. 2024 Supp. 22-4714 is hereby amended to read as follows: 22-4714. (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.*

(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 attorney general for applicants as defined in K.S.A. 75-7e01, and amendments thereto, in connection with such application as described in K.S.A. 75-7e05, and amendments thereto; and~~

~~(C) 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 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;~~

~~(C) 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 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 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; ~~and~~

(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. 2024 Supp. 9-2411, 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;

(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 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;

(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; ~~and~~

(M) the insurance commissioner for applicants as defined in K.S.A. 40-5501, 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. 2024 Supp. 9-555, and amendments thereto, in connection with such application as described in K.S.A. 2024 Supp. 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 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 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 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) the ~~Kansas commission on veterans affairs~~ *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;

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

~~(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)~~(V) the ~~divison~~ *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;

~~(X)~~(W) 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;

~~(Y)~~(X) 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;

~~(Z)~~(Y) 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

~~(AA)~~(Z) 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.

(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.

Sec. 6. K.S.A. 2024 Supp. 75-7b01 is hereby amended to read as follows: 75-7b01. As used in this act:

(a) "Applicant" means a person who has submitted an application for licensure as a private detective or private detective agency pursuant to this act, *a person who has submitted an application for a firearm permit pursuant to this act* or a person who has submitted an application to become certified to train private detectives in the handling of firearms and the lawful use of force.

(b) "Detective business" means the furnishing of, making of or agreeing to make any investigation for the purpose of obtaining information with reference to:

(1) Crime or wrongs done or threatened against the United States or any state or territory of the United States, or any political subdivision thereof when furnished or made by persons other than law enforcement officers;

(2) the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

(3) the location, disposition or recovery of lost or stolen property;

(4) the cause or responsibility for fires, libels, losses, frauds, accidents or damage or injury to persons or to property; or

(5) securing evidence to be used before any court, board, officer or

investigating committee.

(c) "Private detective" means any person who, for any consideration whatsoever, engages in detective business.

(d) "Private detective agency" means a person who regularly employs any other person, other than an organization, to engage in detective business.

(e) "Private patrol operator" means a person who, for any consideration whatsoever, agrees to furnish or furnishes a watchman, guard, patrolman or other person to protect persons or property or to prevent the theft, unlawful taking, loss, embezzlement, misappropriation or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers or property of any kind, or performs the service of such watchman, guard, patrolman or other person for any such purposes.

(f) "Law enforcement officer" means a law enforcement officer as defined in K.S.A. 21-5111, and amendments thereto.

(g) "Organization" means a corporation, trust, estate, partnership, cooperative or association.

(h) "Person" means an individual or organization.

(i) "Firearm permit" means a permit for the limited authority to carry a firearm concealed on or about the person by one licensed as a private detective.

(j) "Firearm" means:

(1) A pistol or revolver ~~which~~ that is designed to be fired by the use of a single hand and ~~which~~ that is designed to fire or capable of firing fixed cartridge ammunition; or

(2) any other weapon ~~which~~ that will or is designed to expel a projectile by the action of an explosive and ~~which~~ that is designed to be fired by the use of a single hand.

(k) "Client" means any person who engages the services of a private detective.

(l) "Dishonesty or fraud" means, in addition to other acts not specifically enumerated herein:

(1) Knowingly making a false statement relating to evidence or information obtained in the course of employment, or knowingly publishing a slander or a libel in the course of business;

(2) using illegal means in the collection or attempted collection of a debt or obligation;

(3) manufacturing or producing any false evidence; and

(4) acceptance of employment adverse to a client or former client relating to a matter with respect to which the licensee has obtained confidential information by reason of or in the course of the licensee's employment by such client or former client.

Sec. 7. K.S.A. 75-5702 is hereby amended to read as follows: 75-5702. (a) The secretary of labor may appoint, with the consent of the governor, one public information officer, one or more division directors, one personal secretary and one special assistant, all of whom shall serve at the pleasure of the secretary of labor, shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of labor with the approval of the governor.

(b) (1) The secretary may:

(A) Conduct public or private investigations within or outside of this state which the secretary or the secretary's designee considers necessary or appropriate to determine whether a person has violated, is violating, or is about to violate the employment security law act or a rule and regulation adopted or order issued under the employment security law, or to aid in the enforcement of the employment security law;

(B) require or permit a person to testify, file a statement, or produce a record, under oath or otherwise as the secretary or the secretary's designee determines, as to all the facts and circumstances concerning a matter to be investigated or about which an action or proceeding is to be instituted; and

(C) appoint one or more special investigators to aid in investigations conducted pursuant to this act.

(2) Such special investigators shall have authority to make arrests, serve subpoenas and all other process, conduct searches and seizures, store evidence, and carry firearms, concealed or otherwise while investigating violations of the employment security law act and to generally enforce all the criminal laws of the state as violations of those laws are encountered by such special investigators, except that no special investigator may carry firearms while performing such duties without having first successfully completed the training course prescribed for law enforcement officers under the Kansas law enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto.

(c) The secretary of labor also may appoint such other officers and employees as are necessary to enable the secretary to carry out the duties of the office of the secretary and the department of labor.

(d) (1) *The secretary of labor shall require an employee who has access to federal tax information received directly from the internal revenue service 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.*

(2) *As used in this subsection, "employee" means a person who has applied for employment or is currently employed with the Kansas department of labor and who has been or will be granted access to federal tax information received directly from the internal revenue service.*

(e) Except as otherwise specifically provided by law, such officers and employees shall be within the classified service under the Kansas civil service act. All personnel of the department of labor shall perform the duties and functions assigned to such personnel by the secretary or prescribed for such personnel by law and shall act for and exercise the powers of the secretary of labor to the extent authority to do so is delegated by the secretary.

Sec. 8. K.S.A. 75-5702 and K.S.A. 2024 Supp. 9-555, 9-565, 9-2411, 22-4714 and 75-7b01 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

\_\_\_\_\_

HOUSE adopted  
Conference Committee Report\_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report\_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*