

**SENATE BILL No. 491**

By Committee on Judiciary

2-8

1 AN ACT concerning criminal history and record checks; relating to the  
2 Kansas bureau of investigation; standardizing fingerprinting  
3 requirements and making conforming amendments across statutes that  
4 authorize fingerprinting; defining people to be fingerprinted; amending  
5 K.S.A. 2-3901, 2-3902, 2-3906, 2-3907, 2-3911, 7-127, 8-2,142, 9-508,  
6 9-509, 9-513e, 9-1719, 9-1722, 9-2201, 9-2209, 9-2301, 9-2302, 12-  
7 1,120, 12-1679, 16a-6-104, 17-2234, 19-826, 39-969, 39-970, 39-2009,  
8 40-5502, 40-5504, 41-311b, 46-1103, 46-3301, 65-503, 65-1501a, 65-  
9 1505, 65-1696, 65-2401, 65-2402, 65-2802, 65-2839a, 65-28,129, 65-  
10 2901, 65-3503, 65-4209, 65-5117, 73-1210a, 74-1112, 74-2113, 74-  
11 4905, 74-50,182, 74-50,184, 74-5605, 74-5607, 74-7511, 74-8704, 74-  
12 8705, 74-8763, 74-8769, 74-8803, 74-8805, 74-8806, 74-9802, 74-  
13 9804, 74-9805, 75-712, 75-7b01, 75-7b04, 75-7b21, 75-7e01, 75-7e03,  
14 75-3707e, 75-4315d, 75-5133c, 75-5156, 75-53,105, 75-5609a and 75-  
15 7241 and K.S.A. 2023 Supp. 40-4905, 40-5505, 41-102, 50-6,126, 50-  
16 1128, 58-3035, 58-3039, 58-4102, 58-4127, 58-4703, 58-4709, 65-516,  
17 65-1120, 65-1626, 65-2924, 65-3407, 65-6129, 74-5602, 74-8702, 74-  
18 8802, 74-8804, 75-7c02, 75-7c05, 75-5393a, 75-5393c and 75-5397f  
19 and repealing the existing sections.

20

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

22 New Section 1. (a) A criminal justice agency as defined in K.S.A. 22-  
23 4701, and amendments thereto, shall require an applicant for criminal  
24 justice employment to be fingerprinted and shall submit such fingerprints  
25 to the Kansas bureau of investigation and the federal bureau of  
26 investigation for a search of the state and federal database. Fingerprints  
27 provided pursuant to this section may be used to identify a person and to  
28 determine whether such person has a record of criminal history in this state  
29 or in another jurisdiction. An agency identified in subsection (b) may use  
30 the information obtained from the criminal history record check for the  
31 purposes of verifying the identification of a person and in the official  
32 determination of the qualifications and fitness of such person to be  
33 employed or to maintain employment.

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

1 non-adjudications and juvenile diversions to:

2 (1) A city clerk for the position of chief of police as described in  
3 K.S.A. 12-1,120, and amendments thereto;

4 (2) a county election officer for a candidate for sheriff as described in  
5 K.S.A. 19-826, and amendments thereto;

6 (3) the governor for an appointment to the position of Kansas  
7 highway patrol superintendent as described in K.S.A. 74-2113, and  
8 amendments thereto; and

9 (4) a state, county, city, university, railroad, tribal, horsethief reservoir  
10 benefit district or school law enforcement agency for the purpose of  
11 admitting applicants as defined in K.S.A. 74-5602, and amendments  
12 thereto, in connection with such application as described in K.S.A. 74-  
13 5605, and amendments thereto.

14 (c) In addition to the disclosure in subsection (b), the Kansas bureau  
15 of investigation shall certify any adult conviction record, if such record is  
16 found, of a chief of police or candidate for sheriff to the Kansas attorney  
17 general.

18 (d) (1) Fingerprints and criminal history record information received  
19 pursuant to this section shall be confidential and shall not be subject to the  
20 provisions of the Kansas open records act, K.S.A. 45-215 et seq., and  
21 amendments thereto. The provisions of this paragraph shall expire on July  
22 1, 2029, unless the legislature reviews and reenacts this provision pursuant  
23 to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

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

28 New Sec. 2. (a) A governmental agency other than a criminal justice  
29 agency as defined in K.S.A. 22-4701, and amendments thereto, identified  
30 in subsection (b) may require a person to be fingerprinted and shall submit  
31 such fingerprints to the Kansas bureau of investigation and the federal  
32 bureau of investigation for a search of the state and federal database.  
33 Fingerprints provided pursuant to this section may be used to identify a  
34 person and to determine whether such person has a record of criminal  
35 history in this state or in another jurisdiction. An agency identified in  
36 subsection (b) may use the information obtained from the criminal history  
37 record check for the purposes of verifying the identification of a person  
38 and in the official determination of the qualifications and fitness of such  
39 person to be issued or maintain employment, licensure, registration,  
40 certification or a permit, act as an agent of a licensee, hold ownership of a  
41 licensee or serve as a director or officer of a licensee.

42 (b) (1) The Kansas bureau of investigation shall release criminal history  
43 record information related to adult convictions, adult non-convictions,

1 adult diversions, adult expunged records, juvenile adjudications, juvenile  
2 non-adjudications, juvenile diversions and juvenile expunged records to  
3 the Kansas department for children and families or the Kansas department  
4 for aging and disability services for initial or continuing employment or  
5 participation in any program administered for the placement, safety,  
6 protection or treatment of vulnerable children or adults as described in  
7 K.S.A. 75-53,105, and amendments thereto.

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

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

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

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

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

26 (A) The attorney general for applicants as defined in K.S.A. 75-7c01,  
27 and amendments thereto, in connection with such application as described  
28 in K.S.A. 75-7c05, and amendments thereto; and

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

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

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

40 (B) the state gaming agency for candidates for employees and  
41 licensees as defined in K.S.A. 74-9802, and amendments thereto, in  
42 connection with such employment or license as described in K.S.A. 74-  
43 9805, and amendments thereto;

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

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

7 (5) The Kansas bureau of investigation shall release criminal history  
8 record information related to adult convictions, adult non-convictions,  
9 adult diversions and juvenile adjudications to:

10 (A) The athletic commission within the Kansas department of  
11 commerce for a candidate for boxing commission as defined in K.S.A. 74-  
12 50,182, and amendments thereto, in connection with such appointment as  
13 described in K.S.A. 74-50,184, and amendments thereto; and

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

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

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

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

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

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

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

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

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

1 thereto;

2 (D) the state board of healing arts for an applicant or licensee as  
3 defined in K.S.A. 65-28,102, and amendments thereto, in connection with  
4 such application or an investigation as described in K.S.A. 65-28,129, and  
5 amendments thereto;

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

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

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

16 (H) the behavioral sciences regulatory board for a licensee as defined  
17 in K.S.A. 74-7511, and amendments thereto, in connection with such  
18 application or license as described in K.S.A. 74-7511, and amendments  
19 thereto;

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

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

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

29 (L) the Kansas real estate commission for an applicant as defined in  
30 K.S.A. 58-3035, and amendments thereto, or for a licensee as defined in  
31 K.S.A. 58-3035, and amendments thereto, in connection with an  
32 investigation as described in K.S.A. 58-3039, and amendments thereto.

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

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

38 (B) The department of agriculture for an applicant for licensure as a  
39 hemp producer as defined in K.S.A. 2-3901, and amendments thereto, in  
40 connection with such application as described in K.S.A. 2-3906, and  
41 amendments thereto;

42 (C) the office of state fire marshal for applicants for registration as a  
43 hemp processor as defined in K.S.A. 2-3901, and amendments thereto, in

1 connection with such application as described in K.S.A. 2-3907, and  
2 amendments thereto;

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

6 (E) the bank commissioner for any applicant as defined in K.S.A. 9-  
7 508, and amendments thereto, in connection with such application as  
8 described in K.S.A. 9-509, and amendments thereto;

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

12 (G) the bank commissioner for any applicant as defined in K.S.A. 9-  
13 1719, and amendments thereto, in connection with such application as  
14 described in K.S.A. 9-1722, and amendments thereto;

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

19 (I) the state banking board for any officer, director or organizer of a  
20 proposed fiduciary financial institution as defined in K.S.A. 9-2301, and  
21 amendments thereto, in connection with such role as described in K.S.A.  
22 9-2302, and amendments thereto;

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

25 (K) the bank commissioner for an applicant as defined in K.S.A. 16a-  
26 6-104, and amendments thereto, in connection with such application as  
27 described in K.S.A. 16a-6-104, and amendments thereto;

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

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

36 (N) the insurance commissioner for applicants as defined in K.S.A.  
37 40-5501, and amendments thereto, in connection with such application as  
38 described in K.S.A. 40-5505, and amendments thereto;

39 (O) the division of alcoholic beverage control within the department  
40 of revenue for applicants as defined in K.S.A. 41-102, and amendments  
41 thereto, in connection with such application as described in K.S.A. 41-  
42 311b, and amendments thereto;

43 (P) the division of post audit for employees as defined in K.S.A. 46-

1 1103, and amendments thereto, in connection with such employment as  
2 described in K.S.A. 46-1103, and amendments thereto;

3 (Q) the bank commissioner for any licensee as defined in K.S.A. 50-  
4 1126, and amendments thereto, in connection with such license as  
5 described in K.S.A. 50-1128, and amendments thereto;

6 (R) the real estate appraisal board for a licensee as defined in K.S.A.  
7 58-4102, and amendments thereto, in connection with an application or  
8 investigation as described in K.S.A. 58-4127, and amendments thereto;

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

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

16 (U) the Kansas commission on veterans affairs office for candidates  
17 as defined in K.S.A. 73-1210a, and amendments thereto, in connection  
18 with an application as described in K.S.A. 73-1210a, and amendments  
19 thereto;

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

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

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

29 (Y) the department of revenue for employees as defined in K.S.A. 75-  
30 5133c, and amendments thereto, in connection with such employment as  
31 described in K.S.A. 75-5133c, and amendments thereto;

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

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

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

1 (CC) the department of health and environment for employees as  
2 defined in K.S.A. 75-5609a, and amendments thereto, in connection with  
3 such employment as described in K.S.A. 75-5609a, and amendments  
4 thereto; and

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

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

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

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

16 (f) (1) Fingerprints and criminal history record information received  
17 pursuant to this section shall be confidential and shall not be subject to the  
18 provisions of the Kansas open records act, K.S.A. 45-215 et seq., and  
19 amendments thereto. The provisions of this paragraph shall expire on July  
20 1, 2029, unless the legislature reviews and reenacts this provision pursuant  
21 to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

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

26 New Sec. 3. (a) A governmental agency other than a criminal justice  
27 agency as defined in K.S.A. 22-4701, and amendments thereto, identified  
28 in subsection (b) may require a name-based criminal history record check  
29 of a person from the Kansas bureau of investigation from the state  
30 database. An agency identified in subsection (b) may use the information  
31 obtained from the criminal history record check for the purposes of  
32 determining whether the person has a record of criminal history in this  
33 state that would prohibit such person from employment, licensure,  
34 registration or obtaining a permit.

35 (b) (1) The Kansas bureau of investigation shall release criminal  
36 history record information related to adult convictions and adult non-  
37 convictions to:

38 (A) The state board of healing arts for determining qualifications for  
39 an original application or reinstatement of a license, permit registration or  
40 certification as described in K.S.A. 65-2839a, and amendments thereto;  
41 and

42 (B) the state lottery for the purpose of awarding major contracts as  
43 described in K.S.A. 74-8705, and amendments thereto.

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

3 (A) the department for aging and disability services for applicants for  
4 an adult care home operator license as described in K.S.A. 39-969, and  
5 amendments thereto;

6 (B) the joint committee on Kansas security for committee staff  
7 members of the office of revisor of statutes and the legislative research  
8 department as described in K.S.A. 46-3301, and amendments thereto;

9 (C) the attorney general for applicants for roofing contractors  
10 registration as described in K.S.A. 50-6,126, and amendments thereto;

11 (D) the department of health and environment for applicants of a  
12 permit to construct, alter or operate a solid waste processing facility as  
13 described in K.S.A. 65-3407, and amendments thereto;

14 (E) the Kansas department for aging and disability services for  
15 applicants for licensure as an adult care home administrator as described in  
16 K.S.A. 65-3503, and amendments thereto;

17 (F) the board of nursing for applicants for a mental health technician  
18 license as described in K.S.A. 65-4209, and amendments thereto;

19 (G) the board of nursing for applicants for nurse licensure as  
20 described in K.S.A. 65-1120, and amendments thereto;

21 (H) the state lottery for applicants of employment at the lottery as  
22 described in K.S.A. 74-8763, and amendments thereto;

23 (I) the state lottery for applicants of employment at the lottery as  
24 described in K.S.A. 74-8769, and amendments thereto;

25 (J) the governor and the senate for appointees to the Kansas racing  
26 and gaming commission as described in K.S.A. 74-8803, and amendments  
27 thereto;

28 (K) the governor and the senate for an appointee as executive director  
29 of the Kansas racing and gaming commission as described in K.S.A. 74-  
30 8805, and amendments thereto;

31 (L) the Kansas racing and gaming commission for employees who  
32 are animal health officers as described in K.S.A. 74-8806, and  
33 amendments thereto; and

34 (M) the governor and the senate for an appointee as executive  
35 director of the state gaming agency as described in K.S.A. 74-9804, and  
36 amendments thereto.

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

39 (d) Criminal history record information received pursuant to this  
40 section shall be confidential and shall not be subject to the provisions of  
41 the Kansas open records act, K.S.A. 45-215 et seq., and amendments  
42 thereto. The provisions of this paragraph shall expire on July 1, 2029,  
43 unless the legislature reviews and reenacts this provision pursuant to

1 K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

2 Sec. 4. K.S.A. 2-3901 is hereby amended to read as follows: 2-3901.

3 (a) K.S.A. 2-3901 et seq., and amendments thereto, shall be known and  
4 may be cited as the commercial industrial hemp act.

5 (b) As used in the commercial industrial hemp act:

6 (1) "Commercial" means the cultivation or production of industrial  
7 hemp for any purpose authorized under K.S.A 2-3906, and amendments  
8 thereto.

9 (2) "Delta-9 tetrahydrocannabinol concentration" means the  
10 combined percentage of delta-9 tetrahydrocannabinol and its optical  
11 isomers, their salts and acids, and salts of their acids, reported as free  
12 THC:

13 (A) On a dry weight basis, of any part of the plant *cannabis sativa* L.;  
14 or

15 (B) on a percentage by weight basis in hemp products, waste or  
16 substances resulting from the production or processing of industrial hemp.

17 (3) "Effective disposal" includes, but is not limited to:

18 (A) Destruction; or

19 (B) any other method of disposing of industrial hemp or hemp  
20 products found to be in violation of this act that is permitted under the  
21 provisions of 7 U.S.C. § 1621 et seq. and any rules and regulations  
22 adopted thereunder.

23 (4) "Hemp products" means all products made from industrial hemp,  
24 including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper,  
25 particleboard, plastics, seed, seed meal and seed oil for consumption and  
26 any extract from industrial hemp intended for further processing. Final  
27 "hemp products" may contain a tetrahydrocannabinol concentration of not  
28 more than 0.3%. As used in this paragraph, "tetrahydrocannabinol  
29 concentration" means the same as in K.S.A. 65-6235(b)(3), and  
30 amendments thereto.

31 (5) "Hemp producer" means any individual, licensed or otherwise,  
32 engaging in the cultivation or production of industrial hemp for  
33 commercial purposes pursuant to K.S.A. 2-3906, and amendments thereto.

34 (6) "Hemp processor" means a person registered under K.S.A. 2-  
35 3907, and amendments thereto, to process and manufacture industrial  
36 hemp and hemp products.

37 (7) "Industrial hemp" means all parts and varieties of the plant  
38 *cannabis sativa* L., whether growing or not, that contain a delta-9  
39 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight  
40 basis.

41 (8) "Person" means an individual, corporation, partnership,  
42 association, joint stock company, trust, unincorporated organization or any  
43 similar entity or any combination of the foregoing acting in concert.

1 (9) "State educational institution" means the university of Kansas,  
2 Kansas state university, Wichita state university, Emporia state university,  
3 Pittsburg state university, Fort Hays state university, or any other  
4 accredited college, university, technical college or community college  
5 within Kansas.

6 (10) "Authorized seed or clone plants" means a source of industrial  
7 hemp seeds or clone plants that:

8 (A) Has been certified by a certifying agency, as defined by K.S.A. 2-  
9 1415, and amendments thereto;

10 (B) has been produced from plants that were tested during the active  
11 growing season and were found to produce industrial hemp having a  
12 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry  
13 weight basis and has been certified in writing by the grower or distributor  
14 of such seeds or clone plants to possess such qualities; or

15 (C) meets any other authorized standards approved by the Kansas  
16 department of agriculture through rules and regulations, except that no  
17 seed or clone plants shall be considered authorized seed or clone plants if  
18 they do not meet any standard adopted by the United States department of  
19 agriculture pursuant to 7 U.S.C. § 1621 et seq., and amendments thereto.

20 (11) *"Hemp employee" means a person who has applied for*  
21 *employment or is currently employed with the Kansas department of*  
22 *agriculture who oversees or regulates industrial hemp.*

23 (12) *"Applicant" means a person who has submitted an application*  
24 *for licensure as a hemp producer or registration as a hemp processor.*

25 (13) *"Hemp destruction employee" means an employee or agent of*  
26 *the Kansas department of agriculture who participates in the effective*  
27 *disposal of industrial hemp.*

28 Sec. 5. K.S.A. 2-3902 is hereby amended to read as follows: 2-3902.

29 (a) The Kansas department of agriculture shall, by the adoption of rules  
30 and regulations, establish an advisory board within the department to  
31 provide input and information regarding the regulation and development of  
32 industrial hemp in the state of Kansas and any programs proposed or  
33 operated by the department. Such board shall include a minimum of six  
34 members, including members that represent the following:

- 35 (1) The Kansas legislature;
- 36 (2) crop research;
- 37 (3) industrial hemp production or processing;
- 38 (4) law enforcement;
- 39 (5) seed certification; and
- 40 (6) the state entity designated to regulate hemp processors.

41 (b) The state advisory board shall meet at least annually. Members  
42 shall receive no compensation but shall be paid subsistence allowances,  
43 mileage and other expenses as provided in K.S.A. 75-3223, and

1 amendments thereto.

2 (c) The secretary of agriculture may require, ~~as a qualification for~~  
3 ~~initial or continuing employment with the Kansas department of~~  
4 ~~agriculture, all individuals overseeing or regulating industrial hemp a~~  
5 ~~hemp employee~~ to be fingerprinted and to submit to a state and national  
6 criminal history record check *in accordance with section 2, and*  
7 *amendments thereto.* ~~The fingerprints shall be used to identify the~~  
8 ~~individual and to determine whether the individual has a record of criminal~~  
9 ~~history in this state or any other jurisdiction. The department is authorized~~  
10 ~~to submit the fingerprints to the Kansas bureau of investigation and the~~  
11 ~~federal bureau of investigation for a state and national criminal history~~  
12 ~~record check. The department may use the information obtained from~~  
13 ~~fingerprinting and the criminal history record check for purposes of~~  
14 ~~verifying the identification of the individual and for making an official~~  
15 ~~determination of the qualifications for initial or continuing employment~~  
16 ~~pursuant to this section and rules and regulations promulgated hereunder.~~  
17 ~~Disclosure or use of any information received by the department for any~~  
18 ~~purpose other than the purposes provided for in this section shall be a class~~  
19 ~~A misdemeanor and shall constitute grounds for removal from office or~~  
20 ~~termination of employment.~~

21 (2) An individual who has been convicted of a felony violation of  
22 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments  
23 thereto, or a substantially similar offense in another jurisdiction, within the  
24 immediately preceding 10 years, shall be disqualified from initial or  
25 continuing employment under this section.

26 (3) ~~The Kansas bureau of investigation may charge a reasonable fee~~  
27 ~~for conducting a criminal history record check.~~

28 (4) The individual seeking initial or continuing employment under  
29 this section shall pay the costs of fingerprinting and the state and national  
30 criminal history record checks.

31 Sec. 6. K.S.A. 2-3906 is hereby amended to read as follows: 2-3906.

32 (a) The Kansas department of agriculture, in consultation with the  
33 governor and attorney general, shall submit a plan to the United States  
34 department of agriculture under which the Kansas department of  
35 agriculture will monitor and regulate the commercial production of  
36 industrial hemp within the state in accordance with 7 U.S.C. § 1621 et seq.  
37 and any rules and regulations adopted thereunder.

38 (b) Such plan shall include the following:

39 (1) A procedure to maintain relevant information regarding land on  
40 which industrial hemp is produced, including a legal description of the  
41 land, for a period of not less than three calendar years;

42 (2) a procedure for testing, using post-decarboxylation or other  
43 similarly reliable methods, the delta-9 tetrahydrocannabinol concentration

1 levels of industrial hemp produced;

2 (3) a procedure for the effective disposal of industrial hemp and hemp  
3 products that are found to be in violation of this act;

4 (4) any licensing requirements or other rules and regulations deemed  
5 necessary by the Kansas department of agriculture for the proper  
6 monitoring and regulation of industrial hemp cultivation and production  
7 for commercial purposes, including, but not limited to:

8 (A) Fees for licenses, license renewals and other necessary expenses  
9 to defray the cost of implementing and operating the plan on an ongoing  
10 basis; and

11 (B) standards for authorized seed or clone plants;

12 (5) a procedure for the creation of documentation that any person in  
13 possession of unprocessed industrial hemp may use to prove to any law  
14 enforcement officer that such industrial hemp was lawfully grown under  
15 this section;

16 (6) a procedure for conducting annual inspections of, at a minimum, a  
17 random sample of hemp producers to verify that industrial hemp is not  
18 produced in violation of this act; and

19 (7) any other procedures necessary to meet the requirements set forth  
20 in 7 U.S.C. § 1621 et seq. and any rules and regulations adopted  
21 thereunder.

22 (c) (1) A hemp producer who negligently violates this section or any  
23 rules and regulations adopted hereunder shall not be subject to any state or  
24 local criminal enforcement action, but shall comply with the following  
25 corrective actions as applicable:

26 (A) A reasonable date by which the hemp producer shall correct the  
27 negligent violation; and

28 (B) a requirement that the hemp producer shall periodically report to  
29 the Kansas department of agriculture on the hemp producer's compliance  
30 with this section and rules and regulations adopted hereunder, for a period  
31 of not less than the next two calendar years.

32 (2) A hemp producer who negligently violates this section or any  
33 rules and regulations adopted hereunder three times in a five-year period  
34 shall be ineligible to produce industrial hemp for a period of five years  
35 beginning on the date of the third violation.

36 (3) The Kansas department of agriculture shall immediately report  
37 any violation by a hemp producer with a greater culpable mental state than  
38 negligence to the attorney general and such hemp producer shall not be  
39 subject to the exemption in subsection (c)(1).

40 (d) Any individual otherwise eligible to become a licensed hemp  
41 producer shall not be eligible to produce industrial hemp if such individual  
42 has submitted any materially false information in any application to  
43 become a licensed hemp producer.

1 (e) (1) The department shall require, as a qualification for initial or  
2 continuing licensure, all individuals seeking a license or license renewal as  
3 a hemp producer under this section to be fingerprinted and to submit to a  
4 state and national criminal history record check *in accordance with section*  
5 *2, and amendments thereto.* ~~The fingerprints shall be used to identify the~~  
6 ~~individual and to determine whether the individual has a record of criminal~~  
7 ~~history in this state or any other jurisdiction. The department is authorized~~  
8 ~~to submit the fingerprints to the Kansas bureau of investigation and the~~  
9 ~~federal bureau of investigation for a state and national criminal history~~  
10 ~~record check. The department may use the information obtained from~~  
11 ~~fingerprinting and the criminal history record check for purposes of~~  
12 ~~verifying the identification of the individual and for making an official~~  
13 ~~determination of the qualifications for initial or continuing licensure as a~~  
14 ~~hemp producer pursuant to this section and rules and regulations~~  
15 ~~promulgated hereunder. Disclosure or use of any information received by~~  
16 ~~the department for any purpose other than the purposes provided for in the~~  
17 ~~commercial industrial hemp act shall be a class A misdemeanor and shall~~  
18 ~~constitute grounds for removal from office or termination of employment.~~

19 (2) An individual who has been convicted of a felony violation of  
20 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments  
21 thereto, or a substantially similar offense in another jurisdiction, within the  
22 immediately preceding 10 years, shall be disqualified from initial or  
23 continuing licensure as a hemp producer under this section.

24 (3) ~~The Kansas bureau of investigation may charge a reasonable fee~~  
25 ~~for conducting a criminal history record check.~~

26 (4) ~~The individual seeking a license or license renewal as a hemp~~  
27 ~~producer under this section shall pay the costs of fingerprinting and the~~  
28 ~~state and national criminal history record checks.~~

29 (f) The secretary of agriculture shall promulgate rules and regulations  
30 to implement the plan submitted to the United States department of  
31 agriculture and to otherwise effectuate the provisions of this section.

32 (g) Upon the repeal of 7 U.S.C. § 5940 or either the adoption of a  
33 federal plan by the United States department of agriculture that allows for  
34 the cultivation and production of industrial hemp for commercial purposes  
35 within the state or upon the adoption of rules and regulations by the  
36 Kansas secretary of agriculture that establish the cultivation and  
37 production of industrial hemp for commercial purposes within the state,  
38 the Kansas department of agriculture may discontinue the industrial hemp  
39 research program established pursuant to K.S.A. 2-3902, and amendments  
40 thereto.

41 (h) Any modification fee established by the department for any  
42 requested change to a license that was previously issued by the department  
43 under this section shall not exceed \$50.

1 (i) Any licensing or other fees collected pursuant to this section and  
2 any rules and regulations adopted hereunder shall be deposited in the  
3 commercial industrial hemp act licensing fee fund established by K.S.A. 2-  
4 3903, and amendments thereto, for all costs of the administration of the  
5 commercial production of industrial hemp.

6 (j) This section shall be a part of and supplemental to the commercial  
7 industrial hemp act, K.S.A. 2-3901 et seq., and amendments thereto.

8 Sec. 7. K.S.A. 2-3907 is hereby amended to read as follows: 2-3907.

9 (a) The state fire marshal shall create and maintain a registry of all hemp  
10 processors operating within the state of Kansas.

11 (b) Any person engaging in the processing of industrial hemp shall  
12 register annually with the state fire marshal prior to processing industrial  
13 hemp.

14 (c) Registration shall expire annually on June 30. Registration fees,  
15 not to exceed \$1,000, shall be established pursuant to rules and regulations  
16 adopted by the state fire marshal.

17 (d) Any person required to register as a hemp processor pursuant to  
18 this section shall submit an annual registration application on a form  
19 provided by the state fire marshal that shall include, at a minimum:

20 (1) The full legal name, date of birth, address and telephone number  
21 of the applicant. If the applicant is not an individual, the same information  
22 shall also be provided for all owners and the individual responsible for all  
23 industrial hemp processing and related activities performed by the  
24 applicant;

25 (2) the physical location of any premises that will serve as a part of  
26 the applicant's industrial hemp processing operations;

27 (3) a brief description of the industrial hemp processing methods,  
28 activities and products planned for production; and

29 (4) certification that such applicant has fully complied with the  
30 fingerprinting and criminal history record check requirements contained in  
31 this section, if applicable. Any such applicant who provides a false  
32 statement of compliance with such requirements shall be guilty of a class  
33 C nonperson misdemeanor.

34 (e) The state fire marshal shall provide an updated list of all hemp  
35 processors to the Kansas bureau of investigation and to the county sheriff  
36 in each county where a hemp processor is located as often as is reasonably  
37 required or requested.

38 (f) Fees collected pursuant to this section shall be remitted to the state  
39 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
40 amendments thereto. Upon receipt of each such remittance, the state  
41 treasurer shall deposit the entire amount in the state treasury to the credit  
42 of the fire marshal fee fund.

43 (g) It shall be unlawful for any person to operate as a hemp processor

1 without valid registration. Upon a first conviction for a violation of this  
2 subsection, a person shall be guilty of a class A nonperson misdemeanor.  
3 On a second or subsequent conviction for a violation of this subsection, a  
4 person shall be guilty of a severity level 9, nonperson felony.

5 (h) (1) The state fire marshal shall require all individuals applying for  
6 a hemp processor registration who seek to engage in the extraction of  
7 cannabinoids from industrial hemp, including the disposal of such  
8 cannabinoids, pursuant to the commercial industrial hemp act to be  
9 fingerprinted and submit to a state and national criminal history record  
10 check *in accordance with section 2, and amendments thereto.* ~~The state  
11 fire marshal may require individuals who are current employees or  
12 applying to be employees of a hemp processor to be fingerprinted and  
13 submit to a state and national criminal history record check. The  
14 fingerprints shall be used to identify the individual and to determine  
15 whether the individual has a record of criminal history in Kansas or any  
16 other jurisdiction. The state fire marshal is authorized to submit the  
17 fingerprints to the Kansas bureau of investigation and the federal bureau of  
18 investigation for a state and national criminal history record check. The  
19 state fire marshal may use the information obtained from fingerprinting  
20 and the criminal history record check for purposes of verifying the  
21 identification of the individual and for making an official determination of  
22 the qualification and fitness of the individual to process industrial hemp  
23 pursuant to this act and rules and regulations promulgated hereunder.  
24 Disclosure or use of any criminal history information for any purpose  
25 other than the purposes provided for in the commercial industrial hemp act  
26 shall be a class A nonperson misdemeanor and shall constitute grounds for  
27 removal from office or termination of employment.~~

28 (2) An individual who has been convicted of a felony violation of  
29 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments  
30 thereto, or a substantially similar offense in another jurisdiction, within the  
31 immediately preceding 10 years, shall be disqualified from processing  
32 industrial hemp under this section.

33 (3) The state fire marshal may deny registration to any individual  
34 who has violated subsection (g) or any other provision of the commercial  
35 industrial hemp act.

36 (4) ~~The Kansas bureau of investigation may charge a reasonable fee  
37 for conducting a criminal history record check.~~

38 (5) The individual seeking authorization to extract or dispose of  
39 cannabinoids from industrial hemp pursuant to this section shall pay the  
40 costs of fingerprinting and the state and national criminal history record  
41 check.

42 (6)(5) ~~Local and state law enforcement officers and agencies shall  
43 assist in taking and processing an individual's fingerprints as authorized by~~

1 ~~this section.~~

2 (i) (1) The state fire marshal shall promulgate rules and regulations to  
3 carry out the provisions of this section, including, but not limited to, rules  
4 and regulations on:

5 (A) The denial, conditioning, renewal or revocation of registration;

6 (B) the creation of multiple classes of registrations based upon the  
7 scope of hemp processing activities of an applicant;

8 (C) construction and safety standards for processing facilities;

9 (D) security measures;

10 (E) inventory control;

11 (F) maintenance of records;

12 (G) access to and inspection of records and processing facilities by  
13 the state fire marshal and law enforcement agencies;

14 (H) the collection and disposal of any cannabinoids extracted during  
15 the processing of industrial hemp that cannot be lawfully sold in this state;  
16 and

17 (I) the transportation of industrial hemp or hemp products.

18 (2) The state fire marshal may grant an exemption from the  
19 application of a specific requirement of rules and regulations promulgated  
20 under paragraph (1), unless the state fire marshal determines that the  
21 condition, structure or activity that is or would be in noncompliance with  
22 such requirement would constitute a distinct hazard to life or property. Any  
23 such exemption shall be granted only upon written request of a registrant  
24 or applicant for registration that clearly demonstrates that enforcement of a  
25 specific requirement of a rule and regulation will cause unnecessary  
26 hardship as determined by the state fire marshal.

27 (j) The Kansas department of agriculture and the state fire marshal  
28 shall coordinate with one another, including providing any requested  
29 information from the other, regarding industrial hemp licensees, hemp  
30 processors and hemp processor applicants necessary for the enforcement  
31 of any laws or rules and regulations relating to industrial hemp.

32 (k) This section shall be a part of and supplemental to the commercial  
33 industrial hemp act, K.S.A. 2-3901 et seq., and amendments thereto.

34 Sec. 8. K.S.A. 2-3911 is hereby amended to read as follows: 2-3911.

35 (a) Whenever a person licensed under the commercial industrial hemp act  
36 is required to conduct effective disposal of industrial hemp pursuant to  
37 standards established by the controlled substances act, 21 U.S.C. 13 et  
38 seq., or under regulations adopted by the United States drug enforcement  
39 administration, the Kansas department of agriculture shall notify state or  
40 local law enforcement agencies with jurisdiction in the area in which the  
41 industrial hemp was grown that effective disposal is required.

42 (b) The department shall develop a plan for effective disposal of  
43 industrial hemp in coordination with the state or local law enforcement

1 agency notified pursuant to subsection (a).

2 (c) (1) In order to carry out the provisions of this section, the  
3 department is authorized to perform any action necessary to ensure that  
4 effective disposal of industrial hemp occurs, including, but not limited to:

5 (A) Taking temporary possession of the industrial hemp;

6 (B) destroying the industrial hemp; or

7 (C) supervising and directing any appropriate method of effective  
8 disposal.

9 (2) The state or local law enforcement agency shall approve in  
10 advance any such action taken by the department or any person under the  
11 department's direction or supervision.

12 ~~(d)-(1) The secretary may require any employee or agent of the~~  
13 ~~department who participates in the effective disposal of industrial a hemp~~  
14 ~~destruction employee to be fingerprinted and to submit to a state and~~  
15 ~~national criminal history record check annually in accordance with section~~  
16 ~~2, and amendments thereto. The secretary may use the information~~  
17 ~~obtained from fingerprinting and the criminal history record check to~~  
18 ~~verify the identity of the employee or agent and determine whether the~~  
19 ~~employee or agent has been convicted of a felony violation of article 57 of~~  
20 ~~chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a~~  
21 ~~substantially similar offense in another jurisdiction, within the 10 years~~  
22 ~~immediately preceding submission of such criminal history record check.~~  
23 ~~The department is authorized to submit the fingerprints to the Kansas~~  
24 ~~bureau of investigation and the federal bureau of investigation for a state~~  
25 ~~and national criminal history record check.~~

26 ~~(2) Local and state law enforcement officers and agencies shall assist~~  
27 ~~in the taking and processing of fingerprints of such employee or agent of~~  
28 ~~the department. Local law enforcement officers and agencies may charge a~~  
29 ~~fee as reimbursement for expenses incurred in the taking and processing of~~  
30 ~~fingerprints under this subsection. The department shall pay the costs of~~  
31 ~~fingerprinting and the state and national eriminal history record check.~~

32 (e) The department and the appropriate state or local law enforcement  
33 agency may seek reimbursement from any individual licensed under the  
34 commercial industrial hemp act for any costs incurred in conducting  
35 effective disposal of industrial hemp.

36 (f) The department shall have no authority to conduct effective  
37 disposal for any industrial hemp or cannabis plant produced by individuals  
38 not licensed under the commercial industrial hemp act.

39 (g) Nothing in this section shall limit the jurisdiction or authority of  
40 state or local law enforcement to enforce article 57 of chapter 21 of the  
41 Kansas Statutes Annotated, and amendments thereto.

42 (h) This section shall be a part of and supplemental to the commercial  
43 industrial hemp act, K.S.A. 2-3901 et seq., and amendments thereto.

1       Sec. 9. K.S.A. 7-127 is hereby amended to read as follows: 7-127. (a)  
2       (1) Each applicant for admission to practice law in this state, in submitting  
3       the application, shall provide to the clerk of the supreme court the  
4       information enumerated in K.S.A. 25-2309(b)(1) through (5), and  
5       amendments thereto. Whenever any person whose application for  
6       admission to practice law in this state is pending shall move from the  
7       residential address listed on such person's application, or when the name of  
8       any such person is changed by marriage or otherwise, such person, within  
9       10 days thereafter, shall notify the clerk of the supreme court in writing of  
10      such person's old and new residential addresses or of such person's former  
11      and new names.

12      (2) *As used in this subsection, "applicant" means a person who has*  
13      *submitted an application for admission to practice law in this state.*

14      (b) Any person whose application to practice law in Kansas is  
15      pending as of the effective date of this act July 1, 2016, and for whom the  
16      information enumerated in K.S.A. 25-2309(b)(1) through (5), and  
17      amendments thereto, is not correct on such application as of the effective  
18      date of this act, shall provide the information enumerated in K.S.A. 25-  
19      2309(b)(1) through (5), and amendments thereto, in writing to the clerk of  
20      the supreme court within 60 days after the effective date of this act. The  
21      clerk of the supreme court, within 30 days after the effective date of this  
22      act, shall send notice to all persons whose applications to practice law in  
23      Kansas are pending as of the effective date of this act, that such persons  
24      are required by law to provide the information enumerated in K.S.A. 25-  
25      2309(b)(1) through (5), and amendments thereto, in writing to the clerk of  
26      the supreme court within 60 days after the effective date of this act.

27      (c) The supreme court may require an applicant for admission to  
28      practice law in this state to be fingerprinted and submit to a national  
29      criminal history record check *in accordance with section 2, and*  
30      *amendments thereto.* ~~The fingerprints shall be used to identify the~~  
31      ~~applicant and to determine whether the applicant has a record of criminal~~  
32      ~~arrests and convictions in this state or other jurisdictions. The supreme~~  
33      ~~court and the state board of law examiners are authorized to submit the~~  
34      ~~fingerprints to the Kansas bureau of investigation and the federal bureau of~~  
35      ~~investigation for a state and national criminal history record check. The~~  
36      ~~state board of law examiners and the supreme court may use the~~  
37      ~~information obtained from fingerprinting and the applicant's criminal~~  
38      ~~history only for purposes of verifying the identification of any applicant~~  
39      ~~and in the official determination of character and fitness of the applicant~~  
40      ~~for admission to practice law in this state.~~

41      (d) ~~Local and state law enforcement officers and agencies shall assist~~  
42      ~~the supreme court in taking and processing of fingerprints of applicants~~  
43      ~~seeking admission to practice law in this state and shall release all records~~

1 of an applicant's arrests and convictions to the supreme court and the state  
2 board of law examiners.

3 Sec. 10. K.S.A. 8-2,142 is hereby amended to read as follows: 8-  
4 2,142. (a) A person is disqualified from driving a commercial motor  
5 vehicle for a period of not less than one year upon a first occurrence of any  
6 one of the following:

7 (1) While operating a commercial motor vehicle:

8 (A) The person is convicted of violating K.S.A. 8-2,144, and  
9 amendments thereto;

10 (B) the person is convicted of violating K.S.A. 8-2,132(b), and  
11 amendments thereto;

12 (C) the person is convicted of causing a fatality through the negligent  
13 operation of a commercial motor vehicle;

14 (D) the person's test refusal or test failure, as defined in subsection  
15 (m); or

16 (E) the person is convicted of a violation identified in subsection (a)  
17 (2)(A); or

18 (2) while operating a noncommercial motor vehicle:

19 (A) The person is convicted of a violation of K.S.A. 8-1567, and  
20 amendments thereto, or of a violation of an ordinance of any city in this  
21 state, a resolution of any county in this state or any law of another state,  
22 which ordinance or law declares to be unlawful the acts prohibited by that  
23 statute; or

24 (B) the person's test refusal or test failure, as defined in K.S.A. 8-  
25 1013, and amendments thereto; or

26 (3) while operating any motor vehicle:

27 (A) The person is convicted of leaving the scene of an accident; or

28 (B) the person is convicted of a felony, other than a felony described  
29 in subsection (e), while using a motor vehicle to commit such felony.

30 (b) If any offenses, test refusal or test failure specified in subsection  
31 (a) occurred in a commercial motor vehicle while transporting a hazardous  
32 material required to be placarded, the person is disqualified for a period of  
33 not less than three years.

34 (c) A person shall be disqualified for life upon the second or a  
35 subsequent occurrence of any offense, test refusal or test failure specified  
36 in subsection (a), or any combination thereof, arising from two or more  
37 separate incidents occurring on or after July 1, 2003.

38 (d) (1) Any person disqualified for life under subsection (c) who  
39 seeks to have commercial driving privileges restored after such person has  
40 been disqualified for at least 10 years shall apply in writing to the division.

41 (2) The division shall restore a person's commercial driving privileges  
42 if the division determines:

43 (A) None of the occurrences that led to the person's lifetime

1 disqualification under subsection (c) included violations described in  
2 subsection (a)(1)(A) or (a)(1)(E);

3 (B) the person has had no occurrence of any offense, test refusal or  
4 test failure specified in subsection (a) during the 10-year period preceding  
5 the application;

6 (C) the person has had no alcohol or drug related convictions as  
7 defined in K.S.A. 8-2,128, and amendments thereto, in Kansas or any  
8 other jurisdiction during the 10-year period preceding the application;

9 (D) the person has no pending alcohol or drug related criminal  
10 charges in Kansas or any other jurisdiction;

11 (E) the person has had no convictions for violations that occurred  
12 while operating a commercial motor vehicle in Kansas or any other  
13 jurisdiction during the 10-year period preceding the application;

14 (F) the person has successfully completed an alcohol or drug  
15 treatment program, or a comparable program, that meets or exceeds the  
16 minimum standards approved by the Kansas department for aging and  
17 disability services if any of the disqualifying offenses were drug or alcohol  
18 related;

19 (G) the person is no longer a threat to the public safety of this state.  
20 The division may request, and the person shall provide, any additional  
21 information or documentation which the division deems necessary to  
22 determine the person's fitness for relicensure;

23 (H) the person is otherwise eligible for licensure; and

24 (I) the person has not previously been restored to commercial motor  
25 vehicle privileges following a prior 10-year-minimum disqualification.

26 (3) For purposes of verifying a person's prior 10-year alcohol and  
27 drug history, the person shall provide a copy of the person's closed  
28 criminal history from any jurisdiction to the division.

29 (4) If the division finds the person is eligible for restoration to  
30 commercial driving status, such person shall complete the written and  
31 driving skills examinations as specified in K.S.A. 8-2,133, and  
32 amendments thereto, before a commercial driver license is issued.

33 (5) If the person is found ineligible for restoration of commercial  
34 driving privileges, the division shall notify the person of such findings by  
35 certified mail and continue the denial of commercial driving privilege until  
36 such ineligibility has been disproven to the division's satisfaction.

37 (6) Any person who previously had such person's commercial motor  
38 vehicle privileges restored pursuant to this statute shall not be eligible to  
39 apply for restoration if such person receives another lifetime  
40 disqualification.

41 (7) Any person who is aggrieved by the decision of the division may  
42 appeal for review in accordance with the Kansas judicial review act,  
43 K.S.A. 77-601 et seq., and amendments thereto.

1 (8) The secretary of revenue shall adopt rules and regulations  
2 necessary to administer the provisions of this subsection prior to March 1,  
3 2023.

4 (e) (1) A person is disqualified from driving a commercial motor  
5 vehicle for life who uses a commercial motor vehicle or noncommercial  
6 motor vehicle in the commission of any felony involving the manufacture,  
7 distribution or dispensing of a controlled substance, or possession with  
8 intent to manufacture, distribute or dispense a controlled substance.

9 (2) A person is disqualified from driving a commercial motor vehicle  
10 for life who uses a commercial motor vehicle in the commission of a  
11 felony involving an act or practice of severe forms of trafficking in  
12 persons. The term "severe forms of trafficking in persons" means:

13 (A) Sex trafficking in which a commercial sex act is induced by  
14 force, fraud or coercion, or in which the person induced to perform such  
15 act has not attained 18 years of age; or

16 (B) the recruitment, harboring, transportation, provision or obtaining  
17 of a person for labor or services, through the use of force, fraud or  
18 coercion for the purpose of subjection to involuntary servitude, peonage,  
19 debt bondage or slavery.

20 (f) A person is disqualified from driving a commercial motor vehicle  
21 for a period of not less than 60 days if convicted of two serious traffic  
22 violations, or 120 days if convicted of three or more serious traffic  
23 violations, committed in a commercial motor vehicle arising from separate  
24 incidents occurring within a three-year period. Any disqualification period  
25 under this paragraph shall be in addition to any other previous period of  
26 disqualification. The beginning date for any three-year period within a ten-  
27 year period, required by this subsection, shall be the issuance date of the  
28 citation which resulted in a conviction.

29 (g) A person is disqualified from driving a commercial motor vehicle  
30 for a period of not less than 60 days if convicted of two serious traffic  
31 violations, or 120 days if convicted of three or more serious traffic  
32 violations, committed in a noncommercial motor vehicle arising from  
33 separate incidents occurring within a three-year period, if such convictions  
34 result in the revocation, cancellation or suspension of the person's driving  
35 privileges.

36 (h) (1) A person who is convicted of operating a commercial motor  
37 vehicle in violation of an out-of-service order shall be disqualified from  
38 driving a commercial motor vehicle for a period of not less than:

39 (A) One hundred and eighty days nor more than one year, if the  
40 driver is convicted of a first violation of an out-of-service order;

41 (B) two years nor more than five years if the person has one prior  
42 conviction for violating an out-of-service order in a separate incident and  
43 such prior offense was committed within the 10 years immediately

1 preceding the date of the present violation; or

2 (C) three years nor more than five years if the person has two or more  
3 prior convictions for violating out-of-service orders in separate incidents  
4 and such prior offenses were committed within the 10 years immediately  
5 preceding the date of the present violation.

6 (2) A person who is convicted of operating a commercial motor  
7 vehicle in violation of an out-of-service order while transporting a  
8 hazardous material required to be placarded under 49 U.S.C. § 5101 et seq.  
9 or while operating a motor vehicle designed to transport more than 15  
10 passengers, including the driver, shall be disqualified from driving a  
11 commercial motor vehicle for a period of not less than:

12 (A) One hundred and eighty days nor more than two years if the  
13 driver is convicted of a first violation of an out-of-service order; or

14 (B) three years nor more than five years if the person has a prior  
15 conviction for violating an out-of-service order in a separate incident and  
16 such prior offense was committed within the 10 years immediately  
17 preceding the date of the present violation.

18 (i) (1) A person who is convicted of operating a commercial motor  
19 vehicle in violation of a federal, state or local law or regulation pertaining  
20 to one of the following six offenses at a railroad-highway grade crossing  
21 shall be disqualified from driving a commercial motor vehicle for the  
22 period of time specified in paragraph (2) for persons:

23 (A) Who are not required to always stop, failing to slow down and  
24 check that the tracks are clear of an approaching train;

25 (B) who are not required to always stop, failing to stop before  
26 reaching the crossing, if the tracks are not clear;

27 (C) who are always required to stop, failing to stop before driving  
28 onto the crossing;

29 (D) failing to have sufficient space to drive completely through the  
30 crossing without stopping;

31 (E) failing to obey a traffic control device or the directions of an  
32 enforcement official at the crossing; or

33 (F) failing to negotiate a crossing because of insufficient  
34 undercarriage clearance.

35 (2) A driver shall be disqualified from driving a commercial motor  
36 vehicle for not less than:

37 (A) Sixty days if the driver is convicted of a first violation of a  
38 railroad-highway grade crossing violation;

39 (B) one hundred and twenty days if, during any three-year period, the  
40 driver is convicted of a second railroad-highway grade crossing violation  
41 in separate incidents; or

42 (C) one year if, during any three-year period, the driver is convicted  
43 of a third or subsequent railroad-highway grade crossing violation in

1 separate incidents.

2 (j) *The division may require a person applying for a commercial*  
3 *driver's license to be fingerprinted and submit to a state and national*  
4 *criminal history record check in accordance with section 2, and*  
5 *amendments thereto.*

6 (k) After suspending, revoking or canceling a commercial driver's  
7 license, the division shall update its records to reflect that action within 10  
8 days. After suspending, revoking or canceling a nonresident commercial  
9 driver's privileges, the division shall notify the licensing authority of the  
10 state which issued the commercial driver's license or nonresident  
11 commercial driver's license within 10 days. The notification shall include  
12 both the disqualification and the violation that resulted in the  
13 disqualification, suspension, revocation or cancellation.

14 ~~(l)~~ Upon receiving notification from the licensing authority of  
15 another state, that it has disqualified a commercial driver's license holder  
16 licensed by this state, or has suspended, revoked or canceled such  
17 commercial driver's license holder's commercial driver's license, the  
18 division shall record such notification and the information such  
19 notification provides on the driver's record.

20 ~~(m)~~ Upon suspension, revocation, cancellation or disqualification  
21 of a commercial driver's license under this act, the license shall be  
22 immediately surrendered to the division if still in the licensee's possession.  
23 If otherwise eligible, and upon payment of the required fees, the licensee  
24 may be issued a noncommercial driver's license for the period of  
25 suspension, revocation, cancellation or disqualification of the commercial  
26 driver's license under the same identifier number.

27 ~~(n)~~ As used in this section, "test refusal" means a person's refusal  
28 to submit to and complete a test requested pursuant to K.S.A. 8-2,145, and  
29 amendments thereto; "test failure" means a person's submission to and  
30 completion of a test which determines that the person's alcohol  
31 concentration is .04 or greater, pursuant to K.S.A. 8-2,145, and  
32 amendments thereto.

33 ~~(o)~~ If a person is disqualified for life under on subsection (c), and  
34 at least one of the disqualifying incidents occurred prior to July 1, 2003,  
35 the person may apply to the secretary of revenue for review of the  
36 incidents and modification of the disqualification. The secretary shall  
37 adopt rules and regulations establishing guidelines, including conditions,  
38 to administer this subsection prior to March 1, 2023.

39 Sec. 11. K.S.A. 9-508 is hereby amended to read as follows: 9-508.  
40 As used in this act:

41 (a) "Agent" means a person designated by a licensee to receive funds  
42 from a Kansas resident in order to forward such funds to the licensee to  
43 effectuate money transmission at one or more physical locations

1 throughout the state or through the internet, regardless of whether such  
2 person would be exempt from the act by conducting money transmission  
3 on such person's own behalf;

4 (b) *"applicant" means any individual, officer, director, partner,*  
5 *member or shareholder related to an application for a license under this*  
6 *act;*

7 (c) "commissioner" means the state bank commissioner;

8 ~~(e)~~(d) "control" means the power directly or indirectly to direct  
9 management or policies of a person engaged in money transmission or to  
10 vote 25% or more of any class of voting shares of a person engaged in  
11 money transmission;

12 ~~(d)~~(e) "electronic instrument" means a card or other tangible object  
13 for the transmission or payment of money, including a prepaid access card  
14 or device which contains a microprocessor chip, magnetic stripe or other  
15 means for the storage of information, that is prefunded and for which the  
16 value is decremented upon each use, but does not include a card or other  
17 tangible object that is redeemable by the issuer in goods or services;

18 ~~(e)~~(f) *"executive" means an executive officer or director of a*  
19 *licensee;*

20 (g) "licensee" means a person licensed under this act;

21 ~~(f)~~(h) "nationwide multi-state licensing system and registry" means a  
22 licensing system developed and maintained by the conference of state  
23 bank supervisors, or its successors and assigns, for the licensing and  
24 reporting of those persons engaging in the money transmission;

25 ~~(g)~~(i) "monetary value" means a medium of exchange, whether or not  
26 redeemable in money;

27 ~~(h)~~(j) "money transmission" means to engage in the business of the  
28 sale or issuance of payment instruments or of receiving money or  
29 monetary value for transmission to a location within or outside the United  
30 States by wire, facsimile, electronic means or any other means, except that  
31 money transmission does not include currency exchange where no  
32 transmission of money occurs;

33 ~~(i)~~(k) "outstanding payment liability" means:

34 (1) With respect to a payment instrument, any payment instrument  
35 issued or sold by the licensee which has been sold in the United States  
36 directly by the licensee, or any payment instrument that has been sold by  
37 an agent of the licensee in the United States, which has been reported to  
38 the licensee as having been sold and which has not yet been paid by or for  
39 the licensee; or

40 (2) with respect to the transmission of money or monetary value, any  
41 money or monetary value the licensee or an agent of the licensee has  
42 received from a customer in the United States for transmission which has  
43 not yet been delivered to the recipient or otherwise paid by the licensee;

- 1       ~~(j)~~(l) "payment instrument" means any electronic or written check,  
2 draft, money order, travelers check or other electronic or written  
3 instrument or order for the transmission or payment of money, sold or  
4 issued to one or more persons, whether or not such instrument is  
5 negotiable. The term "payment instrument" does not include any credit  
6 card voucher, any letter of credit or any instrument which is redeemable by  
7 the issuer in goods or services;
- 8       ~~(k)~~(m) "permissible investments" means:  
9       (1) Cash;  
10       (2) deposits in a demand or interest bearing account with a domestic  
11 federally insured depository institution, including certificates of deposit;  
12       (3) debt obligations of a domestic federally insured depository  
13 institution;  
14       (4) any investment bearing a rating of one of the three highest grades  
15 as defined by a nationally recognized organization that rates such  
16 securities;  
17       (5) investment grade bonds and other legally created general  
18 obligations of a state, an agency or political subdivision of a state, the  
19 United States or an instrumentality of the United States;  
20       (6) obligations that a state, an agency or political subdivision of a  
21 state, the United States or an instrumentality of the United States has  
22 unconditionally agreed to purchase, insure or guarantee and that bear a  
23 rating of one of the three highest grades as defined by a nationally  
24 recognized organization that rates securities;  
25       (7) shares in a money market mutual fund, interest-bearing bills or  
26 notes or bonds, debentures or stock traded on any national securities  
27 exchange or on a national over-the-counter market, or mutual funds  
28 primarily composed of such securities or a fund composed of one or more  
29 permissible investments as set forth herein;  
30       (8) receivables that are payable to a licensee, in the ordinary course of  
31 business, pursuant to contracts which are not past due and which do not  
32 exceed in the aggregate 40% of the total required permissible investments  
33 pursuant to K.S.A. 9-513b, and amendments thereto. A receivable is past  
34 due if not remitted to the licensee within 10 business days; or  
35       (9) any other investment or security device approved by the  
36 commissioner;
- 37       ~~(h)~~(n) "person" means any individual, partnership, association, joint-  
38 stock association, trust, corporation or any other form of business  
39 enterprise;
- 40       ~~(m)~~(o) "resident" means any natural person or business entity located  
41 in this state;
- 42       ~~(n)~~(p) "service provider" means any person that provides services as  
43 described in K.S.A. 9-511(a)(2)(A), and amendments thereto, that are used

1 by an exempt entity or its agent to provide money transmission services to  
2 the exempt entity's customers. A service provider does not contract with  
3 the customers of an exempt entity on its own or on behalf of an exempt  
4 entity or the exempt entity's agent; and

5 (⊕)(q) "tangible net worth" means the physical worth of a licensee,  
6 calculated by taking a licensee's assets and subtracting its liabilities and its  
7 intangible assets, such as copyrights, patents, intellectual property and  
8 goodwill.

9 Sec. 12. K.S.A. 9-509 is hereby amended to read as follows: 9-509.

10 (a) No person shall engage in the business of selling, issuing or delivering  
11 its payment instrument, check, draft, money order, personal money order,  
12 bill of exchange, evidence of indebtedness or other instrument for the  
13 transmission or payment of money or otherwise engage in the business of  
14 money transmission with a resident of this state, or, except as provided in  
15 K.S.A. 9-510, and amendments thereto, act as agent for another in the  
16 transmission of money as a service or for a fee or other consideration,  
17 unless such person files a complete application and obtains a license from  
18 the commissioner.

19 (b) Each license shall expire December 31 of each year. A license  
20 shall be renewed by filing with the commissioner a complete application  
21 and nonrefundable application fee at least 30 days prior to expiration of  
22 the license. Renewal applications received between December 1 and  
23 December 31 of each year and incomplete renewal applications as of  
24 December 1 of each year shall be assessed a late fee. Expired licenses may  
25 be reinstated through the last day of February of each year by filing a  
26 reinstatement application and paying the appropriate application and late  
27 fees.

28 (c) It shall be unlawful for a person, acting directly or indirectly or  
29 through concert with one or more persons, to acquire control of any person  
30 engaged in money transmission through purchase, assignment, pledge or  
31 other disposition of voting shares of such money transmitter, except with  
32 the prior approval of the commissioner. Request for approval of the  
33 proposed acquisition shall be made by filing a complete application with  
34 the commissioner at least 60 days prior to the acquisition.

35 (d) All applications shall be submitted in the form and manner  
36 prescribed by the commissioner. Additionally, the following shall apply to  
37 all applications:

38 (1) The commissioner may use a nationwide multi-state licensing  
39 system and registry for processing applications, renewals, amendments,  
40 surrenders, and any other activity the commissioner deems appropriate.  
41 The commissioner may also use a nationwide multi-state licensing system  
42 and registry for requesting and distributing any information regarding  
43 money transmitter licensing to and from any source so directed by the

1 commissioner. The commissioner may establish relationships or contracts  
2 with the nationwide multi-state licensing system and registry or other  
3 entities to collect and maintain records and process transaction fees or  
4 other fees related to applicants, licensees, as may be reasonably necessary  
5 to participate in the nationwide multi-state licensing system and registry.  
6 The commissioner may report violations of the law, as well as enforcement  
7 actions and other relevant information to the nationwide multi-state  
8 licensing system and registry. The commissioner may require any  
9 applicant or licensee to file reports with the nationwide multi-state  
10 licensing system and registry in the form prescribed by the commissioner.

11 (2) An application shall be accompanied by nonrefundable fees  
12 established by the commissioner for the license. The commissioner shall  
13 determine the amount of such fees to provide sufficient funds to meet the  
14 budget requirements of administering and enforcing the act for each fiscal  
15 year. Any person using the multi-state licensing system shall pay all  
16 associated costs.

17 (3) (A) ~~The commissioner may require fingerprinting of any~~  
18 ~~individual, officer, director, partner, member, shareholder or any other~~  
19 ~~person related to the application deemed necessary by the commissioner~~  
20 ~~an applicant in accordance with section 2, and amendments thereto.~~ If the  
21 applicant is a publicly traded corporation or a subsidiary of a publicly  
22 traded corporation, no fingerprint check shall be required. ~~Fingerprints~~  
23 ~~may be submitted to the Kansas bureau of investigation and the federal~~  
24 ~~bureau of investigation for a state and national criminal history record~~  
25 ~~check. The fingerprints shall be used to identify the person and to~~  
26 ~~determine whether the person has a record of arrests and convictions in~~  
27 ~~this state or other jurisdiction.~~

28 (B) ~~The commissioner may use information obtained from~~  
29 ~~fingerprinting and the criminal history for purposes of verifying the~~  
30 ~~identification of the person and in the official determination of the~~  
31 ~~qualifications and fitness of the person, or in the case of an applicant~~  
32 ~~company, the persons associated with the company.~~

33 (C) For purposes of this section and in order to reduce the points of  
34 contact which the federal bureau of investigation may have with the  
35 individual states, the commissioner may use a nationwide multi-state  
36 licensing system and registry for requesting information from and  
37 distributing information to the department of justice or any governmental  
38 agency.

39 (D) ~~Whenever the commissioner requires fingerprinting, any~~  
40 ~~associated costs shall be paid by the applicant or the parties to the~~  
41 ~~application.~~

42 (4) Each application shall include audited financial statements for  
43 each of the two fiscal years immediately preceding the date of the

1 application and an interim financial statement, as of a date not more than  
2 90 days prior to the date of the filing of an application. The audited and  
3 interim financial statements shall be prepared in accordance with United  
4 States generally accepted accounting principles or in any other form or  
5 manner approved by the commissioner. Any person not in business two  
6 years prior to the filing of the application shall submit a statement in the  
7 form and manner prescribed by the commissioner sufficient to demonstrate  
8 compliance with subsection (e).

9 (e) In addition, each person submitting an application shall meet the  
10 following requirements:

11 (1) The tangible net worth of such person shall be at all times not less  
12 than \$250,000, as shown by an audited financial statement and certified to  
13 by an owner, a partner or officer of the corporation or other entity filed in  
14 the form and manner prescribed by the commissioner. A consolidated  
15 financial statement from an applicant's holding company may be accepted  
16 by the commissioner. The commissioner may require any person to file a  
17 statement at any other time upon request;

18 (2) such person shall deposit and at all times keep on deposit with a  
19 bank in this state approved by the commissioner, cash or securities  
20 satisfactory to the commissioner in an amount not less than \$200,000. The  
21 commissioner may increase the amount of cash or securities required up to  
22 a maximum of \$1,000,000 upon the basis of:

23 (A) The volume of money transmission business transacted in this  
24 state by such person; or

25 (B) the impaired financial condition of a licensee, as evidenced by a  
26 reduction in net worth or financial losses;

27 (3) in lieu of the deposit of cash or securities required by this  
28 subsection, such person may give a surety bond in an amount equal to that  
29 required for the deposit of cash or securities, in a form satisfactory to the  
30 commissioner and issued by a company authorized to do business in this  
31 state, which bond shall be payable to the office of the state bank  
32 commissioner and be filed with the commissioner; and

33 (4) such person shall submit a list to the commissioner of the names  
34 and addresses of other persons who are authorized to act as agents for  
35 transactions with Kansas residents.

36 (f) The commissioner has the discretion to determine the  
37 completeness of any application submitted pursuant to this act. In making  
38 the determination, the commissioner shall take into consideration  
39 compliance with all requirements set out in this section and any other facts  
40 and circumstances that the commissioner deems appropriate.

41 (1) If the applicant fails to complete the application for a new license  
42 or for a change of control of a license within 60 days after the  
43 commissioner provides written notice of the incomplete application, the

1 application will be considered abandoned and the application fee will not  
2 be refunded. An applicant whose application is abandoned under this  
3 section may reapply to obtain a license.

4 (2) If the applicant fails to file a complete renewal application on or  
5 before December 31 of the year, the license will be deemed to expire on  
6 December 31 of the year.

7 (g) The deposit of cash, securities or surety bond required by this  
8 section shall be subject to:

9 (1) Payment to the commissioner for the protection and benefit of  
10 purchasers of money transmission services, purchasers or holders of  
11 payment instruments furnished by such person, and those for whom such  
12 person has agreed to act as agent in transmission of monetary value and to  
13 secure the faithful performance of the obligations of such person in respect  
14 to the receipt, handling, transmission and payment of monetary value; and

15 (2) payment to the commissioner for satisfaction of any expenses,  
16 fines, fees or refunds due pursuant to this act, levied by the commissioner  
17 or that become lawfully due pursuant to a final judgment or order.

18 (h) The aggregate liability of the surety for all breaches of the  
19 conditions of the bond, in no event, shall exceed the amount of such bond.  
20 The surety on the bond shall have the right to cancel such bond upon  
21 giving 30 days' notice to the commissioner and thereafter shall be relieved  
22 of liability for any breach of condition occurring after the effective date of  
23 the cancellation. The commissioner or any aggrieved party may enforce  
24 claims against such deposit of cash or securities or surety bond. So long as  
25 the depositing person is not in violation of this act, such person shall be  
26 permitted to receive all interest and dividends on the deposit and shall  
27 have the right to substitute other securities satisfactory to the  
28 commissioner. If the deposit is made with a bank, any custodial fees shall  
29 be paid by such person.

30 (i) (1) The commissioner shall have the authority to examine the  
31 books and records of any person operating in accordance with the  
32 provisions of this act, at such person's expense, to verify compliance with  
33 state and federal law.

34 (2) The commissioner may require any person operating in  
35 accordance with the provisions of this act to maintain such documents and  
36 records as necessary to verify compliance with this act, or any other  
37 applicable state or federal law or regulation.

38 (3) For purposes of investigation, examination or other proceeding  
39 under this act, the commissioner may administer or cause to be  
40 administered oaths, subpoena witnesses and documents, compel the  
41 attendance of witnesses, take evidence and require the production of any  
42 document that the commissioner determines to be relevant to the inquiry.

43 (j) Except as authorized with regard to the appointment of agents, a

1 licensee is prohibited from transferring, assigning, allowing another person  
 2 to use the licensee's license, or aiding any person who does not hold a  
 3 valid license under this act in engaging in the business of money  
 4 transmission.

5 Sec. 13. K.S.A. 9-513e is hereby amended to read as follows: 9-513e.

6 (a) Each licensee under this act shall within 30 days report to the  
 7 commissioner any change, for whatever reason, in the executive officers or  
 8 directors, including in its report a statement of the past and current  
 9 business and professional affiliations of the new executive officers or  
 10 directors.

11 (b) ~~The commissioner may require fingerprinting of any new~~  
 12 ~~executive officer or director, deemed necessary by the commissioner in~~  
 13 ~~accordance with section 2, and amendments thereto. Such fingerprints~~  
 14 ~~may be submitted to the Kansas bureau of investigation and the federal~~  
 15 ~~bureau of investigation for a state and national criminal history record~~  
 16 ~~check. The fingerprints shall be used to identify the person and to~~  
 17 ~~determine whether the person has a record of arrests and convictions in~~  
 18 ~~this state or other jurisdiction.~~

19 ~~(c) The commissioner may use information obtained from~~  
 20 ~~fingerprinting and the criminal history for purposes of verifying the~~  
 21 ~~identification of the person and in the official determination of the~~  
 22 ~~qualifications and fitness of the person.~~

23 (d) For purposes of this section and in order to reduce the points of  
 24 contact which the federal bureau of investigation may have with the  
 25 individual states, the commissioner may use a nationwide multi-state  
 26 licensing system and registry for requesting information from and  
 27 distributing information to the department of justice or any governmental  
 28 agency.

29 ~~(e) Whenever the commissioner requires fingerprinting, any~~  
 30 ~~associated costs shall be paid by the applicant or the parties to the~~  
 31 ~~application. If the applicant is a publicly traded corporation or a subsidiary~~  
 32 ~~of a publicly traded corporation, no fingerprint check shall be required.~~

33 ~~(f)(d)~~ The provisions of this section shall be part of and supplemental  
 34 to the Kansas money transmitter act.

35 Sec. 14. K.S.A. 9-1719 is hereby amended to read as follows: 9-1719.

36 As used in K.S.A. 9-1719 to 9-1722, inclusive, and amendments thereto:

37 (a) "Applicant" means a person who has submitted a change of  
 38 control application pursuant to K.S.A. 9-1721, and amendments thereto.

39 (b) "Control" means the power to:

40 (1) Vote 25% or more of any class of voting shares;

41 (2) direct, in any manner, the election of a majority of the directors;

42 or

43 (3) direct or exercise a controlling influence over the management or

1 policies.

2 (b)(c) "Person" means an individual or a corporation, partnership,  
3 trust, association, joint venture, pool, syndicate, sole proprietorship,  
4 unincorporated organization or any other form of entity not specifically  
5 listed in this subsection.

6 Sec. 15. K.S.A. 9-1722 is hereby amended to read as follows: 9-1722.

7 (a) A change of control application filed pursuant to K.S.A. 9-1721, and  
8 amendments thereto, shall contain the following information:

9 (1) The identity, personal history, business background and  
10 experience of each person by or for whom the change of control is to be  
11 made, including the material business activities and affiliations during the  
12 past five years and a description of any material pending legal or  
13 administrative proceedings in which the person is a party and any criminal  
14 indictment or conviction of such person by a state or federal court;

15 (2) a statement of the assets and liabilities of each person by or for  
16 whom the change of control is to be made, along with any related  
17 statements of income and source and application of funds, as of a date not  
18 more than 90 days prior to the date of the application. Individuals who  
19 own 10% or more shares in a bank holding company, as defined in K.S.A.  
20 9-519, and amendments thereto, shall file the financial information  
21 required by this paragraph;

22 (3) the terms and conditions of the proposed change of control and  
23 the manner in which such change of control is to be made;

24 (4) the identity, source and amount of the funds or other  
25 considerations used or to be used in making the change of control and, if  
26 any part of these funds or other considerations has been or is to be  
27 borrowed or otherwise obtained for such purpose, a description of the  
28 transaction, the names of the parties, and any arrangements, agreements or  
29 understandings with such persons;

30 (5) any plans or proposals which any applicant may have to liquidate  
31 the bank or trust company or to make any other major change in the bank's  
32 or trust company's business or corporate structure or management;

33 (6) the identification of any person employed, retained or to be  
34 compensated by any party or by any person on such person's behalf to  
35 make solicitations or recommendations to stockholders for the purpose of  
36 assisting in the change of control and a brief description of the terms of  
37 such employment, retainer or arrangement for compensation;

38 (7) copies of all invitations or tenders or advertisements making a  
39 tender offer to stockholders for purchase of their stock to be used in  
40 connection with the proposed change of control;

41 (8) when applicable, the certified copies of the stockholder  
42 proceedings showing a majority of the outstanding voting stock was voted  
43 in favor of the change of control; and

1 (9) any additional relevant information in the form and manner  
2 prescribed by the commissioner.

3 (b) A merger transaction application filed pursuant to K.S.A. 9-1721,  
4 and amendments thereto, shall contain the following information:

5 (1) The structure, terms and conditions and financing arrangements of  
6 the proposed merger transaction;

7 (2) a complete and final copy of the merger transaction agreement;

8 (3) certified copies of the stockholder proceedings showing a  
9 majority of the outstanding voting stock of the banks or trust companies in  
10 the merger transaction was voted in favor of the merger transaction;

11 (4) a list of directors and senior executive officers of the resulting  
12 bank or trust company;

13 (5) one year pro forma statements of financial conditions and future  
14 prospects of the resulting bank or trust company, including capital  
15 positions;

16 (6) how the merger transaction will meet the convenience and needs  
17 of the community; and

18 (7) any other relevant information in the form and manner prescribed  
19 by the commissioner.

20 (c) With regard to any trust company which files a notice pursuant to  
21 this section, the commissioner may require fingerprinting of ~~any proposed~~  
22 ~~officer, director, shareholder or any other person deemed necessary by the~~  
23 ~~commissioner~~ *an applicant in accordance with section 2, and amendments*  
24 *thereto.* ~~Such fingerprints may be submitted to the Kansas bureau of~~  
25 ~~investigation and the federal bureau of investigation for a state and~~  
26 ~~national criminal history record check. The fingerprints shall be used to~~  
27 ~~identify the person and to determine whether the person has a record of~~  
28 ~~arrests and convictions in this state or any other jurisdiction. The~~  
29 ~~commissioner may use information obtained from fingerprinting and the~~  
30 ~~criminal history for purposes of verifying the identification of the person~~  
31 ~~and in the official determination of the qualifications and fitness of the~~  
32 ~~persons proposing to acquire the trust company. Whenever the~~  
33 ~~commissioner requires fingerprinting, any associated costs shall be paid by~~  
34 ~~the applicant or the parties to the application.~~

35 (d) The commissioner may accept an application filed with the  
36 federal reserve bank or federal deposit insurance corporation in lieu of an  
37 application filed pursuant to subsection (a). The commissioner may, in  
38 addition to such application, request additional relevant information.

39 (e) At the time of filing an application pursuant to K.S.A. 9-1721, and  
40 amendments thereto, or an application filed pursuant to subsection (d), the  
41 applicant shall pay to the commissioner a fee in an amount established  
42 pursuant to K.S.A. 9-1726, and amendments thereto, to defray the  
43 expenses of the commissioner in the examination and investigation of the

1 application. The commissioner shall remit all moneys received under this  
2 section to the state treasurer in accordance with the provisions of K.S.A.  
3 75-4215, and amendments thereto. Upon receipt of each such remittance,  
4 the state treasurer shall deposit the entire amount in the state treasury to  
5 the credit of the bank investigation fund. The moneys in the bank  
6 investigation fund shall be used to pay the expenses of the commissioner  
7 in the examination and investigation of such applications and any unused  
8 balance shall be transferred to the bank commissioner fee fund.

9 Sec. 16. K.S.A. 9-2201 is hereby amended to read as follows: 9-2201.  
10 As used in this act:

11 (a) *"Applicant" means a person who has submitted an application for*  
12 *a license to engage in mortgage business or a person who has submitted*  
13 *an application for registration to conduct mortgage business in this state*  
14 *as a loan originator.*

15 (b) *"Branch office" means a place of business, other than a principal*  
16 *place of business, where the mortgage company maintains a physical*  
17 *location for the purpose of conducting mortgage business with the public.*

18 ~~(b)~~(c) *"Commissioner" means the state bank commissioner or*  
19 *designee, who shall be the deputy commissioner of the consumer and*  
20 *mortgage lending division of the office of the state bank commissioner.*

21 ~~(e)~~(d) *"Individual" means a human being.*

22 ~~(d)~~(e) *"License" means a license issued by the commissioner to*  
23 *engage in mortgage business as a mortgage company.*

24 ~~(e)~~(f) *"Licensee" means a person who is licensed by the*  
25 *commissioner as a mortgage company.*

26 ~~(f)~~(g) *"Loan originator" means an individual:*

27 (1) *Who engages in mortgage business on behalf of a single mortgage*  
28 *company;*

29 (2) *whose conduct of mortgage business is the responsibility of the*  
30 *licensee;*

31 (3) *who takes a residential mortgage loan application or offers or*  
32 *negotiates terms of a residential mortgage loan for compensation or gain or*  
33 *in the expectation of compensation or gain; and*

34 (4) *whose job responsibilities include contact with borrowers during*  
35 *the loan origination process, which can include soliciting, negotiating,*  
36 *acquiring, arranging or making mortgage loans for others, obtaining*  
37 *personal or financial information, assisting with the preparation of*  
38 *mortgage loan applications or other documents, quoting loan rates or terms*  
39 *or providing required disclosures. It does not include any individual*  
40 *engaged solely as a loan processor or underwriter.*

41 ~~(g)~~(h) *"Loan processor or underwriter" means an individual who*  
42 *performs clerical or support duties as an employee at the direction and*  
43 *subject to the supervision and instruction of a person registered or exempt*

1 from registration under this act.

2 (1) For purposes of this subsection, the term "clerical or support  
3 duties" may include subsequent to the receipt of a mortgage loan  
4 application:

5 (A) The receipt, collection, distribution and analysis of information  
6 common for the processing or underwriting of a residential mortgage loan;  
7 and

8 (B) communicating with a consumer to obtain the information  
9 necessary for the processing or underwriting of a loan, to the extent that  
10 such communication does not include offering or negotiating loan rates or  
11 terms or counseling consumers about residential mortgage loan rates or  
12 terms.

13 (2) An individual engaging solely in loan processor or underwriter  
14 activities shall not represent to the public, through advertising or other  
15 means of communicating or providing information including the use of  
16 business cards, stationery, brochures, signs, rate lists or other promotional  
17 items, that such individual can or will perform any of the activities of a  
18 loan originator.

19 ~~(h)~~(i) "Mortgage business" means engaging in, or holding out to the  
20 public as willing to engage in, for compensation or gain, or in the  
21 expectation of compensation or gain, directly or indirectly, the business of  
22 making, originating, servicing, soliciting, placing, negotiating, acquiring,  
23 selling, arranging for others, or holding the rights to or offering to solicit,  
24 place, negotiate, acquire, sell or arrange for others, mortgage loans in the  
25 primary market.

26 ~~(i)~~(j) "Mortgage company" means a person engaged in mortgage  
27 business.

28 ~~(j)~~(k) "Mortgage loan" means a loan or agreement to extend credit  
29 made to one or more individuals which is secured by a first or subordinate  
30 mortgage, deed of trust, contract for deed or other similar instrument or  
31 document representing a security interest or lien, except as provided for in  
32 K.S.A. 60-1101 through 60-1110, and amendments thereto, upon any lot  
33 intended for residential purposes or a one-to-four family dwelling as  
34 defined in 15 U.S.C. § 1602(w), located in this state, occupied or intended  
35 to be occupied for residential purposes by the owner, including the renewal  
36 or refinancing of any such loan.

37 ~~(k)~~(l) "Mortgage loan application" means the submission of a  
38 consumer's financial information, including, but not limited to, the  
39 consumer's name, income and social security number, to obtain a credit  
40 report, the property address, an estimate of the value of the property and  
41 the mortgage loan amount sought for the purpose of obtaining an extension  
42 of credit.

43 ~~(l)~~(m) "Mortgage servicer" means any person engaged in mortgage

1 servicing.

2 ~~(m)~~(n) "Mortgage servicing" means collecting payment, remitting  
3 payment for another or the right to collect or remit payment of any of the  
4 following: Principal; interest; tax; insurance; or other payment under a  
5 mortgage loan.

6 ~~(n)~~(o) "Nationwide mortgage licensing system and registry" means a  
7 mortgage licensing system developed and maintained by the conference of  
8 state bank supervisors and the American association of residential  
9 mortgage regulators for the licensing and registration of mortgage loan  
10 originators.

11 ~~(o)~~(p) "Not-for-profit" means a business entity that is granted tax  
12 exempt status by the internal revenue service.

13 ~~(p)~~(q) "Person" means any individual, sole proprietorship,  
14 corporation, partnership, trust, association, joint venture, pool syndicate,  
15 unincorporated organization or other form of entity, however organized.

16 ~~(q)~~(r) "Primary market" means the market wherein mortgage business  
17 is conducted including activities conducted by any person who assumes or  
18 accepts any mortgage business responsibilities of the original parties to the  
19 transaction.

20 ~~(r)~~(s) "Principal place of business" means a place of business where  
21 mortgage business is conducted, which has been designated by a licensee  
22 as the primary headquarters from which all mortgage business and  
23 administrative activities are managed and directed.

24 ~~(s)~~(t) "Promotional items" means pens, pencils, hats and other such  
25 novelty items.

26 ~~(t)~~(u) "Registrant" means any individual who holds a valid  
27 registration to conduct mortgage business in this state as a loan originator.

28 ~~(u)~~(v) "Remote location" means a location other than the principal  
29 place of business or a branch office where a licensed mortgage company's  
30 employee or independent contractor is authorized by such company to  
31 engage in mortgage business. A remote location is not considered a branch  
32 office.

33 ~~(v)~~(w) "Unique identifier" means a number or other identifier  
34 assigned by protocols established by the nationwide mortgage licensing  
35 system and registry.

36 Sec. 17. K.S.A. 9-2209 is hereby amended to read as follows: 9-2209.

37 (a) The commissioner may exercise the following powers:

38 (1) Adopt rules and regulations as necessary to carry out the intent  
39 and purpose of this act and to implement the requirements of applicable  
40 federal law;

41 (2) make investigations and examinations of the licensee's or  
42 registrant's operations, books and records as the commissioner deems  
43 necessary for the protection of the public and control access to any

1 documents and records of the licensee or registrant under examination or  
2 investigation;

3 (3) charge reasonable costs of investigation, examination and  
4 administration of this act, to be paid by the applicant, licensee or  
5 registrant. The commissioner shall establish such fees in such amounts as  
6 the commissioner may determine to be sufficient to meet the budget  
7 requirements of the commissioner for each fiscal year. Charges for  
8 administration of this act shall be based on the licensee's loan volume;

9 (4) order any licensee or registrant to cease any activity or practice  
10 that the commissioner deems to be deceptive, dishonest, violative of state  
11 or federal law or unduly harmful to the interests of the public;

12 (5) exchange any information regarding the administration of this act  
13 with any agency of the United States or any state that regulates the  
14 licensee or registrant or administers statutes, rules and regulations or  
15 programs related to mortgage business and to enter into information  
16 sharing arrangements with other governmental agencies or associations  
17 representing governmental agencies that are deemed necessary or  
18 beneficial to the administration of this act;

19 (6) disclose to any person or entity that an applicant's, licensee's or  
20 registrant's application, license or registration has been denied, suspended,  
21 revoked or refused renewal;

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

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

30 (9) require that any applicant, registrant, licensee or other person  
31 successfully passes a standardized examination designed to establish such  
32 person's knowledge of mortgage business transactions and all applicable  
33 state and federal law. Such examinations shall be created and administered  
34 by the commissioner or the commissioner's designee, and may be made a  
35 condition of application approval or application renewal;

36 (10) require that any applicant, licensee, registrant or other person  
37 complete a minimum number of prelicensing education hours and  
38 complete continuing education hours on an annual basis. Prelicensing and  
39 continuing education courses shall be approved by the commissioner, or  
40 the commissioner's designee, and may be made a condition of application  
41 approval and renewal;

42 (11) require fingerprinting of any applicant, registrant, *or* licensee,  
43 ~~members thereof if a copartnership or association, or officers and directors~~

1 ~~thereof if a corporation, or any agent acting on their behalf, or other person~~  
2 ~~as deemed appropriate by the commissioner in accordance with section 2,~~  
3 ~~and amendments thereto. The commissioner or the commissioner's~~  
4 ~~designee, may submit such fingerprints to the Kansas bureau of~~  
5 ~~investigation, federal bureau of investigation or other law enforcement~~  
6 ~~agency for the purposes of verifying the identity of such persons and~~  
7 ~~obtaining records of their criminal arrests and convictions. For the~~  
8 ~~purposes of this section and in order to reduce the points of contact that the~~  
9 ~~federal bureau of investigation may have to maintain with the individual~~  
10 ~~states, the commissioner may use the nationwide mortgage licensing~~  
11 ~~system and registry as a channeling agent for requesting information from~~  
12 ~~and distributing information to the department of justice or any~~  
13 ~~governmental agency;~~

14 (12) refer such evidence as may be available concerning any violation  
15 of this act or of any rule and regulation or order hereunder to the attorney  
16 general, or in consultation with the attorney general to the proper county or  
17 district attorney, who may in such prosecutor's discretion, with or without  
18 such a referral, institute the appropriate criminal proceedings under the  
19 laws of this state;

20 (13) issue and apply to enforce subpoenas in this state at the request  
21 of a comparable official of another state if the activities constituting an  
22 alleged violation for which the information is sought would be a violation  
23 of the Kansas mortgage business act if the activities had occurred in this  
24 state;

25 (14) use the nationwide mortgage licensing system and registry as a  
26 channeling agent for requesting and distributing any information regarding  
27 loan originator or mortgage company licensing to and from any source so  
28 directed by the commissioner;

29 (15) establish relationships or contracts with the nationwide mortgage  
30 licensing system and registry or other entities to collect and maintain  
31 records and process transaction fees or other fees related to applicants,  
32 licensees, registrants or other persons subject to this act and to take such  
33 other actions as may be reasonably necessary to participate in the  
34 nationwide mortgage licensing system and registry. The commissioner  
35 shall regularly report violations of law, as well as enforcement actions and  
36 other relevant information to the nationwide mortgage licensing system  
37 and registry;

38 (16) require any licensee or registrant to file reports with the  
39 nationwide mortgage licensing system and registry in the form prescribed  
40 by the commissioner or the commissioner's designee;

41 (17) receive and act on complaints, take action designed to obtain  
42 voluntary compliance with the provisions of the Kansas mortgage business  
43 act or commence proceedings on the commissioner's own initiative;

1 (18) provide guidance to persons and groups on their rights and duties  
2 under the Kansas mortgage business act;

3 (19) enter into any informal agreement with any mortgage company  
4 for a plan of action to address violations of law. The adoption of an  
5 informal agreement authorized by this paragraph shall not be subject to the  
6 provisions of K.S.A. 77-501 et seq., and amendments thereto, or K.S.A.  
7 77-601 et seq., and amendments thereto. Any informal agreement  
8 authorized by this paragraph shall not be considered an order or other  
9 agency action, and shall be considered confidential examination material  
10 pursuant to K.S.A. 9-2217, and amendments thereto. All such examination  
11 material shall also be confidential by law and privileged, shall not be  
12 subject to the open records act, K.S.A. 45-215 et seq., and amendments  
13 thereto, shall not be subject to subpoena and shall not be subject to  
14 discovery or admissible in evidence in any private civil action; and

15 (20) issue, amend and revoke written administrative guidance  
16 documents in accordance with the applicable provisions of the Kansas  
17 administrative procedure act.

18 (b) For the purpose of any examination, investigation or proceeding  
19 under this act, the commissioner or any officer designated by the  
20 commissioner may administer oaths and affirmations, subpoena witnesses,  
21 compel such witnesses' attendance, adduce evidence and require the  
22 production of any matter that is relevant to the examination or  
23 investigation, including the existence, description, nature, custody,  
24 condition and location of any books, documents or other tangible things  
25 and the identity and location of persons having knowledge of relevant  
26 facts, or any other matter reasonably calculated to lead to the discovery of  
27 relevant information or items.

28 (c) In case of contumacy by, or refusal to obey a subpoena issued to  
29 any person, any court of competent jurisdiction, upon application by the  
30 commissioner, may issue to that person an order requiring the person to  
31 appear before the commissioner, or the officer designated by the  
32 commissioner, there, to produce documentary evidence if so ordered or to  
33 give evidence touching the matter under investigation or in question. Any  
34 failure to obey the order of the court may be punished by the court as a  
35 contempt of court.

36 (d) No person is excused from attending and testifying or from  
37 producing any document or record before the commissioner or in  
38 obedience to the subpoena of the commissioner or any officer designated  
39 by the commissioner or in any proceeding instituted by the commissioner,  
40 on the ground that the testimony or evidence, documentary or otherwise,  
41 required of the person may tend to incriminate the person or subject the  
42 person to a penalty or forfeiture. No individual may be prosecuted or  
43 subjected to any penalty or forfeiture for or on account of any transaction,

1 matter or thing concerning which such person is compelled, after claiming  
2 privilege against self-incrimination, to testify or produce evidence,  
3 documentary or otherwise, except that the individual so testifying shall not  
4 be exempt from prosecution and punishment for perjury committed in so  
5 testifying.

6 (e) Except for refund of an excess charge, no liability is imposed  
7 under the Kansas mortgage business act for an act done or omitted in  
8 conformity with a rule and regulation or written administrative  
9 interpretation of the commissioner in effect at the time of the act or  
10 omission, notwithstanding that after the act or omission, the rule and  
11 regulation or written administrative interpretation may be determined by  
12 judicial or other authority to be invalid for any reason.

13 Sec. 18. K.S.A. 9-2301 is hereby amended to read as follows: 9-2301.

14 (a) The provisions of K.S.A. 9-2301 through 9-2327, and amendments  
15 thereto, shall be known and may be cited as the technology-enabled  
16 fiduciary financial institutions act. The technology-enabled fiduciary  
17 financial institutions act shall be a part of and supplemental to chapter 9 of  
18 the Kansas Statutes Annotated, and amendments thereto.

19 (b) For purposes of the technology-enabled fiduciary financial  
20 institutions act:

21 (1) "Act" means the technology-enabled fiduciary financial  
22 institutions act;

23 (2) "alternative asset" means professionally managed investment  
24 assets that are not publicly traded, including, but not limited to, private  
25 equity, venture capital, leveraged buyouts, special situations, structured  
26 credit, private debt, private real estate funds and natural resources,  
27 including any economic or beneficial interest therein;

28 (3) "alternative asset custody account" means an account created by  
29 the owner of an alternative asset that designates a fiduciary financial  
30 institution as custodian or agent and into which the owner transfers,  
31 electronically or otherwise, content, materials, data, information,  
32 documents, reports and contracts in any form, including, without  
33 limitation, evidence of ownership, subscription agreements, private  
34 placement memoranda, limited partnership agreements, operating  
35 agreements, financial statements, annual and quarterly reports, capital  
36 account statements, tax statements, correspondence from the general  
37 partner, manager or investment advisor of the alternative asset, an  
38 investment contract as defined in K.S.A. 17-12a102(28)(E), and  
39 amendments thereto, and any digital asset as defined in K.S.A. 58-4802,  
40 and amendments thereto, whether such information is in hard copy form or  
41 a representation of such information that is stored in a computer readable  
42 format;

43 (4) "charitable beneficiaries" means one or more charities,

1 contributions to which are allowable as a deduction pursuant to section  
2 170 of the federal internal revenue code that are designated as  
3 beneficiaries of a fidfin trust;

4 (5) "custodial services" means the safekeeping and management of an  
5 alternative asset custody account, including the execution of customer  
6 instructions, serving as agent, fund administrative services and overall  
7 decision-making and management of the account by a fiduciary financial  
8 institution and "custodial services" shall be deemed to involve the exercise  
9 of fiduciary and trust powers;

10 (6) *"director" means a person designated as a member of the board*  
11 *of directors pursuant to K.S.A. 9-2306, and amendments thereto;*

12 (7) "economic growth zone" means an incorporated community with  
13 a population of not more than 5,000 people located within one of the  
14 following counties: Allen, Anderson, Barber, Bourbon, Brown, Chase,  
15 Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche,  
16 Decatur, Doniphan, Edwards, Elk, Ellsworth, Gove, Graham, Grant, Gray,  
17 Greeley, Greenwood, Hamilton, Harper, Harvey, Haskell, Hodgeman,  
18 Jackson, Jewell, Kearny, Kingman, Kiowa, Labette, Lane, Lincoln, Linn,  
19 Logan, Marion, Marshall, Meade, Mitchell, Montgomery, Morris, Morton,  
20 Nemaha, Neosho, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt,  
21 Rawlins, Republic, Rice, Rooks, Rush, Russell, Scott, Sheridan, Sherman,  
22 Smith, Stafford, Stanton, Stevens, Sumner, Trego, Thomas, Wabaunsee,  
23 Wallace, Washington, Wichita, Wilson or Woodson;

24 ~~(7)~~(8) "excluded fiduciary" means a fiduciary financial institution in  
25 its capacity as trustee of a fidfin trust, provided that a fiduciary financial  
26 institution shall only be deemed an "excluded fiduciary" to the extent the  
27 fiduciary financial institution is excluded from exercising certain powers  
28 under the instrument that may be exercised by the trust advisor or other  
29 persons designated in the instrument;

30 ~~(8)~~(9) "fidfin," "fidfin services" or "fidfin transactions" means the  
31 financing of a fidfin trust or the acquisition of alternative assets on behalf  
32 of and through a fidfin trust, or both, as provided in K.S.A. 9-2311, and  
33 amendments thereto, including loans, extensions of credit and direct  
34 investments;

35 ~~(9)~~(10) "fidfin trust" means a trust created to facilitate the delivery of  
36 fidfin services by a fiduciary financial institution;

37 ~~(10)~~(11) "fiduciary" means a trustee, a trust advisor or a custodian of  
38 an alternative asset custody account appointed under an instrument that is  
39 acting in a fiduciary capacity for any person, trust or estate;

40 ~~(11)~~(12) "instrument" means any document creating a fidfin trust or  
41 alternative asset custody account;

42 ~~(12)~~(13) *"officer" means a person who participates or has authority*  
43 *to participate, other than in the capacity of a director, in major*

1 *policymaking functions of a bank, trust company or fiduciary financial*  
 2 *institution, whether or not the officer has an official title or if the officer is*  
 3 *serving without salary or other compensation. "Officer" includes the*  
 4 *chairperson of the board, president, vice president, cashier, secretary and*  
 5 *treasurer of a bank, trust company or fiduciary financial institution;*

6 (14) "organizer" means a person who filed the fiduciary financial  
 7 institution formation documents;

8 (15) "out-of-state bank" means a national or state bank, savings and  
 9 loan association or savings bank not incorporated under the laws of  
 10 Kansas;

11 ~~(13)~~(16) "out-of-state financial institution" means an out-of-state  
 12 bank or an out-of-state trust company;

13 ~~(14)~~(17) "out-of-state trust company" means a national or state trust  
 14 company not incorporated under the laws of Kansas;

15 ~~(15)~~(18) (A) "qualified investment" means the purchase or  
 16 development, in the aggregate, of at least 10,000 square feet of  
 17 commercial, industrial, multiuse or multifamily real estate in the economic  
 18 growth zone where the fiduciary financial institution maintains its  
 19 principal office pursuant to K.S.A. 9-2309, and amendments thereto,  
 20 provided that such community has committed to develop the necessary  
 21 infrastructure to support a "qualified investment." A "qualified  
 22 investment":

23 (i) May include, as part of satisfying the square footage requirements,  
 24 the suitable office space of such fiduciary financial institution, as provided  
 25 in K.S.A. 9-2309, and amendments thereto, if owned by the fiduciary  
 26 financial institution;

27 (ii) shall be exempt from the provisions and limitations of K.S.A. 9-  
 28 1102, and amendments thereto;

29 (iii) may be retained by a fiduciary financial institution for as long as  
 30 the fiduciary financial institution operates in this state; and

31 (iv) may be sold, transferred or otherwise disposed of, including a  
 32 sale or transfer to an affiliate of the fiduciary financial institution, if the  
 33 fiduciary financial institution continues to maintain its principal office in  
 34 an economic growth zone pursuant to K.S.A. 9-2309, and amendments  
 35 thereto;

36 (B) notwithstanding the foregoing provisions, if a fiduciary financial  
 37 institution leases any portion of a qualified investment made by another  
 38 fiduciary financial institution as the lessee fiduciary financial institution's  
 39 suitable office space:

40 (i) The lessee fiduciary financial institution shall make, or cause to be  
 41 made, a qualified investment in an economic growth zone other than the  
 42 economic growth zone where such fiduciary financial institution maintains  
 43 its principal office;

1 (ii) the leased square footage shall count toward the square footage  
2 requirement applicable to a qualified investment under this section, if such  
3 lease has an initial term of not less than five years; and

4 (iii) the square footage requirement otherwise applicable to a  
5 qualified investment of the lessee fiduciary financial institution shall be  
6 reduced from 10,000 square feet to 5,000 square feet;

7 ~~(+6)~~(19) "technology-enabled fiduciary financial institution" or  
8 "fiduciary financial institution" means any limited liability company,  
9 limited partnership or corporation that:

10 (A) Is organized to perform any one or more of the activities and  
11 services authorized by this act;

12 (B) has been authorized to conduct business as a fiduciary financial  
13 institution under this chapter pursuant to the provisions of K.S.A. 9-2302,  
14 and amendments thereto;

15 (C) has made, committed to make or caused to be made a qualified  
16 investment; and

17 (D) has committed, in or as a part of the application provided in  
18 K.S.A. 9-2302, and amendments thereto, to conduct any fidfin transactions  
19 in accordance with K.S.A. 9-2311, and amendments thereto, including the  
20 distributions required therein;

21 ~~(+7)~~(20) "trust" means a trust created pursuant to the Kansas uniform  
22 trust code, K.S.A. 58a-101 et seq., and amendments thereto, or created  
23 pursuant to the Kansas business trust act of 1961, K.S.A. 17-2707 et seq.,  
24 and amendments thereto;

25 ~~(+8)~~(21) "trust advisor" means a fiduciary granted authority by an  
26 instrument to exercise, consent, direct, including the power to direct as  
27 provided in K.S.A. 58a-808, and amendments thereto, or approve all or  
28 any portion of the powers and discretion conferred upon the trustee of a  
29 fidfin trust, including the power to invest the assets of a fidfin trust or  
30 make or cause distributions to be made from such fidfin trust; and

31 ~~(+9)~~(22) the definitions of K.S.A. 9-701, and amendments thereto,  
32 apply to fiduciary financial institutions except as otherwise provided in  
33 this act.

34 Sec. 19. K.S.A. 9-2302 is hereby amended to read as follows: 9-2302.

35 (a) No fiduciary financial institution shall be organized under the laws of  
36 this state nor engage in fidfin transactions, custodial services or trust  
37 business in this state until the application for such fiduciary financial  
38 institution's organization and the application for certificate of authority  
39 have been submitted to and approved by the state banking board. The form  
40 for making any such application shall be prescribed by the state banking  
41 board and any application made to the state banking board shall contain  
42 such information as the state banking board shall require. Except as  
43 provided in K.S.A. 9-2325, and amendments thereto, the state banking

1 board shall not approve any application until the Beneficent conditional  
2 charter has been converted to a full charter and the commissioner has  
3 completed a regulatory examination.

4 (b) (1) No Kansas-chartered state bank, Kansas-chartered state trust  
5 company or fiduciary financial institution shall engage in fidfin  
6 transactions in this state unless an application has been submitted under  
7 this act and approved by the state banking board.

8 (2) Except as otherwise provided by this subsection, any trust  
9 company whose application has been approved in accordance with this  
10 section and any out-of-state trust company engaging in fidfin transactions  
11 in this state shall be considered a fiduciary financial institution for the  
12 purposes of this act, shall have all rights and powers granted to a fiduciary  
13 financial institution under this act and shall owe all duties and obligations  
14 imposed on fiduciary financial institutions under this act, including, but  
15 not limited to, the fiduciary duties imposed under K.S.A. 9-2311 and 9-  
16 2313, and amendments thereto, and the requirements of K.S.A. 9-2302(c)  
17 (5) and (6), and amendments thereto.

18 (3) Any bank whose application has been approved in accordance  
19 with this section and any out-of-state bank that engages in fidfin  
20 transactions in this state shall have a separate department for handling  
21 fidfin transactions. Except as otherwise provided by this subsection, such  
22 separate department shall be considered a fiduciary financial institution for  
23 the purposes of this act, shall have all rights and powers granted to a  
24 fiduciary financial institution under this act and shall owe all duties and  
25 obligations imposed on fiduciary financial institutions under this act,  
26 including, but not limited to, the fiduciary duties imposed under K.S.A. 9-  
27 2311 and 9-2313, and amendments thereto, and the requirements of K.S.A.  
28 9-2302(c)(5) and (6), and amendments thereto.

29 (4) Notwithstanding the provisions of paragraphs (2) and (3):

30 (A) A bank or trust company whose application has been approved in  
31 accordance with this section or an out-of-state financial institution that  
32 engages in fidfin transactions in this state shall not be subject to the  
33 provisions of K.S.A. 9-2305, 9-2306 or 9-2308, and amendments thereto;  
34 and

35 (B) the commissioner shall not examine or require applications,  
36 reports or other filings from an out-of-state financial institution that is  
37 subject to oversight of such financial institution's fidfin transactions by a  
38 governmental agency of the jurisdiction that chartered the out-of-state  
39 financial institution.

40 (c) The state banking board shall not accept an application for a  
41 fiduciary financial institution unless the:

42 (1) Fiduciary financial institution is organized by at least one person;

43 (2) name selected for the fiduciary financial institution is different or

1 substantially dissimilar from any other bank, trust company or fiduciary  
2 financial institution doing business in this state;

3 (3) fiduciary financial institutions' articles of organization contain the  
4 names and addresses of the fiduciary financial institution's members and  
5 the number of units subscribed by each. The articles of organization may  
6 contain such other provisions as are consistent with the Kansas revised  
7 limited liability company act, Kansas revised uniform limited partnership  
8 act or Kansas general corporation code;

9 (4) fiduciary financial institution has made, committed to make or  
10 caused to be made a qualified investment as defined in K.S.A. 9-2301, and  
11 amendments thereto;

12 (5) fiduciary financial institution has committed to structure any  
13 fidfin transactions to ensure that qualified charitable distributions, as  
14 defined in K.S.A. 2023 Supp. 79-32,283, and amendments thereto, are  
15 made each calendar year that the fiduciary financial institution conducts  
16 fidfin transactions; and

17 (6) fiduciary financial institution has consulted or agrees to consult  
18 with the department of commerce regarding the economic growth zones to  
19 be selected for purposes of paragraphs (4) and (5).

20 (d) The state banking board may deny the application if the state  
21 banking board makes an unfavorable determination with regard to the:

22 (1) financial standing, general business experience and character of  
23 the organizers; or

24 (2) character, qualifications and experience of the officers of the  
25 proposed fiduciary financial institution.

26 (e) The state banking board shall not make membership in any federal  
27 government agency a condition precedent to the granting of the authority  
28 to do business.

29 (f) The state banking board may require fingerprinting of any officer,  
30 director or organizer of the proposed fiduciary financial institution *in*  
31 *accordance with section 2, and amendments thereto.* ~~Such fingerprints~~  
32 ~~may be submitted to the Kansas bureau of investigation and the federal~~  
33 ~~bureau of investigation for a state and national criminal history record~~  
34 ~~check. The fingerprints shall be used to identify the person and to~~  
35 ~~determine whether the person has a record of arrests and convictions in~~  
36 ~~this state or other jurisdictions. The state banking board may use~~  
37 ~~information obtained from fingerprinting and the criminal history for~~  
38 ~~purposes of verifying the identification of the person and in the official~~  
39 ~~determination of the qualifications and fitness of the persons associated~~  
40 ~~with the applicant fiduciary financial institution to be issued a charter.~~  
41 ~~Whenever the state banking board requires fingerprinting, any associated~~  
42 ~~costs shall be paid by the applicant or the parties to the application.~~

43 (g) The state banking board or the commissioner shall notify a

1 fiduciary financial institution of the approval or disapproval of an  
2 application. Any final action of the state banking board approving or  
3 disapproving an application shall be subject to review in accordance with  
4 the Kansas judicial review act.

5 (h) (1) In the event such application is approved, the fiduciary  
6 financial institution shall be issued a charter upon compliance with any  
7 requirements of this act and upon demonstrating to the satisfaction of the  
8 commissioner that an applicable distribution has been made. For purposes  
9 of this section, "applicable distribution" means a distribution of cash,  
10 beneficial interests or other assets having an aggregate value equal to the  
11 greater of:

12 (A) 2.5% of the aggregate financing balances to be held by the  
13 fiduciary financial institution immediately upon issuance of the fiduciary  
14 financial institution's charter, as reflected in the fiduciary financial  
15 institution's application filed pursuant to this section; or

16 (B) \$5,000,000 in accordance with subsection (i), except that if a  
17 fiduciary financial institution is chartered to provide only custodial  
18 services, the applicable distribution amount shall be \$500,000.

19 (2) If the amount provided in paragraph (1)(B) exceeds the amount  
20 provided in paragraph (1)(A), the fiduciary financial institution shall be  
21 entitled to a credit against the amount distributable under K.S.A. 9-  
22 2311(f), and amendments thereto, in an amount equal to such excess.

23 (i) The applicable distribution required under subsection (h) shall be  
24 distributed as follows:

25 (1) (A) To the department of commerce:	
26 Applicable distribution amount	Percentage to department of commerce
27 \$0 to \$500,000	90%
28 \$500,001 to \$1,000,000	50%
29 Above \$1,000,000	10%

30 (B) the amounts specified in subparagraph (A) shall apply to  
31 fiduciary financial institutions chartered prior to January 1, 2023. For  
32 fiduciary financial institutions chartered after such date, the department of  
33 commerce may publish one or more schedules in the Kansas register as the  
34 department of commerce deems reasonably necessary to facilitate  
35 economic growth and development in one or more economic growth  
36 zones. No such schedule shall be effective until after its publication in the  
37 Kansas register. The department of commerce shall timely submit to the  
38 commissioner any schedule published under this section. The  
39 commissioner shall provide a copy of such schedule to any applicant for a  
40 fiduciary financial institution charter prior to the issuance of such charter.  
41 A fiduciary financial institution shall be subject to the schedule in  
42 existence on the date such fiduciary financial institution's charter is issued  
43 and shall not be subject to any schedules published after such date;

1 (C) the department of commerce shall remit all distributions under  
2 this subsection to the state treasurer in accordance with the provisions of  
3 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
4 remittance, the state treasurer shall deposit the entire amount in the state  
5 treasury to the credit of the technology-enabled fiduciary financial  
6 institutions development and expansion fund established in K.S.A. 9-2324,  
7 and amendments thereto; and

8 (2) the balance of the applicable distribution required under  
9 subsection (h) shall be distributed to one or more qualified charities as  
10 defined in K.S.A. 2023 Supp. 79-32,283, and amendments thereto, as shall  
11 be selected by the fiduciary financial institution. Nothing in this section  
12 shall preclude a distribution to one or more qualified charities in excess of  
13 the amounts provided in this section. An economic growth zone or  
14 qualified charity shall have no obligation to repay any distributions  
15 received under this act or to make any contributions to a fiduciary  
16 financial institution.

17 Sec. 20. K.S.A. 12-1,120 is hereby amended to read as follows: 12-  
18 1,120. (a) Each person holding office as chief of police of any city in this  
19 state shall be fingerprinted as provided by this section *and section 1, and*  
20 *amendments thereto.*

21 (b) Before assuming the office of chief of police of any city in this  
22 state, a person shall be fingerprinted as provided by this section, *and*  
23 *section 1, and amendments thereto.*

24 (c) Fingerprinting pursuant to this section shall be done by the law  
25 enforcement agency of the city in the presence of the city clerk. ~~The city~~  
26 ~~clerk shall forthwith forward the fingerprints to the Kansas bureau of~~  
27 ~~investigation for a search of state and national fingerprint files to~~  
28 ~~determine whether the person qualifies for admission to the law~~  
29 ~~enforcement training center pursuant to subsection (f) of K.S.A. 74-5607,~~  
30 ~~and amendments thereto. The Kansas bureau of investigation shall certify~~  
31 ~~any conviction record of the person, or lack thereof, found as a result of~~  
32 ~~such search to the city clerk and, if such a record is found, to the attorney~~  
33 ~~general.~~

34 (d) ~~Fingerprints taken and submitted pursuant to this section shall be~~  
35 ~~on forms approved by the attorney general.~~

36 (e) ~~The cost of a search of fingerprint files pursuant to this section~~  
37 ~~shall be paid by the person being fingerprinted.~~

38 Sec. 21. K.S.A. 12-1679 is hereby amended to read as follows: 12-  
39 1679. (a) As used in this act: (1) "Municipality" shall mean any  
40 incorporated city or county of this state;

41 (2) "Merchants or security policeman" or "merchants or security  
42 police force or agency" shall mean any person engaged for hire in the  
43 business of guarding, watching, patrolling or otherwise attempting to

1 provide security for the real or personal property of another person; and

2 (3) "Person" shall mean any individual, partnership, association, firm,  
3 corporation or other business entity.

4 (b) Every municipality which requires a license pursuant to this act  
5 shall acquire or collect the fingerprints of any person who applies for a  
6 merchants or security policeman's license from such municipality *in*  
7 *accordance with section 2, and amendments thereto.* ~~The municipality~~  
8 ~~shall submit the applicant's fingerprints to the Kansas bureau of~~  
9 ~~investigation and to the federal bureau of investigation for the purpose of~~  
10 ~~determining whether the applicant has a criminal record.~~

11 (c) No municipality shall license, permit or otherwise authorize or  
12 allow any person to do business within such municipality as a merchants  
13 or security policeman or as a merchants or security police force or agency,  
14 unless every motor vehicle, as defined by K.S.A. 8-1437, and amendments  
15 thereto, which is used in any way by such person while doing business as a  
16 merchants or security policeman or police force or agency is properly  
17 registered.

18 Sec. 22. K.S.A. 16a-6-104 is hereby amended to read as follows: 16a-  
19 6-104. This act shall be administered by the ~~consumer credit commissioner~~  
20 ~~of Kansas deputy commissioner for consumer and mortgage lending~~ who  
21 is also referred to as the administrator.

22 (1) In addition to other powers granted by this act, the administrator  
23 within the limitations provided by law may:

24 (a) Receive and act on complaints, take action designed to obtain  
25 voluntary compliance with the provisions of K.S.A. 16a-1-101 to 16a-9-  
26 102, inclusive, and amendments thereto, or commence proceedings on the  
27 administrator's own initiative;

28 (b) counsel persons and groups on their rights and duties under  
29 K.S.A. 16a-1-101 to 16a-9-102, inclusive, and amendments thereto;

30 (c) establish programs for the education of consumers with respect to  
31 credit practices and problems and as a condition in settlements of  
32 investigations or examinations, the administrator may receive a payment  
33 designated for consumer education to be expended as directed by the  
34 administrator for such purpose;

35 (d) make studies appropriate to effectuate the purposes and policies of  
36 K.S.A. 16a-1-101 to 16a-9-102, inclusive, and amendments thereto;

37 (e) adopt, amend and revoke rules and regulations to carry out the  
38 specific provisions of K.S.A. 16a-1-101 to 16a-9-102, inclusive, and  
39 amendments thereto, and to implement the requirements of the secure and  
40 fair enforcement for mortgage licensing act of 2008 (P.L. 110-289);

41 (f) issue, amend and revoke written administrative interpretations.  
42 Such written administrative interpretations shall be approved by the  
43 attorney general and published in the Kansas register within 15 days of

1 issuance. The administrator shall annually publish all written  
2 administrative interpretations in effect;

3 (g) maintain offices within this state; ~~and~~

4 (h) appoint any necessary attorneys, hearing examiners, clerks, and  
5 other employees and agents and fix their compensation, and authorize  
6 attorneys appointed under this section to appear for and represent the  
7 administrator in court;

8 (i) examine periodically at intervals the administrator deems  
9 appropriate the loans, business and records of every licensee, registrant or  
10 person filing notification pursuant to K.S.A. 16a-6-201 through 16a-6-203,  
11 and amendments thereto, except licensees which are supervised financial  
12 organizations. The official or agency responsible for the supervision of  
13 each supervised financial organization shall examine the loans, business  
14 and records of each such organization in the manner and periodically at  
15 intervals prescribed by the administrator. In addition, for the purpose of  
16 discovering violations of K.S.A. 16a-1-101 through 16a-9-102, and  
17 amendments thereto, or securing information lawfully required, the  
18 administrator or the official or agency to whose supervision the  
19 organization is subject to K.S.A. 16a-6-105, and amendments thereto, may  
20 at any time investigate the loans, business and records of any supervised  
21 lender. For examination purposes the administrator shall have free and  
22 reasonable access to the offices, places of business and records of the  
23 lender, registrant or person filing notification and the administrator may  
24 control access to any documents and records of a licensee, registrant or  
25 person filing notification under examination;

26 (j) refer such evidence as may be available concerning violations of  
27 this act or of any rule and regulation or order to the attorney general or the  
28 proper county or district attorney, who may in the prosecutor's discretion,  
29 with or without such a reference, institute the appropriate criminal  
30 proceedings under this act. Upon receipt of such reference, the attorney  
31 general or the county attorney or district attorney may request that a duly  
32 employed attorney of the administrator prosecute or assist in the  
33 prosecution of such violation on behalf of the state. Upon approval of the  
34 administrator, such employee shall be appointed special prosecutor for the  
35 attorney general or the county attorney or district attorney to serve without  
36 compensation from the attorney general or the county attorney or district  
37 attorney. Such special prosecutor shall have all the powers and duties  
38 prescribed by law for assistant attorneys general or assistant county or  
39 district attorneys, and such other powers and duties as are lawfully  
40 delegated to such special prosecutors by the attorney general or the county  
41 attorney or district attorney;

42 (k) if deemed necessary by the administrator, require fingerprinting of  
43 any applicant, ~~licensee, members thereof if a copartnership or association,~~

1 ~~or officers and directors thereof if a corporation, or any agent or other~~  
2 ~~person acting on their behalf. The administrator, or the administrator's~~  
3 ~~designee, may submit such fingerprints to the Kansas bureau of~~  
4 ~~investigation, federal bureau of investigation, or other law enforcement~~  
5 ~~agency for the purposes of verifying the identity of such persons and~~  
6 ~~obtaining records of their criminal arrests and convictions in accordance~~  
7 ~~with section 2, and amendments thereto.~~ For purposes of this section and  
8 in order to reduce the points of contact which the federal bureau of  
9 investigation may have to maintain with the individual states, the  
10 administrator may use the nationwide mortgage licensing system and  
11 registry as a channeling agent for requesting information from and  
12 distributing information to the department of justice or any governmental  
13 agency. *As used in this paragraph, "applicant" means a licensee, a*  
14 *member of a licensee if such licensee is a copartnership or association, an*  
15 *officer or director if such licensee is a corporation or an agent or other*  
16 *person acting on behalf of a licensee;*

17 (l) exchange information regarding the administration of this act with  
18 any agency of the United States or any state which regulates the licensee,  
19 registrant or person required to file notification, or who administers  
20 statutes, rules and regulations or other programs related to consumer credit  
21 and to enter into information sharing arrangements with other  
22 governmental agencies or associations representing governmental agencies  
23 which are deemed necessary or beneficial to the administration of this act;

24 (m) require that any applicant, licensee, registrant or other person  
25 complete a minimum number of prelicensing education hours and  
26 complete continuing education hours on an annual basis. Prelicensing and  
27 continuing education courses shall be approved by the administrator or the  
28 administrator's designee and may be made a condition of the application  
29 approval and renewal;

30 (n) require that any applicant, licensee, registrant or other person  
31 successfully pass a standardized examination designed to establish such  
32 person's knowledge of residential mortgage loan origination transactions  
33 and all applicable state and federal law. Such examinations shall be created  
34 and administered by the administrator or the administrator's designee and  
35 may be made a condition of application approval;

36 (o) use the nationwide mortgage licensing system and registry as a  
37 channeling agent for requesting and distributing any information regarding  
38 residential mortgage loan originator registration or supervised lender  
39 licensing to and from any source so directed by the administrator;

40 (p) establish relationships or contracts with the nationwide mortgage  
41 licensing system and registry or other entities to collect and maintain  
42 records and process transaction fees or other fees related to applicants,  
43 licensees, registrants or other persons subject to the act and to take such

1 other actions as may be reasonably necessary to participate in the  
2 nationwide mortgage licensing system and registry. The administrator shall  
3 regularly report violations of law, as well as enforcement actions and other  
4 relevant information, to the nationwide mortgage licensing system and  
5 registry, and make publicly available the proposed budget, fees, and  
6 audited financial statements of the nationwide mortgage licensing system  
7 and registry as may be prepared by the nationwide mortgage licensing  
8 system and registry and provided to the administrator;

9 (q) require that any residential mortgage loan originator applicant,  
10 registrant or other person successfully pass a standardized examination  
11 designed to establish such person's knowledge of mortgage transactions  
12 and all applicable state and federal law. Such examinations shall be created  
13 and administered by the administrator or the administrator's designee, and  
14 may be made a condition of application approval or application renewal;

15 (r) require that any mortgage loan originator applicant, registrant or  
16 other person complete a minimum number of prelicensing education hours  
17 and complete continuing education hours on an annual or biannual basis.  
18 Prelicensing and continuing education courses shall be approved by the  
19 administrator or the administrator's designee and may be made a condition  
20 of application approval and renewal; and

21 (s) require any licensee or registrant to file reports with the  
22 nationwide mortgage licensing system and registry in the form prescribed  
23 by the administrator or the administrator's designee.

24 (2) The administrator shall enforce the provisions of this act and the  
25 rules and regulations and interpretations adopted thereunder with respect  
26 to a creditor, unless the creditor's compliance is regulated exclusively or  
27 primarily by another state or federal agency.

28 (3) To keep the administrator's rules and regulations in harmony with  
29 the rules of administrators in other jurisdictions which enact the revised  
30 uniform consumer credit code, the administrator, so far as is consistent  
31 with the purposes, policies and provisions of K.S.A. 16a-1-101 to 16a-9-  
32 102, inclusive, and amendments thereto, may:

33 (a) Before adopting, amending and revoking rules and regulations,  
34 advise and consult with administrators in other jurisdictions which enact  
35 the uniform consumer credit code; and

36 (b) in adopting, amending and revoking rules and regulations, take  
37 into consideration the rules of administrators in other jurisdictions which  
38 enact the revised uniform consumer credit code.

39 (4) Except for refund of an excess charge, no liability is imposed  
40 under K.S.A. 16a-1-101 to 16a-9-102, inclusive, and amendments thereto,  
41 for an act done or omitted in conformity with a rule and regulation or  
42 written administrative interpretation of the administrator in effect at the  
43 time of the act or omission notwithstanding that after the act or omission

1 the rule and regulation or written administrative interpretation may be  
2 determined by judicial or other authority to be invalid for any reason.

3 (5) The administrator prior to December 1 of each year shall establish  
4 such fees as are authorized under the provisions of K.S.A. 16a-1-101 to  
5 16a-9-102, inclusive, and amendments thereto, for the ensuing calendar  
6 year in such amounts as the administrator may determine to be sufficient to  
7 meet the budget requirements of the administrator for each fiscal year.

8 Sec. 23. K.S.A. 17-2234 is hereby amended to read as follows: 17-  
9 2234. (a) (1) There is hereby established the state department of credit  
10 unions, which shall be under the administrative supervision of the  
11 administrator as directed by law. The administrator may appoint or employ  
12 an attorney to assist the department in its functions under this act, and in  
13 accordance with the civil service law, such special assistants, deputies or  
14 examiners, and other employees, as may be necessary for the purpose of  
15 administering and enforcing the provisions of this act.

16 (2) The administrator is hereby authorized to appoint financial  
17 examiners and other staff who shall be in the unclassified service under the  
18 Kansas civil service act. The administrator's salary schedule for  
19 unclassified positions shall be reported to the credit union council  
20 annually.

21 (b) Nothing in subsection (a) shall affect the classified status of any  
22 person employed with the department of credit unions on the day  
23 immediately preceding the effective day of this act.

24 (c) ~~Each special assistant, deputy, examiner and other such employees~~  
25 ~~as may be necessary for the purpose of administering and enforcing the~~  
26 ~~provisions of this act~~ *employee* shall submit to a ~~security state and~~  
27 ~~national criminal~~ background check prior to being employed in such  
28 ~~position in accordance with section 2, and amendments thereto. Upon the~~  
29 ~~commencement of the interview process, every candidate shall be given a~~  
30 ~~written notice that a security background check is required. The security~~  
31 ~~background check shall be limited to criminal history record information~~  
32 ~~as provided by K.S.A. 22-4701 et seq., and amendments thereto. If the~~  
33 ~~criminal history record information reveals any conviction of crimes of~~  
34 ~~dishonesty, such conviction may be used to disqualify a candidate for any~~  
35 ~~position within the office of the department of credit unions. If the~~  
36 ~~criminal history record information is used to disqualify a candidate, the~~  
37 ~~candidate shall be informed in writing of that decision. Upon determining~~  
38 ~~whether to hire or disqualify a candidate, the candidate's criminal history~~  
39 ~~record information report shall be destroyed. The candidate's personnel file~~  
40 ~~shall only contain a statement that a security background check was~~  
41 ~~performed and the date thereof.~~

42 (d) The state department of credit unions shall submit an employment  
43 candidate's fingerprints to the Kansas bureau of investigation and to the

1 federal bureau of investigation for the purpose of determining whether the  
 2 applicant has a criminal record. As used in this section, "candidate" means  
 3 a person who has applied for a position with or is currently employed by  
 4 the state department of credit unions as a deputy or an examiner.

5 Sec. 24. K.S.A. 19-826 is hereby amended to read as follows: 19-826.

6 (a) Before January 1, 1988, each person holding office as sheriff of any  
 7 county in this state on the effective date of this act shall be fingerprinted as  
 8 provided by this section.

9 (b) Before assuming the office of sheriff of any county in this state, a  
 10 person, other than an undersheriff or county clerk temporarily serving as  
 11 sheriff pursuant to K.S.A. 19-804 or 19-804a, and amendments thereto,  
 12 shall be fingerprinted as provided by this section *and section 1, and*  
 13 *amendments thereto*. If the person is a candidate for the office of sheriff,  
 14 such person shall be fingerprinted at the time of the filing of:

15 (1) Nomination papers or a declaration of intent to become such a  
 16 candidate;

17 (2) a certificate of nomination as such a candidate of a political party;  
 18 or

19 (3) a certificate of election to fill a vacancy in such a candidacy.

20 (c) *(1)* Fingerprinting pursuant to this section shall be done by the law  
 21 enforcement agency of the county in the presence of the county election  
 22 officer. ~~The county election officer shall forthwith forward the fingerprints~~  
 23 ~~to the Kansas bureau of investigation for a search of state and national~~  
 24 ~~fingerprint files to determine whether the person qualifies for the office of~~  
 25 ~~sheriff pursuant to subsection (a)(3) of K.S.A. 19-801b, and amendments~~  
 26 ~~thereto. The Kansas bureau of investigation shall certify any conviction~~  
 27 ~~record of the person, or lack thereof, found as a result of such search to the~~  
 28 ~~county election officer and, if such a record is found, to the attorney~~  
 29 ~~general.~~

30 (2) If the person is a candidate for the office of sheriff and is found,  
 31 as a result of the search, to be unqualified for such office, the county  
 32 election officer shall notify the person within three days. Such person  
 33 found to be unqualified for such office shall have five days from the date  
 34 of the notice given by the Kansas bureau of investigation to:

35 ~~(1)(A)~~ Present evidence to the county election officer showing error  
 36 in the conviction record certified by the Kansas bureau of investigation;  
 37 and

38 ~~(2)(B)~~ seek correction of any such error by the Kansas bureau of  
 39 investigation.

40 (3) If there is no error in such conviction record, the county election  
 41 officer shall terminate the person's candidacy and remove the person's  
 42 name from the ballot.

43 (d) Fingerprints taken and submitted pursuant to this section shall be

1 on forms approved by the attorney general.

2 (e) The cost of a search of fingerprint files pursuant to this section  
3 shall be paid by the person being fingerprinted.

4 Sec. 25. K.S.A. 39-969 is hereby amended to read as follows: 39-969.

5 (a) The secretary for aging and disability services shall upon request  
6 receive from the Kansas bureau of investigation *in accordance with*  
7 *section 3, and amendments thereto*, without charge, such criminal history  
8 record information relating to criminal convictions as necessary for the  
9 purpose of determining initial and continuing qualifications of an operator.

10 (b) This section shall be *a part of and supplemental to the adult care*  
11 *home licensure act*.

12 Sec. 26. K.S.A. 39-970 is hereby amended to read as follows: 39-970.

13 (a) As used in this section:

14 (1) "Adult care home" means any nursing facility, nursing facility for  
15 mental health, intermediate care facility for people with intellectual  
16 disability, assisted living facility, residential health care facility, home plus,  
17 boarding care home or adult day care facility that is required to be licensed  
18 to operate by the secretary for aging and disability services.

19 (2) "Applicant" means an individual who applies for employment  
20 with an adult care home or applies to work for an employment agency or  
21 as an independent contractor who provides staff to an adult care home.

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

27 (4) "Department" means the Kansas department for aging and  
28 disability services.

29 (5) "Direct access" means work that involves an actual or reasonable  
30 expectation of one-on-one interaction with a consumer or a consumer's  
31 property, personally identifiable information, medical records, treatment  
32 information or financial information.

33 (6) "Direct supervision" means that a supervisor is physically present  
34 within an immediate distance to a supervisee and is available to provide  
35 constant direction, feedback and assistance to a client and the supervisee.

36 (7) "Employment agency" means an organization or entity that has a  
37 contracted relationship with an adult care home to provide staff with direct  
38 access to consumers.

39 (8) "Independent contractor" means an organization, entity, agency or  
40 individual that provides contracted workers or services to an adult care  
41 home.

42 (9) "Secretary" means the secretary for aging and disability services.

43 (b) (1) No person shall knowingly operate an adult care home if, in

1 the adult care home, there works any person who has adverse findings on  
2 any state or national registry, as defined in rules and regulations adopted  
3 by the secretary for aging and disability services, or has been convicted of  
4 or has been adjudicated a juvenile offender because of having committed  
5 an act that if done by an adult would constitute the commission of capital  
6 murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 21-5401,  
7 and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401,  
8 prior to its repeal, or K.S.A. 21-5402, and amendments thereto, second  
9 degree murder, pursuant to K.S.A. 21-3402(a), prior to its repeal, or  
10 K.S.A. 21-5403(a), and amendments thereto, voluntary manslaughter,  
11 pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 21-5404, and  
12 amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior  
13 to its repeal, or K.S.A. 21-5407, and amendments thereto, mistreatment of  
14 a dependent adult or mistreatment of an elder person, pursuant to K.S.A.  
15 21-3437, prior to its repeal, or K.S.A. 21-5417, and amendments thereto,  
16 human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal, or  
17 K.S.A. 21-5426(a), and amendments thereto, aggravated human  
18 trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 21-  
19 5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior  
20 to its repeal, or K.S.A. 21-5503, and amendments thereto, indecent  
21 liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or  
22 K.S.A. 21-5506(a), and amendments thereto, aggravated indecent liberties  
23 with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or K.S.A. 21-  
24 5506(b), and amendments thereto, aggravated criminal sodomy, pursuant  
25 to K.S.A. 21-3506, prior to its repeal, or K.S.A. 21-5504(b), and  
26 amendments thereto, indecent solicitation of a child, pursuant to K.S.A.  
27 21-3510, prior to its repeal, or K.S.A. 21-5508(a), and amendments  
28 thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-  
29 3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments thereto,  
30 sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its  
31 repeal, or K.S.A. 21-5510, and amendments thereto, sexual battery,  
32 pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A. 21-5505(a), and  
33 amendments thereto, aggravated sexual battery, pursuant to K.S.A. 21-  
34 3518, prior to its repeal, or K.S.A. 21-5505(b), and amendments thereto,  
35 commercial sexual exploitation of a child, pursuant to K.S.A. 21-6422, and  
36 amendments thereto, an attempt to commit any of the crimes listed in this  
37 paragraph, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-  
38 5301, and amendments thereto, a conspiracy to commit any of the crimes  
39 listed in this paragraph, pursuant to K.S.A. 21-3302, prior to its repeal, or  
40 K.S.A. 21-5302, and amendments thereto, or criminal solicitation of any of  
41 the crimes listed in this paragraph, pursuant to K.S.A. 21-3303, prior to its  
42 repeal, or K.S.A. 21-5303, and amendments thereto, or similar statutes of  
43 other states or the federal government. The provisions of subsection (b)(2)

1 (C) shall not apply to any person who is employed by an adult care home  
2 on or before July 1, 2010, and while continuously employed by the same  
3 adult care home or to any person during or upon successful completion of  
4 a diversion agreement.

5 (2) A person operating an adult care home may employ an applicant  
6 who has been convicted of any of the following if six or more years have  
7 elapsed since completion of the sentence imposed or the applicant was  
8 discharged from probation, a community correctional services program,  
9 parole, postrelease supervision, conditional release or a suspended  
10 sentence; if six or more years have elapsed since the applicant has been  
11 finally discharged from the custody of the commissioner of juvenile justice  
12 or from probation or has been adjudicated a juvenile offender, whichever  
13 time is longer; or if the applicant has been granted a waiver of such six-  
14 year disqualification: A felony conviction for a crime that is described in:  
15 (A) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to  
16 their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated,  
17 and amendments thereto, except those crimes listed in subsection (b)(1);  
18 (B) articles 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior  
19 to their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes  
20 Annotated, or K.S.A. 21-6420, and amendments thereto, except those  
21 crimes listed in subsection (b)(1) and K.S.A. 21-3605, prior to its repeal,  
22 or K.S.A. 21-5606, and amendments thereto; (C) K.S.A. 21-3701, prior to  
23 its repeal, or K.S.A. 21-5801, and amendments thereto; (D) an attempt to  
24 commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-  
25 3301, prior to its repeal, or K.S.A. 21-5301, and amendments thereto; (E) a  
26 conspiracy to commit any of the crimes listed in this paragraph, pursuant  
27 to K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-5302, and amendments  
28 thereto; (F) criminal solicitation of any of the crimes listed in this  
29 paragraph, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 21-  
30 5303, and amendments thereto; or (G) similar statutes of other states or the  
31 federal government.

32 An individual who has been disqualified for employment due to  
33 conviction or adjudication of an offense listed in this paragraph (2) may  
34 apply to the secretary for aging and disability services for a waiver of such  
35 disqualification if five years have elapsed since completion of the sentence  
36 for such conviction. The secretary shall adopt rules and regulations  
37 establishing the waiver process and criteria to be considered by the  
38 secretary in evaluating any such waiver request.

39 (3) A person operating an adult care home may employ an applicant  
40 who has been convicted of any of the following if six or more years have  
41 elapsed since completion of the sentence imposed or the applicant was  
42 discharged from probation, a community correctional services program,  
43 parole, postrelease supervision, conditional release or a suspended

1 sentence; if six or more years have elapsed since the applicant has been  
2 finally discharged from the custody of the commissioner of juvenile justice  
3 or from probation or has been adjudicated a juvenile offender, whichever  
4 time is longer; or if the applicant has been granted a waiver of such six-  
5 year disqualification:

6 (i) Interference with custody of a committed person pursuant to  
7 K.S.A. 21-3423, prior to its repeal, or K.S.A. 21-5410, and amendments  
8 thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425,  
9 prior to its repeal, or K.S.A. 21-5416, and amendments thereto; unlawful  
10 administration of a substance pursuant to K.S.A. 21-3445, prior to its  
11 repeal, or K.S.A. 21-5425, and amendments thereto; violation of a  
12 protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A.  
13 21-5924, and amendments thereto; promoting obscenity or promoting  
14 obscenity to minors pursuant to K.S.A. 21-4301 or 21-4301a, prior to their  
15 repeal, or K.S.A. 21-6401, and amendments thereto; or cruelty to animals  
16 pursuant to K.S.A. 21-3727, 21-4310 or 21-4311, prior to their repeal, or  
17 K.S.A. 21-6412, and amendments thereto; or

18 (ii) any felony conviction of: Unlawful manufacture of a controlled  
19 substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or  
20 K.S.A. 21-5703, and amendments thereto; unlawful cultivation or  
21 distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-  
22 36a05, prior to its repeal, or K.S.A. 21-5705, and amendments thereto;  
23 unlawful manufacture, distribution, cultivation or possession of a  
24 controlled substance using a communication facility pursuant to K.S.A.  
25 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 21-5707, and  
26 amendments thereto; unlawful obtainment or sale of a prescription-only  
27 drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A.  
28 21-5708, and amendments thereto; unlawful distribution of drug  
29 precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10,  
30 prior to its repeal, or K.S.A. 21-5710, and amendments thereto; unlawful  
31 distribution or possession of a simulated controlled substance pursuant to  
32 K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 21-5713, and  
33 amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its  
34 repeal, or K.S.A. 21-5823, and amendments thereto; criminal use of a  
35 financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 21-  
36 5828, and amendments thereto; any violation of the Kansas medicaid fraud  
37 control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or  
38 K.S.A. 21-5925 et seq., and amendments thereto; making a false claim,  
39 statement or representation to the medicaid program pursuant to K.S.A.  
40 21-3846, prior to its repeal, or K.S.A. 21-5927, and amendments thereto;  
41 unlawful acts relating to the medicaid program pursuant to K.S.A. 21-  
42 3847, prior to its repeal, or K.S.A. 21-5928, and amendments thereto;  
43 obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856,

1 prior to its repeal, or K.S.A. 21-5929, and amendments thereto; identity  
2 theft or identity fraud pursuant to K.S.A. 2010 Supp. 21-4018, prior to its  
3 repeal, or K.S.A. 21-6107, and amendments thereto; or social welfare  
4 fraud pursuant to K.S.A. 39-720, and amendments thereto.

5 The provisions of this paragraph (3) shall not apply to any person who  
6 is employed by an adult care home on or before July 1, 2018, and is  
7 continuously employed by the same adult care home or to any person  
8 during or upon successful completion of a diversion agreement.

9 An individual who has been disqualified for employment due to  
10 conviction or adjudication of an offense listed in this paragraph (3) may  
11 apply to the secretary for aging and disability services for a waiver of such  
12 disqualification if five years have elapsed since completion of the sentence  
13 for such conviction. The secretary shall adopt rules and regulations  
14 establishing the waiver process and criteria to be considered by the  
15 secretary in evaluating any such waiver request.

16 (c) No person shall operate an adult care home if such person has  
17 been found to be in need of a guardian or conservator, or both as provided  
18 in the act for obtaining a guardian or a conservator, or both. The provisions  
19 of this subsection shall not apply to an individual who, as a minor, was  
20 found to be in need of a guardian or conservator for reasons other than  
21 impairment.

22 (d) (1) The Kansas bureau of investigation shall release all records of  
23 adult and juvenile convictions and adjudications and adult and juvenile  
24 convictions and adjudications of any other state or country concerning  
25 persons working in an adult care home to the secretary for aging and  
26 disability services *in accordance with section 2, and amendments thereto.*  
27 ~~The Kansas bureau of investigation may charge to the Kansas department~~  
28 ~~for aging and disability services a reasonable fee for providing criminal~~  
29 ~~history record information under this subsection.~~

30 (2) ~~The department shall~~ *may* require an applicant to be fingerprinted  
31 and to submit to a state and national criminal history record check *in*  
32 *accordance with section 2, and amendments thereto.* ~~The fingerprints shall~~  
33 ~~be used to identify the individual and to determine whether the individual~~  
34 ~~has a record of criminal history in this state or other jurisdiction. The~~  
35 ~~department is authorized to submit the fingerprints to the Kansas bureau of~~  
36 ~~investigation and the federal bureau of investigation for a state and~~  
37 ~~national criminal history record check. The department may use the~~  
38 ~~information obtained from fingerprinting and the criminal history record~~  
39 ~~check for purposes of verifying the identification of the person and for~~  
40 ~~making an official determination of the qualifications and fitness of the~~  
41 ~~person to work in the adult care home.~~

42 (3) An applicant for employment in an adult care home shall have 20  
43 calendar days after receipt of authorization to submit the applicant's

1 fingerprints through an authorized collection site in order to be eligible for  
2 provisional employment or the applicant's application shall be deemed  
3 withdrawn.

4 (4) (A) The current or prospective employer of an applicant shall pay  
5 a *reasonable* fee ~~not to exceed \$19 of the total cost~~ for criminal history  
6 record information to the department for each applicant submitted.

7 (B) The prospective employer, employee or independent contractor  
8 shall pay the fingerprint collection fee at the time of fingerprinting to the  
9 authorized collection site.

10 (5) If an applicant disputes the contents of a criminal history record  
11 check, then the applicant may file an appeal with the Kansas bureau of  
12 investigation.

13 (6) Individuals who have been disqualified for employment by reason  
14 of their criminal history records and who have met the requirements of this  
15 subsection may apply for a waiver with the department within 30 days of  
16 the receipt of the notice of employment prohibition.

17 (7) The department shall adopt rules and regulations specifying the  
18 criteria and procedure for issuing a waiver of the employment prohibition.  
19 The secretary shall consider the following criteria when rendering a  
20 decision on such a waiver request: Passage of time; extenuating  
21 circumstances; demonstration of rehabilitation; and relevancy of the  
22 criminal history record information to the position for which the applicant  
23 is applying. Any employment prohibition issued shall remain in effect  
24 unless or until a waiver is granted.

25 (e) For the purpose of complying with this section, the operator of an  
26 adult care home shall request from the Kansas department for aging and  
27 disability services an eligibility determination regarding adult and juvenile  
28 convictions and adjudications. For the purpose of complying with this  
29 section, the operator of an adult care home shall receive from any  
30 employment agency or independent contractor that provides employees to  
31 work in the adult care home written certification that such employees are  
32 not prohibited from working in the adult care home under this section. For  
33 the purpose of complying with this section, a person who operates an adult  
34 care home may hire an applicant for provisional employment on a one-  
35 time basis of 60 calendar days pending the results from the Kansas  
36 department for aging and disability services of a request for information  
37 under this subsection. A provisional employee may only be supervised by  
38 an employee that has completed all training required by federal  
39 regulations, rules and regulations of the department and the adult care  
40 home's policies and procedures. No adult care home, the operator or  
41 employees of an adult care home or an employment agency or an  
42 independent contractor shall be liable for civil damages resulting from any  
43 decision to employ, to refuse to employ or to discharge from employment

1 any person based on such adult care home's compliance with the  
2 provisions of this section if such adult care home or employment agency  
3 acts in good faith to comply with this section.

4 (f) The secretary for aging and disability services shall provide each  
5 operator requesting information under this section with a pass or fail  
6 determination after review of any criminal history record information in  
7 writing and within three working days of receipt of such information from  
8 the Kansas bureau of investigation or the federal bureau of investigation.

9 (g) A person who volunteers in an adult care home shall not be  
10 subject to the provisions of this section unless the volunteer performs  
11 equivalent functions to those performed by direct access employees.

12 (h) No person who has been continuously employed by the same  
13 adult care home since July 1, 1992, shall be subject to the provisions of  
14 this section while employed by such adult care home.

15 (i) The operator of an adult care home shall not be required under this  
16 section to conduct a criminal history record check on an applicant for  
17 employment with the adult care home if the applicant has been the subject  
18 of a criminal history record check under this act within one year prior to  
19 the application for employment with the adult care home.

20 (j) No person who is in the custody of the secretary of corrections and  
21 who provides services, under direct supervision in nonpatient areas, on the  
22 grounds or other areas designated by the superintendent of the Kansas  
23 soldiers' home or the Kansas veterans' home shall be subject to the  
24 provisions of this section while providing such services.

25 (k) (1) All fees charged by the secretary for criminal history record  
26 checks conducted pursuant to this section shall be established by rules and  
27 regulations of the secretary.

28 (2) All moneys collected and remitted to the Kansas department for  
29 aging and disability services for fees charged for criminal history record  
30 checks conducted pursuant to this section shall be remitted to the state  
31 treasurer in accordance with K.S.A. 75-4215, and amendments thereto.  
32 Upon receipt of each such remittance, the state treasurer shall deposit the  
33 entire amount into the state treasury to the credit of the state licensure fee  
34 fund created by K.S.A. 39-930, and amendments thereto.

35 (l) The Kansas department for aging and disability services may  
36 implement the amendments made to this section by this act in phases for  
37 different categories of employers. The department shall adopt rules and  
38 regulations establishing dates and procedures for the implementation of the  
39 criminal history record checks required by this section, and such dates may  
40 be staggered to facilitate implementation of the criminal history record  
41 checks required by this section.

42 (m) Upon authorization by the secretary for aging and disability  
43 services, other state agencies may access an internet-based application

1 portal that is operated and maintained by the Kansas department for aging  
2 and disability services for purposes of processing criminal history record  
3 information requests in accordance with this section. Agencies may not  
4 share criminal history record information or the resulting pass or fail  
5 determinations with any other agency. The secretary for aging and  
6 disability services may charge an authorized agency the amount of \$1 per  
7 request made pursuant to this subsection.

8 (n) This section shall be a part of and supplemental to the adult care  
9 home licensure act.

10 Sec. 27. K.S.A. 39-2009 is hereby amended to read as follows: 39-  
11 2009. (a) As used in this section:

12 (1) "Applicant" means an individual who applies for employment  
13 with a center, facility, hospital or a provider of services or applies to work  
14 for an employment agency or as an independent contractor that provides  
15 staff to a center, facility, hospital or a provider of services.

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

21 (3) "Department" means the Kansas department for aging and  
22 disability services.

23 (4) "Direct access" means work that involves an actual or reasonable  
24 expectation of one-on-one interaction with a consumer or a consumer's  
25 property, personally identifiable information, medical records, treatment  
26 information or financial information.

27 (5) "Direct supervision" means that a supervisor is physically present  
28 within an immediate distance to a supervisee and is available to provide  
29 constant direction, feedback and assistance to a client and the supervisee.

30 (6) "Employment agency" means an organization or entity that has a  
31 contracted relationship with a center, hospital, facility or provider of  
32 services to provide staff with direct access to consumers.

33 (7) "Independent contractor" means an organization, entity, agency or  
34 individual that provides contracted workers or services to a center, facility,  
35 hospital or provider of services.

36 (b) (1) No licensee shall knowingly operate a center, facility, hospital  
37 or be a provider of services if any person who works in the center, facility,  
38 hospital or for a provider of services has adverse findings on any state or  
39 national registry, as defined in rules and regulations adopted by the  
40 secretary for aging and disability services, or has been convicted of or has  
41 been adjudicated a juvenile offender because of having ~~committing~~  
42 *committed* an act that if done by an adult would constitute the commission  
43 of capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or

1 K.S.A. 21-5401, and amendments thereto, first degree murder, pursuant to  
2 K.S.A. 21-3401, prior to its repeal, or K.S.A. 21-5402, and amendments  
3 thereto, second degree murder, pursuant to K.S.A. 21-3402(a), prior to its  
4 repeal, or K.S.A. 21-5403(a), and amendments thereto, voluntary  
5 manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A.  
6 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A.  
7 21-3406, prior to its repeal, or K.S.A. 21-5407, and amendments thereto,  
8 mistreatment of a dependent adult or mistreatment of an elder person,  
9 pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 21-5417, and  
10 amendments thereto, human trafficking, pursuant to K.S.A. 21-3446, prior  
11 to its repeal, or K.S.A. 21-5426(a), and amendments thereto, aggravated  
12 human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or  
13 K.S.A. 21-5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-  
14 3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto,  
15 indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its  
16 repeal, or K.S.A. 21-5506(a), and amendments thereto, aggravated  
17 indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its  
18 repeal, or K.S.A. 21-5506(b), and amendments thereto, aggravated  
19 criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or K.S.A.  
20 21-5504(b), and amendments thereto, indecent solicitation of a child,  
21 pursuant to K.S.A. 21-3510, prior to its repeal, or K.S.A. 21-5508(a), and  
22 amendments thereto, aggravated indecent solicitation of a child, pursuant  
23 to K.S.A. 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and  
24 amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-  
25 3516, prior to its repeal, or K.S.A. 21-5510, and amendments thereto,  
26 sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A.  
27 21-5505(a), and amendments thereto, aggravated sexual battery, pursuant  
28 to K.S.A. 21-3518, prior to its repeal, or K.S.A. 21-5505(b), and  
29 amendments thereto, commercial sexual exploitation of a child, pursuant  
30 to K.S.A. 21-6422, and amendments thereto, an attempt to commit any of  
31 the crimes listed in this paragraph, pursuant to K.S.A. 21-3301, prior to its  
32 repeal, or K.S.A. 21-5301, and amendments thereto, a conspiracy to  
33 commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-  
34 3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, or  
35 criminal solicitation of any of the crimes listed in this paragraph, pursuant  
36 to K.S.A. 21-3303, prior to its repeal, or K.S.A. 21-5303, and amendments  
37 thereto, or similar statutes of other states or the federal government.

38 (2) A licensee operating a center, facility or hospital or as a provider  
39 of services may employ an applicant who has been convicted of any of the  
40 following if six or more years have elapsed since completion of the  
41 sentence imposed or the applicant was discharged from probation, a  
42 community correctional services program, parole, postrelease supervision,  
43 conditional release or a suspended sentence; if six or more years have

1 elapsed since a community correctional services program, parole,  
2 postrelease supervision, conditional release or a suspended sentence; or if  
3 the applicant has been granted a waiver of such six-year disqualification: A  
4 felony conviction for a crime that is described in: (A) Article 34 of chapter  
5 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of  
6 chapter 21 of the Kansas Statutes Annotated, and amendments thereto,  
7 except those crimes listed in paragraph (1); (B) article 35 or 36 of chapter  
8 21 of the Kansas Statutes Annotated, and amendments thereto, prior to  
9 their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes  
10 Annotated or K.S.A. 21-6420, and amendments thereto, except those  
11 crimes listed in paragraph (1); (C) K.S.A. 21-3701, prior to its repeal, or  
12 K.S.A. 21-5801, and amendments thereto; (D) an attempt to commit any of  
13 the crimes listed in this paragraph pursuant to K.S.A. 21-3301, prior to its  
14 repeal, or K.S.A. 21-5301, and amendments thereto; (E) a conspiracy to  
15 commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-  
16 3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto; (F)  
17 criminal solicitation of any of the crimes listed in this paragraph pursuant  
18 to K.S.A. 21-3303, prior to its repeal, or K.S.A. 21-5303, and amendments  
19 thereto; or (G) similar statutes of other states or the federal government.

20 An individual who has been disqualified for employment due to  
21 conviction or adjudication of an offense listed in this paragraph (2) may  
22 apply to the secretary for aging and disability services for a waiver of such  
23 disqualification if five years have elapsed since completion of the sentence  
24 for such conviction. The secretary shall adopt rules and regulations  
25 establishing the waiver process and the criteria to be utilized by the  
26 secretary in evaluating any such waiver request.

27 (3) A licensee operating a center, facility, hospital or as a provider of  
28 services may employ an applicant who has been convicted of any of the  
29 following if six or more years have elapsed since completion of the  
30 sentence imposed or the applicant was discharged from probation, a  
31 community correctional services program, parole, postrelease supervision,  
32 conditional release or a suspended sentence; if six or more years have  
33 elapsed since the applicant has been finally discharged from the custody of  
34 the commissioner of juvenile justice or from probation or has been  
35 adjudicated a juvenile offender, whichever time is longer; or if the  
36 applicant has been granted a waiver of such six-year disqualification:

37 (i) Interference with custody of a committed person pursuant to  
38 K.S.A. 21-3423, prior to its repeal, or K.S.A. 21-5410, and amendments  
39 thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425,  
40 prior to its repeal, or K.S.A. 21-5416, and amendments thereto; unlawful  
41 administration of a substance pursuant to K.S.A. 21-3445, prior to its  
42 repeal, or K.S.A. 21-5425, and amendments thereto; violation of a  
43 protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A.

1 21-5924; promoting obscenity or promoting obscenity to minors pursuant  
2 to K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401,  
3 and amendments thereto; or cruelty to animals pursuant to K.S.A. 21-  
4 3727, 21-4310 or 21-4311, prior to their repeal, or K.S.A. 21-6412, and  
5 amendments thereto; or

6 (ii) any felony conviction of: Unlawful manufacture of a controlled  
7 substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or  
8 K.S.A. 21-5703, and amendments thereto; unlawful cultivation or  
9 distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-  
10 36a05, prior to its repeal, or K.S.A. 21-5705, and amendments thereto;  
11 unlawful manufacture, distribution, cultivation or possession of a  
12 controlled substance using a communication facility pursuant to K.S.A.  
13 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 21-5707, and  
14 amendments thereto; unlawful obtainment or sale of a prescription-only  
15 drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A.  
16 21-5708, and amendments thereto; unlawful distribution of drug  
17 precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10,  
18 prior to its repeal, or K.S.A. 21-5710, and amendments thereto; unlawful  
19 distribution or possession of a simulated controlled substance pursuant to  
20 K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 21-5713, and  
21 amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its  
22 repeal, or K.S.A. 21-5823, and amendments thereto; criminal use of a  
23 financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 21-  
24 5828, and amendments thereto; any violation of the Kansas medicaid fraud  
25 control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or  
26 K.S.A. 21-5925 et seq., and amendments thereto; making a false claim,  
27 statement or representation to the medicaid program pursuant to K.S.A.  
28 21-3846, prior to its repeal, or K.S.A. 21-5927, and amendments thereto;  
29 unlawful acts relating to the medicaid program pursuant to K.S.A. 21-  
30 3847, prior to its repeal, or K.S.A. 21-5928, and amendments thereto;  
31 obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856,  
32 prior to its repeal, or K.S.A. 21-5929, and amendments thereto; identity  
33 theft or identity fraud pursuant to K.S.A. 2010 Supp. 21-4018, prior to its  
34 repeal, or K.S.A. 21-6107, and amendments thereto; or social welfare  
35 fraud pursuant to K.S.A. 39-720, and amendments thereto. The provisions  
36 of this paragraph shall not apply to any person who is employed by a  
37 center, facility, hospital or provider of services on or before July 1, 2018,  
38 and is continuously employed by the same center, facility, hospital or  
39 provider of services or to any person during or upon successful completion  
40 of a diversion agreement.

41 An individual who has been disqualified for employment due to  
42 conviction or adjudication of an offense listed in this paragraph (3) may  
43 apply to the secretary for aging and disability services for a waiver of such

1 disqualification if five years have elapsed since completion of the sentence  
2 for such conviction. The secretary shall adopt rules and regulations  
3 establishing the waiver process and criteria to be considered by the  
4 secretary in evaluating any such waiver request.

5 (c) No licensee shall operate a center, facility, hospital or be a  
6 provider of services if such person has been found to be an adult with an  
7 impairment in need of a guardian or a conservator, or both, as provided in  
8 the act for obtaining a guardian or conservator, or both. The provisions of  
9 this subsection shall not apply to an individual who, as a minor, was found  
10 to be in need of a guardian or conservator for reasons other than  
11 impairment.

12 (d) (1) The Kansas bureau of investigation shall release all records of  
13 adult and juvenile convictions and adjudications and adult and juvenile  
14 convictions and adjudications of any other state or country concerning  
15 persons working in a center, facility, hospital or for a provider of services  
16 to the secretary for aging and disability services *in accordance with*  
17 *section 2, and amendments thereto.* ~~The Kansas bureau of investigation~~  
18 ~~may charge to the Kansas department for aging and disability services a~~  
19 ~~reasonable fee for providing criminal history record information under this~~  
20 ~~subsection.~~

21 (2) ~~The department shall~~ *may* require an applicant to be fingerprinted  
22 and to submit to a state and national criminal history record check *in*  
23 *accordance with section 2, and amendments thereto.* ~~The fingerprints shall~~  
24 ~~be used to identify the individual and to determine whether the individual~~  
25 ~~has a record of criminal history in this state or other jurisdiction. The~~  
26 ~~department is authorized to submit the fingerprints to the Kansas bureau of~~  
27 ~~investigation and the federal bureau of investigation for a state and~~  
28 ~~national criminal history record check. The department may use the~~  
29 ~~information obtained from fingerprinting and the criminal history record~~  
30 ~~check for purposes of verifying the identification of the person and for~~  
31 ~~making an official determination of the qualifications and fitness of the~~  
32 ~~person to work in the center, facility, hospital or for a provider of services.~~

33 (3) An applicant for employment in ~~an~~ *a* center, facility, hospital or  
34 for a provider of services shall have 20 calendar days after receipt of  
35 authorization to submit the applicant's fingerprints through an authorized  
36 collection site in order to be eligible for provisional employment or the  
37 applicant's application shall be deemed withdrawn.

38 (4) (A) The current or prospective employer of an applicant shall pay  
39 a *reasonable fee* ~~not to exceed \$19 of the total cost~~ for criminal history  
40 record information to the department for each applicant submitted.

41 (B) The prospective employer, employee or independent contractor  
42 shall pay the fingerprint collection fee at the time of fingerprinting to the  
43 authorized collection site.

1 (5) If an applicant disputes the contents of a criminal history record  
2 check, then the applicant may file an appeal with the Kansas bureau of  
3 investigation.

4 (6) Individuals who have been disqualified for employment by reason  
5 of their criminal history records and who have met the requirements of this  
6 subsection may apply for a waiver with the department within 30 days of  
7 the receipt of the notice of employment prohibition.

8 (7) The department shall adopt rules and regulations specifying the  
9 criteria and procedure for issuing a waiver of the employment prohibition.  
10 The secretary shall consider the following criteria when rendering a  
11 decision on such a waiver request: Passage of time; extenuating  
12 circumstances; demonstration of rehabilitation; and relevancy of the  
13 criminal history record information to the position for which the applicant  
14 is applying. Any employment prohibition issued shall remain in effect  
15 unless or until a waiver is granted.

16 (d) The secretary shall provide each licensee requesting information  
17 under this section with a pass or fail determination after review of any  
18 criminal history record information in writing and within three working  
19 days of receipt of such information from the Kansas bureau of  
20 investigation or the federal bureau of investigation.

21 (e) Any licensee or member of the staff who receives information  
22 concerning the fitness or unfitness of any person shall keep such  
23 information confidential, except that the staff person may disclose such  
24 information to the person who is the subject of the request for information.  
25 A violation of this subsection shall be an unclassified misdemeanor  
26 punishable by a fine of \$100.

27 (f) For the purpose of complying with this section, the licensee  
28 operating a center, facility, hospital or a provider of services shall request  
29 from the Kansas department for aging and disability services an eligibility  
30 determination regarding adult and juvenile convictions and adjudications.  
31 For the purpose of complying with this section, the licensee operating a  
32 center, facility, hospital or a provider of services shall receive from any  
33 employment agency or independent contractor that provides employees to  
34 work in the center, facility, hospital or for the provider of services written  
35 certification that such employees are not prohibited from working in the  
36 center, facility, hospital or for the provider of services under this section.  
37 For the purpose of complying with this section, a licensee may hire an  
38 applicant for provisional employment on a one-time basis of 60 calendar  
39 days pending the results from the Kansas department for aging and  
40 disability services of an eligibility determination under this subsection. A  
41 provisional employee may only be supervised by an employee who has  
42 completed all training required by federal regulations, department rules  
43 and regulations and the center's, facility's, hospital's or provider of

1 services' policies and procedures. No licensee, its contractors or  
2 employees, shall be liable for civil damages to any person refused  
3 employment or discharged from employment by reason of such licensee's  
4 compliance with the provisions of this section if such licensee acts in good  
5 faith to comply with this section.

6 (g) The licensee operating a center, facility, hospital or a provider of  
7 services shall not require an applicant under this section to be  
8 fingerprinted, if the applicant has been the subject of a criminal history  
9 record check under this act within one year prior to the application for  
10 employment with the licensee operating a center, facility, hospital or a  
11 provider of services and has maintained a record of continuous  
12 employment, with no lapse of employment of over 90 days in any center,  
13 facility, hospital or a provider of services covered by this act.

14 Sec. 28. K.S.A. 2023 Supp. 40-4905 is hereby amended to read as  
15 follows: 40-4905. (a) Subject to the provisions of K.S.A. 40-4904, and  
16 amendments thereto, it shall be unlawful for any person to sell, solicit or  
17 negotiate any insurance within this state unless such person has been  
18 issued a license as an insurance agent in accordance with this act.

19 (b) Any person applying for a resident insurance agent license shall  
20 make application on a form prescribed by the commissioner. The applicant  
21 shall declare under penalty of perjury that the statements made in the  
22 application are true, correct and complete to the best of the applicant's  
23 knowledge and belief. Before approving the application, the commissioner  
24 shall determine that the applicant:

25 (1) Is at least 18 years of age;

26 (2) has not committed any act that is grounds for denial pursuant to  
27 this section or suspension or revocation pursuant to K.S.A. 40-4909, and  
28 amendments thereto;

29 (3) has paid a nonrefundable fee set by the commissioner in an  
30 amount not to exceed \$30; and

31 (4) has successfully passed the examination for each line of authority  
32 for which the applicant has applied.

33 (c) If the applicant is a business entity, then, in addition to the  
34 requirements of subsection (a), the commissioner shall also determine the  
35 name and address of a licensed agent who shall be responsible for the  
36 business entity's compliance with the insurance laws of this state and the  
37 rules and regulations promulgated thereunder.

38 (d) The commissioner may require the applicant to furnish any  
39 document or other material reasonably necessary to verify the information  
40 contained in an application.

41 (e) Each insurer that sells, solicits or negotiates any form of limited  
42 line credit insurance shall provide a program of instruction that may be  
43 approved by the commissioner to each individual employed by or acting

1 on behalf of such insurer to sell, solicit or negotiate limited line credit  
2 insurance.

3 (f) (1) Each person or entity licensed in this state as an insurance  
4 agent shall report the following to the commissioner within 30 calendar  
5 days of occurrence:

6 (A) Each disciplinary action on the agent's license or licenses by the  
7 insurance regulatory agency of any other state or territory of the United  
8 States;

9 (B) each disciplinary action on an occupational license held by the  
10 licensee, other than an insurance agent's license, by the appropriate  
11 regulatory authority of this or any other jurisdiction;

12 (C) each judgment or injunction entered against the licensee on the  
13 basis of a violation of any insurance law or conduct involving fraud, deceit  
14 or misrepresentation;

15 (D) all details of any conviction of a misdemeanor or felony other  
16 than minor traffic violations. The details shall include the name of the  
17 arresting agency, the location and date of the arrest, the nature of the  
18 charge or charges, the court in which the case was tried and the disposition  
19 rendered by the court;

20 (E) each change of name. If the change of name is effected by court  
21 order, a copy of the court order shall be furnished to the commissioner;

22 (F) each change in residence or mailing address, email address or  
23 telephone number;

24 (G) each change in the name or address of the agency with which the  
25 agent is associated; and

26 (H) each termination of a business relationship with an insurer if the  
27 termination is for cause, including the reason for the termination of the  
28 business relationship with such insurer.

29 (2) Each person or entity licensed in this state as an insurance agent  
30 shall provide to the commissioner, upon request, a current listing of  
31 company affiliations and affiliated insurance agents.

32 (3) Each business entity licensed in this state as an insurance agent  
33 shall report each change in legal or mailing address, email address and  
34 telephone number to the commissioner within 30 days of occurrence.

35 (4) Each business entity licensed in this state as an insurance agent  
36 shall report each change in the name and address of the licensed agent who  
37 shall be responsible for the business entity's compliance with the insurance  
38 laws of this state to the commissioner within 30 days of occurrence.

39 (g) Any applicant whose application for a license is denied shall be  
40 given an opportunity for a hearing in accordance with the provisions of the  
41 Kansas administrative procedure act.

42 (h) (1) The commissioner may require a person applying for a  
43 resident insurance agent license to be fingerprinted and submit to a state

1 and national criminal history record check *in accordance with section 2,*  
2 *and amendments thereto.* ~~The fingerprints shall be used to identify the~~  
3 ~~applicant and to determine whether the applicant has a record of criminal~~  
4 ~~arrests and convictions in this state or other jurisdictions. The~~  
5 ~~commissioner is authorized to submit the fingerprints to the Kansas bureau~~  
6 ~~of investigation and the federal bureau of investigation for a state and~~  
7 ~~national criminal history record check. Local and state law enforcement~~  
8 ~~officers and agencies shall assist the commissioner in the taking and~~  
9 ~~processing of fingerprints of applicants and shall release all records of an~~  
10 ~~applicant's arrests and convictions to the commissioner.~~

11 (2) ~~The commissioner may conduct, or have a third party conduct, a~~  
12 ~~background check on a person applying for a resident insurance agent~~  
13 ~~license.~~

14 (3) ~~Whenever the commissioner requires fingerprinting, a~~  
15 ~~background check, or both, any associated costs shall be paid by the~~  
16 ~~applicant.~~

17 (4) ~~The commissioner shall use the information obtained from a~~  
18 ~~background check, fingerprinting and the applicant's criminal history only~~  
19 ~~for purposes of verifying the identification of any applicant and in the~~  
20 ~~official determination of the fitness of the applicant to be issued a license~~  
21 ~~as an insurance agent in accordance with this act.~~

22 (5)(2) A person applying for a resident insurance agent license who  
23 has been fingerprinted and has submitted to a state and national criminal  
24 history record check within the past 12 months in connection with the  
25 successful issuance or renewal of any other state-issued license may  
26 submit proof of such good standing to the commissioner in lieu of  
27 submitting to the fingerprinting and criminal history record checks  
28 described in ~~subsections (h)(1) and (h)(2)~~ *this subsection.*

29 (i) Not later than December 1 of each year, the commissioner shall set  
30 and publish in the Kansas register the application fee required pursuant to  
31 subsection (b) for the next calendar year.

32 Sec. 29. K.S.A. 40-5502 is hereby amended to read as follows: 40-  
33 5502. As used in K.S.A. 40-5501 through 40-5519, and amendments  
34 thereto:

35 (a) *"Applicant" means a person who has submitted an application to*  
36 *become a licensed public adjuster in accordance with this act.*

37 (b) *"Business entity" means a corporation, association, partnership,*  
38 *limited liability company, limited liability partnership or other legal entity.*

39 ~~(b)(c)~~ (c) *"Catastrophic disaster" means, according to the federal*  
40 *response plan, an event:*

41 (1) Declared by the president of the United States or governor of  
42 Kansas;

43 (2) results in large numbers of deaths and injuries;

1 (3) causes extensive damage or destruction of facilities that provide  
2 and sustain human needs;

3 (4) produces an overwhelming demand on state and local response  
4 resources and mechanisms;

5 (5) causes a severe long-term effect on general economic activity; and

6 (6) severely affects state, local and private sector capabilities to begin  
7 and sustain response activities.

8 ~~(e)~~(d) "Commissioner" means the state commissioner of insurance.

9 ~~(d)~~(e) "FBI" means the federal bureau of investigation.

10 ~~(e)~~(f) "Fingerprint" means an impression of the lines on a finger taken  
11 for purpose of identification. The impression may be electronic or in ink  
12 converted to electronic format.

13 ~~(f)~~(g) "Home state" means the District of Columbia and any state or  
14 territory of the United States in which a public adjuster's principal place of  
15 residence or principal place of business is located. If neither the state in  
16 which the public adjuster maintains the principal place of residence nor the  
17 state in which the public adjuster maintains the principal place of business  
18 has a law governing public adjusters substantially similar to this act, the  
19 public adjuster may declare another state in which it becomes licensed and  
20 acts as a public adjuster to be the home state.

21 ~~(g)~~(h) "KBI" means the Kansas bureau of investigation.

22 ~~(h)~~(i) "Licensed public adjuster" means a public adjuster licensed in  
23 accordance with this act.

24 ~~(i)~~(j) "NAIC" means the national association of insurance  
25 commissioners and its affiliates and subsidiaries.

26 ~~(j)~~(k) "Person" means an individual or a business entity.

27 ~~(k)~~(l) "Public adjuster" means any individual who:

28 (1) For compensation or any other thing of value, and solely in  
29 relation to first party claims arising under insurance claims or contracts  
30 that insure the real or personal property of the insured, aids or acts on  
31 behalf of an insured in negotiating for, or effecting the settlement of, a  
32 claim for loss or damage covered by and limited to commercial lines  
33 insurance contracts;

34 (2) advertises for employment as a public adjuster of insurance claims  
35 or directly or indirectly solicits business or represents to the public that  
36 such person is a public adjuster of first party insurance claims for losses or  
37 damages to real or personal property covered by and limited to commercial  
38 lines insurance contracts; or

39 (3) for compensation or any other thing of value, investigates or  
40 adjusts losses or advises an insured about first party claims for losses or  
41 damages to real or personal property of the insured covered by and limited  
42 to commercial lines insurance contracts, for another person engaged in the  
43 business of adjusting losses or damages covered by and limited to

1 commercial lines insurance contracts.

2 ~~(h)~~(m) "Uniform individual application" means the current version of  
3 the NAIC uniform individual application for resident and nonresident  
4 individuals.

5 ~~(m)~~(n) "Uniform business entity application" means the current  
6 version of the NAIC uniform business entity application for resident and  
7 nonresident business entities.

8 Sec. 30. K.S.A. 40-5504 is hereby amended to read as follows: 40-  
9 5504. (a) An individual applying for a public adjuster license shall make  
10 application to the commissioner on the appropriate uniform application or  
11 other application prescribed by the commissioner.

12 (b) The applicant shall declare under penalty of perjury and under  
13 penalty of refusal, suspension or revocation of the license, that the  
14 statements made in the application are true, correct and complete to the  
15 best of the applicant's knowledge and belief.

16 (c) In order to make a determination of license eligibility, the  
17 commissioner shall require a criminal history record check *in accordance*  
18 *with section 2, and amendments thereto*, on each applicant who is not  
19 exempt from pre-licensing examination pursuant to K.S.A. 40-5507, and  
20 amendments thereto.

21 Sec. 31. K.S.A. 2023 Supp. 40-5505 is hereby amended to read as  
22 follows: 40-5505. (a) Before issuing a public adjuster license to an  
23 applicant under the public adjusters licensing act, the commissioner shall  
24 find that the applicant:

25 (1) Is eligible to designate this state as the applicant's home state or is  
26 a nonresident who is not eligible for a license under K.S.A. 40-5508, and  
27 amendments thereto;

28 (2) has not committed any act that is a ground for denial, suspension  
29 or revocation of a license as set forth in K.S.A. 40-5510, and amendments  
30 thereto;

31 (3) is trustworthy, reliable and of good reputation, evidence of which  
32 may be determined by the commissioner;

33 (4) is financially responsible to exercise the rights and privileges  
34 under the license and has provided proof of financial responsibility as  
35 required in K.S.A. 40-5511, and amendments thereto;

36 (5) has paid an application fee not to exceed \$100; and

37 (6) maintains an office in the home state with public access during  
38 regular business hours or by reasonable appointment.

39 (b) In addition to satisfying the requirements of subsection (a), an  
40 applicant shall:

41 (1) Be at least 18 years of age; and

42 (2) have successfully passed the public adjuster examination.

43 (c) The commissioner may require any documents reasonably

1 necessary to verify the information contained in the application.

2 (d)(1) The commissioner may require a person applying for a public  
3 adjuster license *an applicant* to be fingerprinted and submit to a state and  
4 national criminal history record check *in accordance with section 2, and*  
5 *amendments thereto*, or to submit to a background check, or both.

6 (A) ~~The fingerprints shall be used to identify the applicant and to~~  
7 ~~determine whether the applicant has a record of criminal history in this~~  
8 ~~state or another jurisdiction. The commissioner shall submit the~~  
9 ~~fingerprints to the Kansas bureau of investigation and the federal bureau of~~  
10 ~~investigation for a state and national criminal history record check. Local~~  
11 ~~and state law enforcement officers and agencies shall assist the~~  
12 ~~commissioner in the taking and processing of fingerprints of applicants~~  
13 ~~and shall release all records of an applicant's arrests and convictions to the~~  
14 ~~commissioner.~~

15 (B) ~~The commissioner may conduct or have a third party conduct a~~  
16 ~~background check on a person applying for a public adjuster license.~~

17 (2) ~~Whenever the commissioner requires fingerprinting or a~~  
18 ~~background check, or both, any associated costs shall be paid by the~~  
19 ~~applicant.~~

20 (3) ~~The commissioner may use the information obtained from a~~  
21 ~~background check, fingerprinting and the applicant's criminal history only~~  
22 ~~for purposes of verifying the identity of the applicant and in the official~~  
23 ~~determination of the fitness of the applicant to be issued a license as a~~  
24 ~~public adjuster in accordance with the public adjusters licensing act.~~

25 (e) Not later than December 1 of each year, the commissioner shall  
26 set and publish in the Kansas register the application fees required  
27 pursuant to subsection (a) for the next calendar year.

28 Sec. 32. K.S.A. 2023 Supp. 41-102 is hereby amended to read as  
29 follows: 41-102. As used in this act, unless the context clearly requires  
30 otherwise:

31 (a) "Alcohol" means the product of distillation of any fermented  
32 liquid, whether rectified or diluted, whatever its origin, and includes  
33 synthetic ethyl alcohol but does not include denatured alcohol or wood  
34 alcohol.

35 (b) "Alcoholic candy" means:

36 (1) For purposes of manufacturing, any candy or other confectionery  
37 product with an alcohol content greater than 0.5% alcohol by volume; and

38 (2) for purposes of sale at retail, any candy or other confectionery  
39 product with an alcohol content greater than 1% alcohol by volume.

40 (c) "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic  
41 candy and every liquid or solid, patented or not, containing alcohol, spirits,  
42 wine or beer and capable of being consumed by a human being, but shall  
43 not include any cereal malt beverage.

1 (d) *"Applicant"* means a person who has submitted an application for  
2 licensure under this act.

3 (e) *"Beer"* means a beverage, containing more than 3.2% alcohol by  
4 weight, obtained by alcoholic fermentation of an infusion or concoction of  
5 barley, or other grain, malt and hops in water and includes beer, ale, stout,  
6 lager beer, porter and similar beverages having such alcoholic content.

7 ~~(e)~~(f) *"Caterer"* means the same as defined by K.S.A. 41-2601, and  
8 amendments thereto.

9 ~~(f)~~(g) *"Cereal malt beverage"* means the same as defined by K.S.A.  
10 41-2701, and amendments thereto.

11 ~~(g)~~(h) *"Club"* means the same as defined by K.S.A. 41-2601, and  
12 amendments thereto.

13 ~~(h)~~(i) *"Director"* means the director of alcoholic beverage control of  
14 the department of revenue.

15 ~~(i)~~(j) *"Distributor"* means the person importing or causing to be  
16 imported into the state, or purchasing or causing to be purchased within  
17 the state, alcoholic liquor for sale or resale to retailers licensed under this  
18 act or cereal malt beverage for sale or resale to retailers licensed under  
19 K.S.A. 41-2702, and amendments thereto.

20 ~~(j)~~(k) *"Domestic beer"* means beer which contains not more than 15%  
21 alcohol by weight and which is manufactured in this state.

22 ~~(k)~~(l) *"Domestic fortified wine"* means wine which contains more  
23 than 16%, but not more than 20% alcohol by volume and which is  
24 manufactured in this state.

25 ~~(l)~~(m) *"Domestic table wine"* means wine which contains not more  
26 than 16% alcohol by volume and which is manufactured without  
27 rectification or fortification in this state.

28 ~~(m)~~(n) *"Drinking establishment"* means the same as defined by  
29 K.S.A. 41-2601, and amendments thereto.

30 ~~(n)~~(o) *"Farm winery"* means a winery licensed by the director to  
31 manufacture, store and sell domestic table wine and domestic fortified  
32 wine.

33 ~~(o)~~(p) *"Fulfillment house"* means any location or facility for any in-  
34 state or out-of-state entity that handles logistics, including warehousing,  
35 packaging, order fulfillment or shipping services on behalf of the holder of  
36 a special order shipping license issued pursuant to K.S.A. 41-350, and  
37 amendments thereto.

38 ~~(p)~~(q) *"Hard cider"* means any alcoholic beverage that:

39 (1) Contains less than 8.5% alcohol by volume;

40 (2) has a carbonation level that does not exceed 6.4 grams per liter;  
41 and

42 (3) is obtained by the normal alcoholic fermentation of the juice of  
43 sound, ripe apples or pears, including such beverages containing sugar

1 added for the purpose of correcting natural deficiencies.

2 ~~(q)~~(r) "Manufacture" means to distill, rectify, ferment, brew, make,  
3 mix, concoct, process, blend, bottle or fill an original package with any  
4 alcoholic liquor, beer or cereal malt beverage.

5 ~~(r)~~(s) (1) "Manufacturer" means every brewer, fermenter, distiller,  
6 rectifier, wine maker, blender, processor, bottler or person who fills or  
7 refills an original package and others engaged in brewing, fermenting,  
8 distilling, rectifying or bottling alcoholic liquor, beer or cereal malt  
9 beverage.

10 (2) "Manufacturer" does not include a microbrewery, microdistillery  
11 or a farm winery.

12 ~~(s)~~(t) "Microbrewery" means a brewery licensed by the director to  
13 manufacture, store and sell domestic beer and hard cider.

14 ~~(t)~~(u) "Microdistillery" means a facility which produces spirits from  
15 any source or substance that is licensed by the director to manufacture,  
16 store and sell spirits.

17 ~~(u)~~(v) "Minor" means any person under 21 years of age.

18 ~~(v)~~(w) "Nonbeverage user" means any manufacturer of any of the  
19 products set forth and described in K.S.A. 41-501, and amendments  
20 thereto, when the products contain alcohol or wine, and all laboratories  
21 using alcohol for nonbeverage purposes.

22 ~~(w)~~(x) "Original package" means any bottle, flask, jug, can, cask,  
23 barrel, keg, hogshead or other receptacle or container whatsoever, used,  
24 corked or capped, sealed and labeled by the manufacturer of alcoholic  
25 liquor, to contain and to convey any alcoholic liquor. Original container  
26 does not include a sleeve.

27 ~~(x)~~(y) "Person" means any natural person, corporation, partnership,  
28 trust or association.

29 ~~(y)~~(z) "Powdered alcohol" means alcohol that is prepared in a  
30 powdered or crystal form for either direct use or for reconstitution in a  
31 nonalcoholic liquid.

32 ~~(z)~~(aa) "Primary American source of supply" means the  
33 manufacturer, the owner of alcoholic liquor at the time it becomes a  
34 marketable product or the manufacturer's or owner's exclusive agent who,  
35 if the alcoholic liquor cannot be secured directly from such manufacturer  
36 or owner by American wholesalers, is the source closest to such  
37 manufacturer or owner in the channel of commerce from which the  
38 product can be secured by American wholesalers.

39 ~~(aa)~~(bb) (1) "Retailer" means a person who is licensed under the  
40 Kansas liquor control act and sells at retail, or offers for sale at retail,  
41 alcoholic liquors or cereal malt beverages.

42 (2) "Retailer" does not include a microbrewery, microdistillery or a  
43 farm winery.

1       ~~(bb)~~(cc) "Sale" means any transfer, exchange or barter in any manner  
2 or by any means whatsoever for a consideration and includes all sales  
3 made by any person, whether principal, proprietor, agent, servant or  
4 employee.

5       ~~(ee)~~(dd) "Salesperson" means any natural person who:

6       (1) Procures or seeks to procure an order, bargain, contract or  
7 agreement for the sale of alcoholic liquor or cereal malt beverage; or

8       (2) is engaged in promoting the sale of alcoholic liquor or cereal malt  
9 beverage, or in promoting the business of any person, firm or corporation  
10 engaged in the manufacturing and selling of alcoholic liquor or cereal malt  
11 beverage, whether the seller resides within the state of Kansas and sells to  
12 licensed buyers within the state of Kansas, or whether the seller resides  
13 without the state of Kansas and sells to licensed buyers within the state of  
14 Kansas.

15       ~~(dd)~~(ee) "Sample" means a serving of alcoholic liquor that contains  
16 not more than: (1) One-half ounce of distilled spirits; (2) one ounce of  
17 wine; or (3) two ounces of beer or cereal malt beverage. A "sample" of a  
18 mixed alcoholic beverage shall contain not more than ½ ounce of distilled  
19 spirits.

20       ~~(ee)~~(ff) "Secretary" means the secretary of revenue.

21       ~~(ff)~~(gg) (1) "Sell at retail" and "sale at retail" refer to and mean sales  
22 for use or consumption and not for resale in any form and sales to clubs,  
23 licensed drinking establishments, licensed caterers or holders of temporary  
24 permits.

25       (2) "Sell at retail" and "sale at retail" do not refer to or mean sales by  
26 a distributor, a microbrewery, a farm winery, a licensed club, a licensed  
27 drinking establishment, a licensed caterer or a holder of a temporary  
28 permit.

29       ~~(gg)~~(hh) "To sell" includes to solicit or receive an order for, to keep or  
30 expose for sale and to keep with intent to sell.

31       ~~(hh)~~(ii) "Sleeve" means a package of two or more 50-milliliter or 3.2-  
32 fluid-ounce containers of spirits.

33       ~~(ii)~~(jj) "Spirits" means any beverage which contains alcohol obtained  
34 by distillation, mixed with water or other substance in solution, and  
35 includes brandy, rum, whiskey, gin or other spirituous liquors, and such  
36 liquors when rectified, blended or otherwise mixed with alcohol or other  
37 substances.

38       ~~(jj)~~(kk) "Supplier" means a manufacturer of alcoholic liquor or cereal  
39 malt beverage or an agent of such manufacturer, other than a salesperson.

40       ~~(kk)~~(ll) "Temporary permit" means the same as defined by K.S.A. 41-  
41 2601, and amendments thereto.

42       ~~(ll)~~(mm) "Wine" means any alcoholic beverage obtained by the  
43 normal alcoholic fermentation of the juice of sound, ripe grapes, fruits,

1 berries or other agricultural products, including such beverages containing  
2 added alcohol or spirits or containing sugar added for the purpose of  
3 correcting natural deficiencies. "Wine" includes hard cider and any other  
4 product that is commonly known as a subset of wine.

5 Sec. 33. K.S.A. 41-311b is hereby amended to read as follows: 41-  
6 311b. (a) If an applicant for licensure is not a resident of the state of  
7 Kansas on the date of submission of such application, the director may  
8 require the individual applicant, or if the applicant is a corporation,  
9 partnership or trust, each individual officer, director, stockholder, copartner  
10 or trustee to:

11 (1) Submit to a national criminal history record check and provide the  
12 director with a legible set of fingerprints *in accordance with section 2, and*  
13 *amendments thereto*;

14 (2) disclose to the director any substantial financial interest the  
15 applicant owns in any entity that receives proceeds from the sale of  
16 alcoholic beverages; and

17 (3) submit a release allowing the director to have access to and  
18 review of the applicant's financial records to verify ownership and to  
19 ensure applicant is not an agent of another person. This release shall  
20 remain in effect after the license has been issued until the license is  
21 canceled or revoked.

22 ~~(b) The director shall submit the fingerprints provided under~~  
23 ~~subsection (a) to the Kansas bureau of investigation and to the federal~~  
24 ~~bureau of investigation and receive a reply to enable the director to verify~~  
25 ~~the identity of such applicant or such individuals specified in subsection~~  
26 ~~(a) and whether such applicant or such individuals have been convicted of~~  
27 ~~any crimes that would disqualify the applicant or such individuals from~~  
28 ~~holding a license under the liquor control act. The director is authorized to~~  
29 ~~use the information obtained from the national criminal history record~~  
30 ~~check to determine such applicant's or individual's eligibility to hold a~~  
31 ~~license under the liquor control act.~~

32 ~~(e)~~ All costs incurred pursuant to this section to ensure that the  
33 applicant is qualified for licensure shall be paid by the applicant.

34 Sec. 34. K.S.A. 46-1103 is hereby amended to read as follows: 46-  
35 1103. (a) There is hereby established the division of post audit within the  
36 legislative branch of the government. The division of post audit shall be  
37 under the direct supervision of the post auditor in accordance with policies  
38 adopted by the legislative post audit committee.

39 (b) (1) Employees in the division of post audit shall be in the  
40 unclassified service, shall receive such compensation as is provided under  
41 this act and shall be covered by the state group health plan and Kansas  
42 public employees retirement system to the same extent as other state  
43 employees.

1 (2) Employees of the division of post audit shall receive travel  
2 expenses and subsistence expenses and allowances as provided for other  
3 state employees.

4 (3) Employees in the division of post audit shall be employed by and  
5 be responsible to the post auditor who shall fix the compensation of each  
6 such employee subject to approval of the legislative post audit committee  
7 and within budget and appropriations therefor.

8 (c) (1) ~~The post auditor may require employees of the division of post~~  
9 ~~audit and other persons who contract to work with or work under the~~  
10 ~~direction of the post auditor to be fingerprinted and submit to a state and~~  
11 ~~national criminal history record check in accordance with section 2, and~~  
12 ~~amendments thereto. The fingerprints shall be used to identify the~~  
13 ~~employee and to determine whether the employee has a record of criminal~~  
14 ~~history in this state or another jurisdiction. The post auditor shall submit~~  
15 ~~the fingerprints to the Kansas bureau of investigation and the federal~~  
16 ~~bureau of investigation for a state and national criminal history record~~  
17 ~~check. Local and state law enforcement officers and agencies shall assist~~  
18 ~~the post auditor in the taking and processing of fingerprints of employees~~  
19 ~~or other such persons. Local law enforcement officers and agencies may~~  
20 ~~charge a fee as reimbursement for expenses incurred in taking and~~  
21 ~~processing fingerprints under this section. The post auditor may use the~~  
22 ~~information obtained from fingerprinting and the criminal history for~~  
23 ~~purposes of verifying the identification of the employee or other such~~  
24 ~~person and in the official determination of the qualifications and fitness of~~  
25 ~~the employee or other such person to work with the division of post audit~~  
26 ~~in any capacity.~~

27 (2) If any person offered a position of employment in the division of  
28 post audit, including any person who contracts to work with the division of  
29 post audit is subject to a criminal history records check, such person shall  
30 be given a written notice that a criminal history records check is required.  
31 The post auditor may require such person to be fingerprinted and submit to  
32 a state and national criminal history record check *in accordance with*  
33 *section 2, and amendments thereto.* ~~The fingerprints shall be used to~~  
34 ~~identify the person and to determine whether the person has a record of~~  
35 ~~criminal history in this state or another jurisdiction. The post auditor shall~~  
36 ~~submit the fingerprints to the Kansas bureau of investigation and the~~  
37 ~~federal bureau of investigation for a state and national criminal history~~  
38 ~~record check. Local and state law enforcement officers and agencies shall~~  
39 ~~assist the post auditor in the taking and processing of fingerprints of each~~  
40 ~~such person. Local law enforcement officers and agencies may charge a~~  
41 ~~fee as reimbursement for expenses incurred in taking and processing~~  
42 ~~fingerprints under this section. The post auditor may use the information~~  
43 ~~obtained from fingerprinting and the criminal history for purposes of~~

1 verifying the identification of the person and in the official determination  
2 of the eligibility of the person to perform appropriate tasks for the division  
3 of post audit. If the criminal history record information is used to  
4 disqualify a person from employment or a contract offer, such person shall  
5 be informed in writing of that decision.

6 (3) For the purposes of this subsection, "employee" means a person  
7 with a position of employment within the division of post audit or a person  
8 who contracts to work with or under the direction of the post auditor.

9 (d) The annual budget request of the division shall be prepared by the  
10 post auditor and the post auditor shall present it to the legislative post audit  
11 committee. The committee shall make any changes it desires in said  
12 budget request and then shall transmit it to the legislative coordinating  
13 council. Such council shall make any changes it desires in such budget  
14 request and upon approval of the budget request by the council, the post  
15 auditor shall submit it to the director of the budget as other budget requests  
16 are submitted.

17 Sec. 35. K.S.A. 46-3301 is hereby amended to read as follows: 46-  
18 3301. (a) There is hereby established a joint committee on Kansas security  
19 which shall consist of five members of the house of representatives and  
20 five members of the senate. Three of the members who are representatives  
21 shall be appointed by the speaker of the house of representatives, three  
22 members who are senators shall be appointed by the president of the  
23 senate, two members who are representatives shall be appointed by the  
24 minority leader of the house of representatives and two members who are  
25 senators shall be appointed by the minority leader of the senate. The  
26 speaker of the house of representatives shall designate a representative  
27 member to be chairperson or vice-chairperson of the committee as  
28 provided by this section. The president of the senate shall designate a  
29 senator member to be chairperson or vice-chairperson of the joint  
30 committee as provided by this section.

31 (b) The Kansas bureau of investigation shall conduct a criminal  
32 history record check and background investigation of all committee staff  
33 members of the legislative research department and the office of ~~the~~  
34 revisor of statutes *in accordance with section 3, and amendments thereto.*

35 (c) A quorum of the joint committee on Kansas security shall be six.  
36 All actions of the committee may be taken by a majority of those present  
37 when there is a quorum. In odd-numbered years the chairperson of the  
38 joint committee shall be the designated member of the house of  
39 representatives from the convening of the regular session in that year until  
40 the convening of the regular session in the next ensuing year. In even-  
41 numbered years the chairperson of the joint committee shall be the  
42 designated member of the senate from the convening of the regular session  
43 of that year until the convening of the regular session of the next ensuing

1 year. The ~~vice-chairperson~~ *vice chairperson* shall exercise all of the powers of the chairperson in the absence of the chairperson.

(d) The joint committee on Kansas security may meet at any time and at any place within the state on call of the chairperson. Members of the joint committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such committee authorized by the legislative coordinating council.

(e) Amounts paid under authority of this section shall be paid from appropriations for legislative expense and vouchers therefor shall be prepared by the director of legislative administrative services and approved by the chairperson or vice-chairperson of the legislative coordinating council.

(f) The joint committee on Kansas security may introduce such legislation as deemed necessary in performing such committee's functions.

(g) The joint committee on Kansas security shall have the services of the legislative research department, the office of ~~the~~ revisor of statutes and other central legislative staff service agencies.

(h) The joint committee on Kansas security shall study, monitor, review and make recommendations for the following:

(1) Matters relating to the security of state officers or employees;

(2) security of buildings and property under the ownership or control of the state of Kansas;

(3) matters relating to the security of a public body or agency, public building or facility;

(4) matters relating to the security of the infrastructure of Kansas, including any information system; and

(5) measures for the improvement of security for the state of Kansas.

(i) The joint committee on Kansas security shall review and monitor federal moneys received by the state for the purposes of homeland security and other related security matters.

(j) The joint committee on Kansas security shall report to the legislature on or before December 31 each year any findings and recommendations concerning Kansas security which the joint committee deems appropriate.

Sec. 36. K.S.A. 2023 Supp. 50-6,126 is hereby amended to read as follows: 50-6,126. (a) There shall be a question on all application and renewal forms requiring the applicant to answer under oath whether or not the applicant has been convicted of a felony offense in this state, another state, or any other place, and the nature of that offense upon which a conviction was imposed.

(b) Conviction of an offense shall not disqualify a person from registration as a roofing contractor under this act, provided the applicant

1 has truthfully disclosed the conviction and nature of the offense.

2 (c) When deemed appropriate, the attorney general may conduct a  
3 criminal history records search or background check *in accordance with*  
4 *section 3, and amendments thereto*, on any applicant or registered roofing  
5 contractor and may investigate the information submitted on a roofing  
6 contractor application or renewal form, provided no adverse action may be  
7 taken against the person until the person has been notified and given an  
8 opportunity to respond in writing.

9 Sec. 37. K.S.A. 2023 Supp. 50-1128 is hereby amended to read as  
10 follows: 50-1128. This act shall be administered by the commissioner. In  
11 addition to other powers granted by this act, the commissioner, within the  
12 limitations provided by law, may exercise the following powers:

13 (a) Adopt, amend and revoke rules and regulations as necessary to  
14 carry out the intent and purpose of this act.

15 (b) Make any investigation and examination of the operations, books  
16 and records of a credit services organization, as the commissioner deems  
17 necessary to aid in the enforcement of this act.

18 (1) The commissioner, or the commissioner's designee, shall have  
19 free and reasonable access to the offices, places of business and all records  
20 of the licensee that relate to the debt management or credit services  
21 organization business. The commissioner may designate persons,  
22 including comparable officials of the state in which the records are located,  
23 to inspect the records on the commissioner's behalf.

24 (2) The commissioner may charge reasonable costs of investigation,  
25 examination and administration of this act, to be paid by the applicant or  
26 licensee, in such amounts as the commissioner may determine to be  
27 sufficient to meet the budget requirements of the commissioner for each  
28 fiscal year. The commissioner may maintain an action in any court to  
29 recover such costs.

30 (c) To order any licensee or person to cease any activity or practice  
31 which the commissioner deems to be deceptive, dishonest, or a violation of  
32 this act, or of other state or federal law, or unduly harmful to the interests  
33 of the public.

34 (d) (1) Exchange any information regarding the administration of this  
35 act with any agency of the United States or any state which regulates the  
36 applicant or licensee or administers statutes, rules and regulations or  
37 programs related to debt management or credit services organization laws.

38 (2) Examination reports and correspondence regarding such reports  
39 made by the commissioner or the commissioner's designees shall be  
40 confidential. The commissioner may release examination reports and  
41 correspondence regarding the reports in connection with a disciplinary  
42 proceeding conducted by the commissioner, a liquidation proceeding or a  
43 criminal investigation or proceeding. Additionally, the commissioner may

1 furnish to federal or other state regulatory agencies or any officer or  
2 examiner thereof, a copy of any or all examination reports and  
3 correspondence regarding the reports made by the commissioner or the  
4 commissioner's designees.

5 (e) Disclose to any person or entity that an applicant's or licensee's  
6 application or license has been denied, suspended, revoked or refused  
7 renewal.

8 (f) Require or permit any person to file a written statement, under  
9 oath or otherwise as the commissioner may direct, setting forth all the facts  
10 and circumstances concerning any apparent violation of this act, any rule  
11 and regulation promulgated hereunder, or any order issued pursuant to this  
12 act.

13 (g) Receive, as a condition in settlement of any investigation or  
14 examination, a payment designated for consumer education to be  
15 expended for such purpose as directed by the commissioner.

16 (h) Delegate the authority to sign any orders, official documents or  
17 papers issued under or related to this act to the deputy of consumer and  
18 mortgage lending in the office of the state bank commissioner.

19 (i) Require fingerprinting of any licensee, ~~agent acting on behalf of a~~  
20 ~~licensee or other person as deemed appropriate by the commissioner, or~~  
21 ~~the commissioner's designee in accordance with section 2, and~~  
22 ~~amendments thereto. The commissioner, or commissioner's designee, may~~  
23 ~~submit such fingerprints to the Kansas bureau of investigation, federal~~  
24 ~~bureau of investigation or other law enforcement agency for the purposes~~  
25 ~~of verifying the identity of such persons and obtaining records of their~~  
26 ~~criminal arrests and convictions. For purposes of this section and in order~~  
27 ~~to reduce the points of contact that the federal bureau of investigation may~~  
28 ~~have to maintain with the individual states, the commissioner may use the~~  
29 ~~nationwide mortgage licensing system and registry as a channeling agent~~  
30 ~~for requesting information from and distributing information to the~~  
31 ~~department of justice or any governmental agency.~~

32 (j) Use the nationwide mortgage licensing system and registry as a  
33 channeling agent for requesting and distributing information regarding  
34 credit services organization licensing to and from any source so directed  
35 by the commissioner.

36 (k) Establish relationships or contracts with the nationwide mortgage  
37 licensing system and registry or other entities to collect and maintain  
38 records and process transaction fees or other fees related to applicants,  
39 licensees or other persons subject to this act, and to take other such actions  
40 as may be reasonably necessary to participate in the nationwide mortgage  
41 licensing system and registry.

42 (l) Charge, establish and collect from licensees such fees as are  
43 necessary and in such amounts as the commissioner may determine to be

1 sufficient to meet the expense requirements of the commissioner in  
2 administering this act.

3 (m) Seize and distribute a licensee's trust account funds to protect  
4 consumers and the public interest.

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

14 (o) To enter into any informal agreement with any person for a plan  
15 of action to address violations of this act. The adoption of an informal  
16 agreement authorized by this subsection shall not be subject to the  
17 provisions of the Kansas administrative procedure act or the Kansas  
18 judicial review act. Any informal agreement authorized by this subsection  
19 shall not be considered an order or other agency action, and shall be  
20 considered confidential examination material pursuant to K.S.A. 50-  
21 1128(d), and amendments thereto. All such examination material shall be  
22 confidential by law and privileged, shall not be subject to the open records  
23 act, shall not be subject to subpoena and shall not be subject to discovery  
24 or admissible in evidence in any private civil action.

25 (p) Issue, amend and revoke written administrative guidance  
26 documents in accordance with the applicable provisions of the Kansas  
27 administrative procedure act.

28 Sec. 38. K.S.A. 2023 Supp. 58-3035 is hereby amended to read as  
29 follows: 58-3035. As used in this act, unless the context otherwise  
30 requires:

31 (a) "Act" means the real estate brokers' and salespersons' license act.

32 (b) "Advance listing fee" means any fee charged for services related  
33 to promoting the sale or lease of real estate and paid in advance of the  
34 rendering of such services, including any fees charged for listing,  
35 advertising or offering for sale or lease any real estate, but excluding any  
36 fees paid solely for advertisement or for listing in a publication issued for  
37 the sole purpose of promoting the sale or lease of real estate wherein  
38 inquiries are directed to the owner of the real estate or to real estate  
39 brokers and not to unlicensed persons who publish the listing.

40 (c) "Associate broker" means an individual who has a broker's license  
41 and who is employed by another broker or is associated with another  
42 broker as an independent contractor and participates in any activity  
43 described in subsection (f).

1 (d) "Branch broker" means an individual who has a broker's license  
2 and who has been designated to supervise a branch office and the activities  
3 of salespersons and associate brokers assigned to the branch office.

4 (e) "Branch office" means a place of business other than the principal  
5 place of business of a broker.

6 (f) "Broker" means an individual, other than a salesperson, who  
7 advertises or represents that such individual engages in the business of  
8 buying, selling, exchanging or leasing real estate or who, for  
9 compensation, engages in any of the following activities as an employee  
10 of, or on behalf of, the owner, purchaser, lessor or lessee of real estate:

11 (1) Sells, exchanges, purchases or leases real estate.

12 (2) Offers to sell, exchange, purchase or lease real estate.

13 (3) Negotiates or offers, attempts or agrees to negotiate the sale,  
14 exchange, purchase or leasing of real estate.

15 (4) Lists or offers, attempts or agrees to list real estate for sale, lease  
16 or exchange.

17 (5) Auctions or offers, attempts or agrees to auction real estate or  
18 assists an auctioneer by procuring bids at a real estate auction.

19 (6) Buys, sells, offers to buy or sell or otherwise deals in options on  
20 real estate.

21 (7) Assists or directs in the procuring of prospects calculated to result  
22 in the sale, exchange or lease of real estate.

23 (8) Assists in or directs the negotiation of any transaction calculated  
24 or intended to result in the sale, exchange or lease of real estate.

25 (9) Engages in the business of charging an advance listing fee.

26 (10) Provides lists of real estate as being available for sale or lease,  
27 other than lists provided for the sole purpose of promoting the sale or lease  
28 of real estate wherein inquiries are directed to the owner of the real estate  
29 or to real estate brokers and not to unlicensed persons who publish the list.

30 (g) "Commission" means the Kansas real estate commission.

31 (h) "Exchange" means a type of sale or purchase of real estate.

32 (i) "Interest" means: (1) Having any type of ownership in the real  
33 estate involved in the transaction; or (2) an officer, member, partner or  
34 shareholder of any entity that owns such real estate excluding an  
35 ownership interest of less than 5% in a publicly traded entity.

36 (j) "Lease" means rent or lease for nonresidential use.

37 (k) "Licensee" means any person licensed under this act as a broker  
38 or salesperson.

39 (l) (1) "Office" means any permanent location where one or more  
40 licensees regularly conduct real estate business as described in subsection  
41 (f) or a location that is held out as an office.

42 (2) "Office" does not mean a model home office in a new home  
43 subdivision if the real estate transaction files are maintained in the primary

1 office or branch office.

2 (m) "Primary office" means a supervising broker's principal place of  
3 business for each company created or established by the broker.

4 (n) "Real estate" means any interest or estate in land, including any  
5 leasehold or condominium, whether corporeal, incorporeal, freehold or  
6 nonfreehold and whether the real estate is situated in this state or  
7 elsewhere, but does not include oil and gas leases, royalties and other  
8 mineral interests, and rights of way and easements acquired for the  
9 purpose of constructing roadways, pipelines, conduits, wires and facilities  
10 related to these types of improvement projects for private and public  
11 utilities, municipalities, federal and state governments, or any political  
12 subdivision. For purpose of this act, any rights of redemption are  
13 considered to be an interest in real estate.

14 (o) "Salesperson" means an individual, other than an associate broker,  
15 who is employed by a broker or is associated with a broker as an  
16 independent contractor and participates in any activity described in  
17 subsection (f).

18 (p) "Supervising broker" means an individual, other than a branch  
19 broker, who has a broker's license and who has been designated as the  
20 broker who is responsible for the supervision of the primary office of a  
21 broker and the activities of salespersons and associate brokers who are  
22 assigned to such office and all of whom are licensed pursuant to ~~subsection~~  
23 ~~(b) of K.S.A. 58-3042(b)~~, and amendments thereto. "Supervising broker"  
24 ~~also means~~ *includes* a broker who operates a sole proprietorship and with  
25 whom associate brokers or salespersons are affiliated as employees or  
26 independent contractors.

27 (q) *"Applicant" means an individual who has applied or intends to*  
28 *apply for licensure under this act as a broker or salesperson.*

29 Sec. 39. K.S.A. 2023 Supp. 58-3039 is hereby amended to read as  
30 follows: 58-3039. (a) Any person desiring to act as a broker or salesperson  
31 ~~must~~ *shall* file an application for a license with the commission or, if  
32 required by the commission, with the testing service designated by the  
33 commission. The application shall be in such form and detail as the  
34 commission shall prescribe. The commission may require any portion of  
35 the application to be submitted electronically.

36 (1) Any applicant who qualifies for licensure as a salesperson shall  
37 submit the application accompanied by evidence of compliance with  
38 K.S.A. 58-3046a(a) and (c), and amendments thereto.

39 (2) Any applicant who qualifies for licensure as a broker shall submit  
40 the application accompanied by evidence of compliance with K.S.A. 58-  
41 3046a(b) and (d), and amendments thereto.

42 (3) All applicants shall submit the application and license fees as  
43 prescribed by K.S.A. 58-3063, and amendments thereto.

1 (b) (1) As part of an application for an original license or in  
2 connection with any investigation of any holder of a license, the  
3 commission shall require a person to be fingerprinted and submit to a state  
4 and national criminal history record check *in accordance with section 2,*  
5 *and amendments thereto.* ~~The fingerprints shall be used to identify the~~  
6 ~~person and to determine whether the person has a record of criminal~~  
7 ~~history in this state or other jurisdiction. The commission shall require the~~  
8 ~~applicant to submit the fingerprints to the Kansas bureau of investigation~~  
9 ~~and the federal bureau of investigation for a state and national criminal~~  
10 ~~history record check in the manner designated by the Kansas bureau of~~  
11 ~~investigation. The commission shall use the information obtained from~~  
12 ~~fingerprinting and the criminal history for purposes of verifying the~~  
13 ~~identification of the person and in the official determination of the~~  
14 ~~qualifications and fitness of the person to be issued or to maintain a~~  
15 ~~license.~~

16 (2) ~~Local and state law enforcement officers and agencies shall assist~~  
17 ~~the commission in taking and processing fingerprints of applicants for and~~  
18 ~~holders of any license and shall release all records of adult convictions to~~  
19 ~~the commission.~~

20 (3) The commission may fix and collect a fee in an amount necessary  
21 to reimburse the commission for the cost of fingerprinting and the criminal  
22 history record check. Such fee shall be established by rule and regulation  
23 in accordance with K.S.A. 58-3063, and amendments thereto. Any moneys  
24 collected under this subsection shall be deposited in the state treasury and  
25 credited to the background investigation fee fund.

26 (c) A license to engage in business as a broker or salesperson shall be  
27 granted only to a person who is 18 or more years of age and who has a  
28 high school diploma or its equivalent.

29 (d) (1) In addition to the requirements of subsection (c), except as  
30 provided in subsection (e), each applicant for an original license as a  
31 broker shall have been licensed as a salesperson in this state or as a  
32 salesperson or broker in another state, and shall have been actively  
33 engaged in any of the activities described in K.S.A. 58-3035(f), and  
34 amendments thereto, for a period of at least two years during the three  
35 years immediately preceding the date of the application for a license.

36 (2) The commission may adopt rules and regulations to implement  
37 the provisions of this subsection.

38 (e) The commission may accept proof of experience in the real estate  
39 or a related business or a combination of such experience and education  
40 which the commission believes qualifies the applicant to act as a broker as  
41 being equivalent to all or part of the experience required by subsection (d).

42 (f) Each applicant for an original license shall be required to pass an  
43 examination covering the subject matter which brokers or salespersons

1 generally confront while conducting activities that require a real estate  
2 license. The examination shall consist of a general portion that tests the  
3 applicant's knowledge of real estate matters that have general application.  
4 The state portion of the examination shall test the applicant's knowledge of  
5 real estate subject matter applicable to a specific jurisdiction.

6 (1) Except as provided in K.S.A. 58-3040, and amendments thereto,  
7 each applicant for an original license shall be required to pass the general  
8 or national portion of the examination.

9 (2) Each applicant for an original license shall be required to pass the  
10 Kansas state portion of the examination.

11 (3) No license shall be issued on the basis of an examination if either  
12 or both portions of the examination were administered more than six  
13 months prior to the date that the applicant's application is received by the  
14 commission. The examination may be given by the commission or testing  
15 service designated by the commission. Each person taking the examination  
16 shall pay the examination fee prescribed pursuant to K.S.A. 58-3063, and  
17 amendments thereto, which fee the commission may require to be paid to  
18 it or directly to the testing service designated by the commission. The  
19 examination for a broker's license shall be different from or in addition to  
20 that for a salesperson's license.

21 (g) The commission, prior to granting an original license, shall  
22 require proof that the applicant has a good reputation for honesty,  
23 trustworthiness, integrity and competence to transact the business of a  
24 broker or salesperson in such manner as to safeguard the public interest.

25 (h) An application for an original license as a salesperson or associate  
26 broker shall be accompanied by the recommendation of the supervising  
27 broker or branch broker with whom the salesperson or associate broker is  
28 to be associated, or by whom the salesperson or associate broker is to be  
29 employed, certifying that the applicant is honest, trustworthy and of good  
30 reputation.

31 Sec. 40. K.S.A. 2023 Supp. 58-4102 is hereby amended to read as  
32 follows: 58-4102. As used in this act:

33 (a) "Appraisal" or "real estate appraisal" means an analysis, opinion  
34 or conclusion prepared by a real estate appraiser relating to the nature,  
35 quality, value or utility of specified interests in, or aspects of, identified  
36 real estate. An appraisal may be classified by subject matter into either a  
37 valuation or an analysis. A valuation is an estimate of the value of real  
38 estate or real property. An analysis is a study of real estate or real property  
39 other than estimating value.

40 (b) "Appraisal assignment" means an engagement for which an  
41 appraiser is employed or retained to act, or would be perceived by third  
42 parties or the public as acting, as a disinterested party in rendering an  
43 unbiased analysis, opinion or conclusion relating to the nature, quality,

1 value or utility of specified interests in, or aspects of, identified real estate.

2 (c) "Broker's price opinion" and "comparative market analysis"  
3 means an analysis, opinion or conclusion prepared by an individual  
4 licensed as a real estate broker or salesperson pursuant to K.S.A. 58-3034  
5 et seq., and amendments thereto, relating to the price of specified interests  
6 in or aspects of identified real estate property that is provided to a potential  
7 customer, client or third party in the ordinary course of business.

8 (d) "Board" means the real estate appraisal board established pursuant  
9 to the provisions of this act.

10 (e) "Federal law" means title XI of the financial institutions reform,  
11 recovery and enforcement act of 1989 (12 U.S.C. § 3331 et seq.) and any  
12 other federal law, and any regulations adopted pursuant thereto.

13 (f) "Federally related transaction" means any real estate-related  
14 financial transaction which: (1) A federal financial institutions regulatory  
15 agency or the resolution trust corporation engages in, contracts for or  
16 regulates; and (2) requires the services of an appraiser.

17 (g) *"Licensee" means an individual who has submitted an application*  
18 *for an original license or certificate, licensure by reciprocity or*  
19 *endorsement or renewal of a license or certification or a person who is*  
20 *currently licensed or certified under this act.*

21 (h) "Real estate" means an identified parcel or tract of land, including  
22 improvements, if any.

23 ~~(h)~~(i) "Real estate appraisal organization" means any nationally  
24 recognized organization of professional appraisers.

25 ~~(i)~~(j) "Real estate-related financial transaction" means any transaction  
26 involving: (1) The sale, lease, purchase, investment in or exchange of real  
27 property, including interests in property or the financing thereof; (2) the  
28 refinancing of real property or interests in real property; (3) the use of real  
29 property or interests in property as security for a loan or investment,  
30 including mortgage-backed securities; or (4) a federally related  
31 transaction.

32 ~~(j)~~(k) "Real property" means one or more defined interests, benefits  
33 and rights inherent in the ownership of real estate.

34 ~~(k)~~(l) "Specialized services" means those appraisal services which do  
35 not fall within the definition of appraisal assignment. Specified services  
36 may include valuation work and analysis work. Regardless of the intention  
37 of the client or employer, if the appraiser would be perceived by third  
38 parties or the public as acting as a disinterested party in rendering an  
39 unbiased analysis, opinion or conclusion, the work is classified as an  
40 appraisal assignment and not specialized services.

41 ~~(l)~~(m) A "state certified appraiser" means a person who develops and  
42 communicates real estate appraisals and who holds a current, valid  
43 certificate issued to such person under the provisions of this act.

1       ~~(m)~~(n) A "state licensed appraiser" means a person who develops and  
2 communicates real estate appraisals and holds a current, valid license  
3 issued to such person under the provisions of this act.

4       ~~(n)~~(o) "Written appraisal" means a written statement used in  
5 connection with a real estate-related financial transaction that is  
6 independently and impartially prepared by a licensed or certified appraiser  
7 setting forth an opinion of defined value of an adequately described  
8 property as of a specific date, supported by presentation and analysis of  
9 relevant market information.

10       ~~(o)~~(p) "Appraiser" means a person who develops and communicates  
11 real estate appraisals for real estate-related financial transactions and holds  
12 a current valid certification or license issued to such person under the  
13 provisions of K.S.A. 58-4101 et seq., and amendments thereto.

14       Sec. 41. K.S.A. 2023 Supp. 58-4127 is hereby amended to read as  
15 follows: 58-4127. (a) The real estate appraisal board may require ~~the~~  
16 ~~following individuals~~ a licensee to be fingerprinted and submit to a state  
17 and national criminal history record check:

18       ~~(1) An individual applying for: (A) An original license or~~  
19 ~~certification; (B) licensure by reciprocity or endorsement; or (C) renewal~~  
20 ~~of a license or certification; or~~

21       ~~(2) a currently licensed or certified individual, if necessary, to~~  
22 ~~investigate a complaint or if required by the appraisal subcommittee in~~  
23 ~~accordance with section 2, and amendments thereto.~~

24       ~~(b) The fingerprints shall be used to identify the individual and to~~  
25 ~~determine whether the individual has a record of criminal history in this~~  
26 ~~state or other jurisdiction. The board is authorized to submit the~~  
27 ~~fingerprints to the Kansas bureau of investigation and the federal bureau of~~  
28 ~~investigation for a state and national criminal history record check. The~~  
29 ~~board may use the information obtained from the fingerprinting and the~~  
30 ~~individual's criminal history for purposes of verifying the identification of~~  
31 ~~any individual and in the official determination of the qualifications and~~  
32 ~~fitness of the individual to be issued, to maintain or to renew a license or~~  
33 ~~certification.~~

34       ~~(c) Local and state law enforcement officers and agencies shall assist~~  
35 ~~the board in taking and processing fingerprints of individuals as required~~  
36 ~~by this section and shall release all records of adult convictions to the~~  
37 ~~board. Local law enforcement officers and agencies may charge a fee as~~  
38 ~~reimbursement for expenses incurred in taking and processing fingerprints~~  
39 ~~under this section.~~

40       ~~(d) The board may fix and collect a fee in an amount necessary to~~  
41 ~~reimburse the board for the cost of fingerprinting and the criminal history~~  
42 ~~record check. The board is hereby authorized to adopt rules and~~  
43 ~~regulations pertaining to such fee.~~

1       ~~(e)~~(c) This section shall be a part of and supplemental to the state  
2 certified and licensed real property appraisers act.

3       Sec. 42. K.S.A. 2023 Supp. 58-4703 is hereby amended to read as  
4 follows: 58-4703. As used in this act:

5       (a) *"Applicant" means a person who has submitted an original*  
6 *application for or an application for renewal of a credential under this*  
7 *act.*

8       (b) "Appraisal" has the meaning specified in K.S.A. 58-4102, and  
9 amendments thereto.

10       ~~(b)~~(c) "Appraisal management company" or "AMC" means an  
11 individual, firm, partnership, association, corporation, limited liability  
12 company or any other business entity acting as an external third party  
13 authorized either by a creditor of a consumer credit transaction secured by  
14 a consumer's principal dwelling or by an underwriter of or other principal  
15 in the secondary mortgage markets:

16       (1) That performs appraisal management services, regardless of the  
17 use of any of the following terms: Appraisal management company,  
18 mortgage technology provider, mortgage services provider, lender  
19 processing services provider, loan processor, real estate closing services  
20 provider, vendor management company or any other like term; and

21       (2) such entity oversees an appraiser panel of:

22       (A) More than 15 appraisers who are certified or licensed in Kansas;  
23 or

24       (B) a total of more than 25 appraisers who are certified or licensed in  
25 Kansas and in any other jurisdiction.

26       ~~(e)~~(d) "Appraisal management services" means to perform or attempt  
27 to perform, directly or indirectly, any one or more of the following  
28 functions on behalf of a lender, financial institution, client, or any other  
29 person:

30       (1) Administer an appraiser panel;

31       (2) recruit, qualify, verify licensing or certification and negotiate fees  
32 and service level expectations with any person who is part of an appraiser  
33 panel;

34       (3) receive an order for an appraisal from one entity and deliver the  
35 order for the appraisal to an appraiser that is part of an appraiser panel for  
36 completion;

37       (4) track and determine the status of orders for appraisals;

38       (5) conduct quality control of a completed appraisal prior to the  
39 delivery of such appraisal to the person that ordered the appraisal; or

40       (6) submit a completed appraisal performed by an appraiser to one or  
41 more clients.

42       ~~(d)~~(e) "Appraiser" means an individual who holds a credential issued  
43 by the Kansas real estate appraisal board pursuant to the state certified and

1 licensed real property appraiser act entitling that individual to perform an  
2 appraisal of real property in the state of Kansas consistent with the scope  
3 of practice for such credential.

4 ~~(e)~~(f) "Appraiser panel" means a network of one or more licensed or  
5 certified appraisers who are independent contractors to the AMC and have:

6 (1) Responded to an invitation, request, or solicitation from an AMC,  
7 in any form, to perform appraisals for persons that have ordered appraisals  
8 through the AMC, or to perform appraisals for the AMC directly, on a  
9 periodic basis, as requested and assigned by the AMC; and

10 (2) been selected and approved by an AMC to perform appraisals for  
11 any client of the AMC that has ordered an appraisal through the AMC, or  
12 to perform appraisals for the AMC directly, on a periodic basis, as  
13 assigned by the AMC.

14 ~~(f)~~(g) "Appraisal review" means the act or process of developing and  
15 communicating an opinion about the quality of another appraiser's work  
16 that was performed as part of an appraisal assignment related to the  
17 appraiser's data collection, analysis, opinions of value, conclusions,  
18 estimate of value, or compliance with the uniform standards of  
19 professional appraisal practice. This term "appraisal review" does not  
20 include a general examination for:

21 (1) Grammatical, typographical or other similar errors; or

22 (2) Completeness including regulatory requirements, client  
23 requirements, or both such requirements as specified in the engagement  
24 letter that does not communicate an opinion.

25 ~~(g)~~(h) "Board" means the Kansas real estate appraisal board.

26 ~~(h)~~(i) "Credential" means a certificate, license or temporary permit  
27 issued by the board pursuant to the provisions of the state certified and  
28 licensed real estate appraisals act authorizing an individual to act as a  
29 temporary permitted appraiser, provisional appraiser, state licensed  
30 appraiser, certified residential appraiser or certified general appraiser in the  
31 state of Kansas.

32 ~~(i)~~(j) "Controlling person" means:

33 (1) An owner, officer, manager, or director of a corporation,  
34 partnership, firm, association, limited liability company, or other business  
35 entity seeking to offer appraisal management services in this state;

36 (2) an individual employed, appointed, or authorized by an AMC that  
37 has the authority to enter into a contractual relationship with other persons  
38 for the performance of appraisal management services and has the  
39 authority to enter into agreements with appraisers for the performance of  
40 appraisals; or

41 (3) an individual who possesses, directly or indirectly, the power to  
42 direct or cause the direction of the management or policies of an AMC.

43 ~~(j)~~(k) "Person" means an individual, firm, partnership, association,

1 corporation, or any other entity.

2 ~~(k)(l)~~ "Uniform standards of professional appraisal practice" or  
3 "USPAP" means the edition of the uniform standards of professional  
4 appraisal practice as specified in K.S.A. 58-4121, and amendments  
5 thereto.

6 Sec. 43. K.S.A. 2023 Supp. 58-4709 is hereby amended to read as  
7 follows: 58-4709. (a) No single interest in an AMC applying for, holding  
8 or renewing a registration under this act shall be owned by:

9 (1) An individual who has held a credential issued by any appraiser-  
10 credentialing jurisdiction to act as an appraiser and such credential:

11 (A) Was refused, denied, suspended, revoked, or surrendered or  
12 nonrenewed in lieu of a pending disciplinary proceeding in any  
13 jurisdiction against such individual; and

14 (B) not subsequently granted or reinstated; or

15 (C) is otherwise not in good standing; or

16 (2) any person who owns an interest in an entity and such person has  
17 held a credential issued by any appraiser-credentialing jurisdiction to act as  
18 an appraiser that:

19 (A) Was refused, denied, revoked, suspended, or surrendered or  
20 nonrenewed in lieu of a pending disciplinary proceeding in any  
21 jurisdiction against such person; and

22 (B) (i) not subsequently granted or reinstated; or

23 (ii) is otherwise not in good standing.

24 (b) (1) Each individual that owns an interest in an AMC who applies  
25 for, holds, or renews a registration under this act shall be of good moral  
26 character as determined by the board by rules and regulations.

27 (2) As a part of an application for an original registration, and for a  
28 renewal registration if required by the board, the board shall require ~~the~~  
29 ~~individual~~ *an applicant* to be fingerprinted and submit to a state and  
30 national criminal history record check *in accordance with section 2, and*  
31 *amendments thereto.* ~~The individual's fingerprints shall be used to identify~~  
32 ~~the individual and to determine whether the individual has a record of~~  
33 ~~criminal history in this state or other jurisdiction. The board shall require~~  
34 ~~the individual to submit the fingerprints to the Kansas bureau of~~  
35 ~~investigation and the federal bureau of investigation for a state and~~  
36 ~~national criminal history record check. The board shall use the information~~  
37 ~~obtained from the fingerprinting and the criminal history for purposes of~~  
38 ~~verifying the identification of the individual and in the official~~  
39 ~~determination of the qualifications and fitness of the applicant to be issued,~~  
40 ~~maintain, or renew a registration.~~

41 ~~(3) Local and state law enforcement officers and agencies shall assist~~  
42 ~~the board in taking and processing fingerprints of individuals for any~~  
43 ~~registration and shall release all records of adult convictions to the board.~~

1       (4) The board may fix and collect a fee in an amount necessary to  
2 reimburse the board for the cost of fingerprinting and the criminal history  
3 record check. Such fee shall be established by rules and regulations.

4       (c) Each AMC applying for registration or for renewal of a  
5 registration under this act shall certify to the board on a form prescribed by  
6 the board that:

7       (1) Such AMC has reviewed each person or entity that owns an  
8 interest in the AMC; and

9       (2) no person or entity that owns an interest in the AMC has held a  
10 credential issued by any appraiser-credentialing jurisdiction to act as an  
11 appraiser and such credential:

12       (A) Was refused, denied, suspended, revoked, or surrendered or  
13 nonrenewed in lieu of a pending disciplinary proceeding in any  
14 jurisdiction against such individual; and

15       (B) (i) was not subsequently granted or reinstated; or

16       (ii) is otherwise not in good standing.

17       Sec. 44. K.S.A. 65-503 is hereby amended to read as follows: 65-503.  
18 As used in this act:

19       (a) "Child placement agency" means a business or service conducted,  
20 maintained or operated by a person engaged in finding homes for children  
21 by placing or arranging for the placement of such children for adoption or  
22 foster care.

23       (b) "Child care resource and referral agency" means a business or  
24 service conducted, maintained or operated by a person engaged in  
25 providing resource and referral services, including information of specific  
26 services provided by child care facilities, to assist parents to find child  
27 care.

28       (c) "Child care facility" means:

29       (1) A facility maintained by a person who has control or custody of  
30 one or more children under 16 years of age, unattended by parent or  
31 guardian, for the purpose of providing the children with food or lodging,  
32 or both, except children in the custody of the secretary for children and  
33 families who are placed with a prospective adoptive family pursuant to the  
34 provisions of an adoptive placement agreement or who are related to the  
35 person by blood, marriage or legal adoption;

36       (2) a children's home, orphanage, maternity home, day care facility or  
37 other facility of a type determined by the secretary to require regulation  
38 under the provisions of this act;

39       (3) a child placement agency or child care resource and referral  
40 agency, or a facility maintained by such an agency for the purpose of  
41 caring for children under 16 years of age; or

42       (4) any receiving or detention home for children under 16 years of  
43 age provided or maintained by, or receiving aid from, any city or county or

1 the state.

2 (d) "Day care facility" means a child care facility that includes a day  
3 care home, preschool, child care center, school-age program or other  
4 facility of a type determined by the secretary to require regulation under  
5 the provisions of K.S.A. 65-501 et seq., and amendments thereto.

6 (e) "Person" means any individual, association, partnership,  
7 corporation, government, governmental subdivision or other entity.

8 (f) "Boarding school" means a facility which provides 24-hour care to  
9 school age children, provides education as its primary function, and is  
10 accredited by an accrediting agency acceptable to the secretary of health  
11 and environment.

12 (g) "Maternity center" means a facility which provides delivery  
13 services for normal, uncomplicated pregnancies but does not include a  
14 medical care facility as defined by K.S.A. 65-425, and amendments  
15 thereto.

16 (h) *"Employee" means a person working, regularly volunteering or*  
17 *residing in a child care facility.*

18 Sec. 45. K.S.A. 2023 Supp. 65-516 is hereby amended to read as  
19 follows: 65-516. (a) No person shall knowingly maintain a child care  
20 facility ~~if there resides, works or regularly volunteers any person an~~  
21 *employee* who, in this state or in other states or the federal government:

22 (1) (A) Has been convicted of a crime that is classified as a person  
23 felony under the Kansas criminal code;

24 (B) has been convicted of a felony under K.S.A. 2010 Supp. 21-  
25 36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21  
26 of the Kansas Statutes Annotated, and amendments thereto, or any felony  
27 violation of any provision of the uniform controlled substances act prior to  
28 July 1, 2009;

29 (C) has been convicted of any act that is described in articles 34, 35  
30 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal,  
31 or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or  
32 K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424,  
33 and amendments thereto, or been convicted of an attempt under K.S.A. 21-  
34 3301, prior to its repeal, or K.S.A. 21-5301, and amendments thereto, to  
35 commit any such act or been convicted of conspiracy under K.S.A. 21-  
36 3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, to  
37 commit such act, or similar statutes of any other state or the federal  
38 government;

39 (D) has been convicted of any act that is described in K.S.A. 21-4301  
40 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments  
41 thereto, or similar statutes of any other state or the federal government; or

42 (E) has been convicted of any act that is described in K.S.A. 21-3718  
43 or 21-3719, prior to their repeal, or K.S.A. 21-5812, and amendments

1 thereto, or similar statutes of any other state or the federal government;

2 (2) except as provided in subsection (b), has been adjudicated a  
3 juvenile offender because of having committed an act that if done by an  
4 adult would constitute the commission of a felony and that is a crime  
5 against persons, is any act described in articles 34, 35 or 36 of chapter 21  
6 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or  
7 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-  
8 6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments  
9 thereto, or similar statutes of any other state or the federal government, or  
10 is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal,  
11 or K.S.A. 21-6401, and amendments thereto, or similar statutes of any  
12 other state or the federal government;

13 (3) has been convicted or adjudicated of a crime that requires  
14 registration as a sex offender under the Kansas offender registration act,  
15 K.S.A. 22-4901 et seq., and amendments thereto, as a sex offender in any  
16 other state or as a sex offender on the national sex offender registry;

17 (4) has committed an act of physical, mental or emotional abuse or  
18 neglect or sexual abuse and who is listed in the child abuse and neglect  
19 registry maintained by the Kansas department for children and families  
20 pursuant to K.S.A. 38-2226, and amendments thereto, or any similar child  
21 abuse and neglect registries maintained by any other state or the federal  
22 government and:

23 (A) The person has failed to successfully complete a corrective action  
24 plan that had been deemed appropriate and approved by the Kansas  
25 department for children and families or requirements of similar entities in  
26 any other state or the federal government; or

27 (B) the record has not been expunged pursuant to rules and  
28 regulations adopted by the secretary for children and families or similar  
29 entities in any other state or the federal government;

30 (5) has had a child removed from home based on a court order  
31 pursuant to K.S.A. 38-2251, and amendments thereto, in this state, or a  
32 court order in any other state based upon a similar statute that finds the  
33 child to be deprived or a child in need of care based on a finding of  
34 physical, mental or emotional abuse or neglect or sexual abuse and the  
35 child has not been returned to the home or the child reaches majority  
36 before being returned to the home and the person has failed to  
37 satisfactorily complete a corrective action plan approved by the  
38 department of health and environment;

39 (6) has had parental rights terminated pursuant to the Kansas juvenile  
40 code or K.S.A. 38-2266 through 38-2270, and amendments thereto, or a  
41 similar statute of other states;

42 (7) has signed a diversion agreement pursuant to K.S.A. 22-2906 et  
43 seq., and amendments thereto, or an immediate intervention agreement

1 pursuant to K.S.A. 38-2346, and amendments thereto, involving a charge  
2 of child abuse or a sexual offense; or

3 (8) has an infectious or contagious disease.

4 (b) If the secretary determines there is no safety concern, the  
5 secretary may license a family foster home, as defined in K.S.A. 38-134,  
6 and amendments thereto, when a person who has been adjudicated as a  
7 juvenile offender for an offense described in subsection (a)(2):

8 (1) Was a child in the custody of the secretary and placed with such  
9 family foster home by the secretary;

10 (2) is 18 years of age or older;

11 (3) (A) maintains residence at such family foster home; or

12 (B) has been legally adopted by any person who resides at such  
13 family foster home; and

14 (4) six months have passed since the date of adjudication.

15 (c) No person shall maintain a child care facility if such person has  
16 been found to be a person in need of a guardian or a conservator, or both,  
17 as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.

18 (d) Any person who resides in a child care facility and who has been  
19 found to be in need of a guardian or a conservator, or both, shall be  
20 counted in the total number of children allowed in care.

21 (e) In accordance with the provisions of this subsection, the secretary  
22 of health and environment shall have access to any court orders or  
23 adjudications of any court of record, any records of such orders or  
24 adjudications, criminal history record information including, but not  
25 limited to, diversion agreements, in the possession of the Kansas bureau of  
26 investigation and any report of investigations as authorized by K.S.A. 38-  
27 2226, and amendments thereto, in the possession of the Kansas department  
28 for children and families or court of this state concerning ~~persons working,~~  
29 ~~regularly volunteering or residing~~ *employees* in a child care facility. The  
30 secretary shall have access to these records for the purpose of determining  
31 whether or not the home meets the requirements of K.S.A. 59-2132, 65-  
32 503, 65-508 and 65-516, and amendments thereto.

33 (f) In accordance with the provisions of this subsection, the secretary  
34 is authorized to conduct national criminal history record checks to  
35 determine criminal history on ~~persons residing, working or regularly~~  
36 ~~volunteering~~ *employees* in a child care facility. In order to conduct a  
37 national criminal history check the secretary shall require fingerprinting  
38 for identification and determination of criminal history *in accordance with*  
39 *section 2, and amendments thereto.* ~~The secretary shall submit the~~  
40 ~~fingerprints to the Kansas bureau of investigation and to the federal bureau~~  
41 ~~of investigation and receive a reply to enable the secretary to verify the~~  
42 ~~identity of such person and whether such person has been convicted of any~~  
43 ~~crime that would prohibit such person from residing, working or regularly~~

1 volunteering in a child care facility. The secretary is authorized to use  
2 information obtained from the national criminal history record check to  
3 determine such person's fitness to reside, work or regularly volunteer in a  
4 child care facility.

5 (g) ~~Local and state law enforcement officers and agencies shall assist~~  
6 ~~the secretary in taking and processing fingerprints of persons residing,~~  
7 ~~working or regularly volunteering in a child care facility and shall release~~  
8 ~~all records of adult convictions and nonconvictions and adult convictions~~  
9 ~~or adjudications of another state or country to the department.~~

10 (h) (1) The secretary shall adopt rules and regulations on or before  
11 January 1, 2019, to fix a fee for fingerprinting persons residing, working or  
12 regularly volunteering in a child care facility, as may be required by the  
13 department to reimburse the department for the cost of the fingerprinting.

14 (2) The secretary shall remit all moneys received from the fees  
15 established under this section to the state treasurer in accordance with the  
16 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
17 each such remittance, the state treasurer shall deposit the entire amount in  
18 the state treasury to the credit of the child care criminal background and  
19 fingerprinting fund.

20 (i) The child care criminal background and fingerprinting fund is  
21 hereby created in the state treasury to be administered by the secretary of  
22 health and environment. All moneys credited to the child care criminal  
23 background and fingerprinting fund shall be used to pay local and state  
24 law enforcement officers and agencies for the processing of fingerprints  
25 and criminal history background checks for the department. All  
26 expenditures from the child care criminal background and fingerprinting  
27 fund shall be made in accordance with appropriation acts upon warrants of  
28 the director of accounts and reports issued pursuant to vouchers approved  
29 by the secretary or by a person designated by the secretary.

30 (j) The secretary shall notify the child care applicant or licensee,  
31 within seven days by certified mail with return receipt requested, when the  
32 result of the national criminal history record check or other appropriate  
33 review reveals unfitness specified in subsections (a)(1) through (8) with  
34 regard to the person who is the subject of the review.

35 (k) No child care facility or the employees thereof, shall be liable for  
36 civil damages to any person refused employment or discharged from  
37 employment by reason of such facility's or home's compliance with the  
38 provisions of this section if such home acts in good faith to comply with  
39 this section.

40 (l) For the purpose of subsection (a)(3), a person listed in the child  
41 abuse and neglect central registry shall not be prohibited from residing,  
42 working or volunteering in a child care facility unless such person has:

43 (1) Had an opportunity to be interviewed and present information

- 1 during the investigation of the alleged act of abuse or neglect; and
- 2 (2) been given notice of the agency decision and an opportunity to
- 3 appeal such decision to the secretary and to the courts pursuant to the
- 4 Kansas judicial review act.
- 5 (m) In regard to Kansas issued criminal history records:
- 6 (1) The secretary of health and environment shall provide in writing
- 7 information available to the secretary to each child placement agency
- 8 requesting information under this section, including the information
- 9 provided by the Kansas bureau of investigation pursuant to this section, for
- 10 the purpose of assessing the fitness of persons living, working or regularly
- 11 volunteering in a family foster home under the child placement agency's
- 12 sponsorship.
- 13 (2) The child placement agency is considered to be a governmental
- 14 entity and the designee of the secretary of health and environment for the
- 15 purposes of obtaining, using and disseminating information obtained under
- 16 this section.
- 17 (3) The information shall be provided to the child placement agency
- 18 regardless of whether the information discloses that the subject of the
- 19 request has been convicted of any offense.
- 20 (4) Whenever the information available to the secretary reveals that
- 21 the subject of the request has no criminal history on record, the secretary
- 22 shall provide notice thereof in writing to each child placement agency
- 23 requesting information under this section.
- 24 (5) Any staff person of a child placement agency who receives
- 25 information under this subsection shall keep such information confidential,
- 26 except that the staff person may disclose such information on a need-to-
- 27 know basis to:
- 28 (A) The person who is the subject of the request for information;
- 29 (B) the applicant or operator of the family foster home in which the
- 30 person lives, works or regularly volunteers;
- 31 (C) the department of health and environment;
- 32 (D) the Kansas department for children and families;
- 33 (E) the department of corrections; and
- 34 (F) the courts.
- 35 (6) A violation of the provisions of paragraph (5) shall be an
- 36 unclassified misdemeanor punishable by a fine of \$100 for each violation.
- 37 (n) No person shall maintain a day care facility unless such person is
- 38 a high school graduate or the equivalent thereof, except where
- 39 extraordinary circumstances exist, the secretary of health and environment
- 40 may exercise discretion to make exceptions to this requirement. The
- 41 provisions of this subsection shall not apply to any person who was
- 42 maintaining a day care facility on the day immediately prior to July 1,
- 43 2010, or who had an application for an initial license or the renewal of an

1 existing license pending on July 1, 2010.

2 Sec. 46. K.S.A. 2023 Supp. 65-1120 is hereby amended to read as  
3 follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may  
4 deny, revoke, limit or suspend any license or authorization to practice  
5 nursing as a registered professional nurse, as a licensed practical nurse, as  
6 an advanced practice registered nurse or as a registered nurse anesthetist  
7 that is issued by the board or applied for under this act, or may require the  
8 licensee to attend a specific number of hours of continuing education in  
9 addition to any hours the licensee may already be required to attend or  
10 may publicly or privately censure a licensee or holder of a temporary  
11 permit or authorization, if the applicant, licensee or holder of a temporary  
12 permit or authorization is found after hearing:

13 (1) To be guilty of fraud or deceit in practicing nursing or in  
14 procuring or attempting to procure a license to practice nursing;

15 (2) to have been guilty of a felony or to have been guilty of a  
16 misdemeanor involving an illegal drug offense unless the applicant or  
17 licensee establishes sufficient rehabilitation to warrant the public trust,  
18 except that notwithstanding K.S.A. 74-120, and amendments thereto, no  
19 license or authorization to practice nursing as a licensed professional  
20 nurse, as a licensed practical nurse, as an advanced practice registered  
21 nurse or registered nurse anesthetist shall be granted to a person with a  
22 felony conviction for a crime against persons as specified in article 34 of  
23 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article  
24 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-  
25 6325, 21-6326 or 21-6418, and amendments thereto;

26 (3) has been convicted or found guilty or has entered into an agreed  
27 disposition of a misdemeanor offense related to the practice of nursing as  
28 determined on a case-by-case basis;

29 (4) to have committed an act of professional incompetency as defined  
30 in subsection (e);

31 (5) to be unable to practice with skill and safety due to current abuse  
32 of drugs or alcohol;

33 (6) to be a person who has been adjudged in need of a guardian or  
34 conservator, or both, under the act for obtaining a guardian or conservator,  
35 or both, and who has not been restored to capacity under that act;

36 (7) to be guilty of unprofessional conduct as defined by rules and  
37 regulations of the board;

38 (8) to have willfully or repeatedly violated the provisions of the  
39 Kansas nurse practice act or any rules and regulations adopted pursuant to  
40 that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

41 (9) to have a license to practice nursing as a registered nurse or as a  
42 practical nurse denied, revoked, limited or suspended, or to be publicly or  
43 privately censured, by a licensing authority of another state, agency of the

1 United States government, territory of the United States or country or to  
2 have other disciplinary action taken against the applicant or licensee by a  
3 licensing authority of another state, agency of the United States  
4 government, territory of the United States or country. A certified copy of  
5 the record or order of public or private censure, denial, suspension,  
6 limitation, revocation or other disciplinary action of the licensing authority  
7 of another state, agency of the United States government, territory of the  
8 United States or country shall constitute prima facie evidence of such a  
9 fact for purposes of this paragraph (9); or

10 (10) to have assisted suicide in violation of K.S.A. 21-3406, prior to  
11 its repeal, or K.S.A. 21-5407, and amendments thereto, as established by  
12 any of the following:

13 (A) A copy of the record of criminal conviction or plea of guilty for a  
14 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-  
15 5407, and amendments thereto.

16 (B) A copy of the record of a judgment of contempt of court for  
17 violating an injunction issued under K.S.A. 2023 Supp. 60-4404, and  
18 amendments thereto.

19 (C) A copy of the record of a judgment assessing damages under  
20 K.S.A. 60-4405, and amendments thereto.

21 (b) *Proceedings.* Upon filing of a sworn complaint with the board  
22 charging a person with having been guilty of any of the unlawful practices  
23 specified in subsection (a), two or more members of the board shall  
24 investigate the charges, or the board may designate and authorize an  
25 employee or employees of the board to conduct an investigation. After  
26 investigation, the board may institute charges. If an investigation, in the  
27 opinion of the board, reveals reasonable grounds for believing the  
28 applicant or licensee is guilty of the charges, the board shall fix a time and  
29 place for proceedings, which shall be conducted in accordance with the  
30 provisions of the Kansas administrative procedure act.

31 (c) *Witnesses.* No person shall be excused from testifying in any  
32 proceedings before the board under this act or in any civil proceedings  
33 under this act before a court of competent jurisdiction on the ground that  
34 such testimony may incriminate the person testifying, but such testimony  
35 shall not be used against the person for the prosecution of any crime under  
36 the laws of this state except the crime of perjury as defined in K.S.A. 21-  
37 5903, and amendments thereto.

38 (d) *Costs.* If final agency action of the board in a proceeding under  
39 this section is adverse to the applicant or licensee, the costs of the board's  
40 proceedings shall be charged to the applicant or licensee as in ordinary  
41 civil actions in the district court, but if the board is the unsuccessful party,  
42 the costs shall be paid by the board. Witness fees and costs may be taxed  
43 by the board according to the statutes relating to procedure in the district

1 court. All costs accrued by the board, when it is the successful party, and  
2 which the attorney general certifies cannot be collected from the applicant  
3 or licensee shall be paid from the board of nursing fee fund. All moneys  
4 collected following board proceedings shall be credited in full to the board  
5 of nursing fee fund.

6 (e) *Professional incompetency defined.* As used in this section,  
7 "professional incompetency" means:

8 (1) One or more instances involving failure to adhere to the  
9 applicable standard of care to a degree which constitutes gross negligence,  
10 as determined by the board;

11 (2) repeated instances involving failure to adhere to the applicable  
12 standard of care to a degree which constitutes ordinary negligence, as  
13 determined by the board; or

14 (3) a pattern of practice or other behavior which demonstrates a  
15 manifest incapacity or incompetence to practice nursing.

16 (f) *Criminal justice information.* The board upon request shall receive  
17 from the Kansas bureau of investigation such criminal history record  
18 information relating to arrests and criminal convictions as necessary for  
19 the purpose of determining initial and continuing qualifications of  
20 licensees of and applicants for licensure by the board *in accordance with*  
21 *section 3, and amendments thereto.*

22 Sec. 47. K.S.A. 65-1501a is hereby amended to read as follows: 65-  
23 1501a. For the purposes of this act the following terms shall have the  
24 meanings respectively ascribed to them unless the context requires  
25 otherwise:

26 (a) "Board" means the board of examiners in optometry established  
27 under K.S.A. 74-1501, and amendments thereto.

28 (b) "License" means a license to practice optometry granted under the  
29 optometry law.

30 (c) "Licensee" means a person licensed under the optometry law to  
31 practice optometry.

32 (d) "Adapt" means the determination, selection, fitting or use of  
33 lenses, prisms, orthoptic exercises or visual training therapy for the aid of  
34 any insufficiencies or abnormal conditions of the eyes after or by  
35 examination or testing.

36 (e) "Lenses" means any type of ophthalmic lenses, which are lenses  
37 prescribed or used for the aid of any insufficiencies or abnormal conditions  
38 of the eyes.

39 (f) "Prescription" means a verbal, written or electronic order  
40 transmitted directly or by electronic means from a licensee giving or  
41 containing the name and address of the prescriber, the license registration  
42 number of the licensee, the name and address of the patient, the  
43 specifications and directions for lenses, prisms, orthoptic exercises, low

1 vision rehabilitation services or visual training therapy to be used for the  
2 aid of any insufficiencies or abnormal conditions of the eyes, including  
3 instructions necessary for the fabrication or use thereof and the date of  
4 issue.

5 (g) "Prescription for topical pharmaceutical drugs or oral drugs"  
6 means a verbal, written or electronic order transmitted directly or by  
7 electronic means from a licensee giving or containing the name and  
8 address of the prescriber, the license registration number of the licensee,  
9 the name and address of the patient, the name and quantity of the drug  
10 prescribed, directions for use, the number of refills permitted, the date of  
11 issue and expiration date.

12 (h) "Topical pharmaceutical drugs" means drugs administered  
13 topically and not by other means.

14 (i) "Dispense" means to deliver prescription-only medication or  
15 ophthalmic lenses to the ultimate user pursuant to the lawful prescription  
16 of a licensee and dispensing of prescription-only medication by a licensee  
17 shall be limited to a twenty-four hour supply or minimal quantity  
18 necessary until a prescription can be filled by a licensed pharmacist,  
19 except that the twenty-four hour supply or minimal quantity shall not  
20 apply to lenses described in ~~subsection (a)(2) of K.S.A. 65-1501(a)(2)~~, and  
21 amendments thereto.

22 (j) "False advertisement" means any advertisement which is false,  
23 misleading or deceptive in a material respect. In determining whether any  
24 advertisement is misleading, there shall be taken into account not only  
25 representations made or suggested by statement, word, design, device,  
26 sound or any combination thereof, but also the extent to which the  
27 advertisement fails to reveal facts material in the light of such  
28 representations made.

29 (k) "Advertisement" means all representations disseminated in any  
30 manner or by any means, for the purpose of inducing, or which are likely  
31 to induce, directly or indirectly, the purchase of professional services or  
32 ophthalmic goods.

33 (l) ~~"Health care~~ *Healthcare provider*" shall have the meaning ascribed  
34 to that term in ~~subsection (f) of K.S.A. 40-3401(f)~~, and amendments  
35 thereto.

36 (m) "Medical facility" shall have the meaning ascribed to that term in  
37 ~~subsection (e) of K.S.A. 65-411(c)~~, and amendments thereto.

38 (n) "Medical care facility" shall have the meaning ascribed to that  
39 term in K.S.A. 65-425, and amendments thereto.

40 (o) "Ophthalmologist" means a person licensed to practice medicine  
41 and surgery by the state board of healing arts who specializes in the  
42 diagnosis and medical and surgical treatment of diseases and defects of the  
43 human eye and related structures.

1 (p) "Low vision rehabilitation services" means the evaluation,  
2 diagnosis, management and care of the low vision patient including low  
3 vision rehabilitation therapy, education and interdisciplinary consultation  
4 under the direction and supervision of an ophthalmologist or optometrist.

5 (q) "Oral drugs" means oral antibacterial drugs, oral antiviral drugs,  
6 oral antihistamines, oral analgesic drugs, oral steroids, oral antiglaucoma  
7 drugs and other oral drugs with clinically accepted ocular uses.

8 (r) "*Applicant*" means a person who has submitted an application for  
9 a license to practice optometry.

10 Sec. 48. K.S.A. 65-1505 is hereby amended to read as follows: 65-  
11 1505. (a) Persons entitled to practice optometry in Kansas shall be those  
12 persons licensed in accordance with the provisions of the optometry law. A  
13 person shall be qualified to be licensed and to receive a license as an  
14 optometrist: (1) Who is of good moral character; and in determining the  
15 moral character of any such person, the board may take into consideration  
16 any felony conviction of such person, but such conviction shall not  
17 automatically operate as a bar to licensure; (2) who has graduated from a  
18 school or college of optometry approved by the board; and (3) who  
19 successfully meets and completes the requirements set by the board and  
20 passes an examination given by the board.

21 (b) All applicants for licensure, in addition to successfully completing  
22 all other requirements for licensure, shall submit evidence satisfactory to  
23 the board of professional liability insurance in an amount acceptable to the  
24 board.

25 (c) Any person applying for examination by the board shall fill out  
26 and swear to an application furnished by the board, accompanied by a fee  
27 fixed by the board by rules and regulations in an amount of not to exceed  
28 \$450, and file the same with the secretary of the board at least 30 days  
29 prior to the holding of the examination. At such examinations the board  
30 shall examine each applicant in subjects taught in schools or colleges of  
31 optometry approved by the board, as may be required by the board. If such  
32 person complies with the other qualifications for licensing and passes such  
33 examination, such person shall receive from the board, upon the payment  
34 of a fee fixed by the board by rules and regulations in an amount of not to  
35 exceed \$150, a license entitling such person to practice optometry. In the  
36 event of the failure on the part of the applicant to pass the first  
37 examination, such person may, with the consent of the board, within 18  
38 months, by filing an application accompanied by a fee fixed by the board  
39 by rules and regulations in an amount of not to exceed \$150, take a second  
40 examination; for the third and each subsequent examination a fee fixed by  
41 the board by rules and regulations in an amount of not to exceed \$150.  
42 Any examination fee and license fee fixed by the board under this  
43 subsection which is in effect on the day preceding the effective date of this

1 act shall continue in effect until the board adopts rules and regulations  
2 under this subsection fixing a different fee therefor.

3 (d) Any applicant for reciprocal licensure may in the board's  
4 discretion be licensed and issued a license without examination if the  
5 applicant has been in the active practice of optometry in another state for  
6 at least the three-year period immediately preceding the application for  
7 reciprocal licensure and the applicant:

8 (1) Presents a certified copy of a certificate of registration or license  
9 which has been issued to the applicant by another state where the  
10 requirements for licensure are deemed by the board to be equivalent to the  
11 requirements for licensure under this act, if such state accords a like  
12 privilege to holders of a license issued by the board;

13 (2) submits a sworn statement of the licensing authority of such other  
14 state that the applicant's license has never been limited, suspended or  
15 revoked and that the applicant has never been censured or had other  
16 disciplinary action taken;

17 (3) successfully passes an examination of Kansas law administered  
18 by the board and such clinical practice examination as the board deems  
19 necessary; and

20 (4) pays the reciprocal license fixed by the board by rules and  
21 regulations in an amount of not to exceed \$450. The reciprocal license fee  
22 fixed by the board under this subsection which is in effect on the day  
23 preceding the effective date of this act shall continue in effect until the  
24 board adopts rules and regulations under this subsection fixing a different  
25 fee therefor.

26 (e) The board shall adopt rules and regulations establishing the  
27 criteria which a school or college of optometry shall satisfy in meeting the  
28 requirement of approval by the board established under subsection (a). The  
29 board may send a questionnaire developed by the board to any school or  
30 college of optometry for which the board does not have sufficient  
31 information to determine whether the school or college meets the  
32 requirements for approval and rules and regulations adopted under this act.  
33 The questionnaire providing the necessary information shall be completed  
34 and returned to the board in order for the school or college to be  
35 considered for approval. The board may contract with investigative  
36 agencies, commissions or consultants to assist the board in obtaining  
37 information about schools or colleges. In entering such contracts the  
38 authority to approve schools or colleges shall remain solely with the board.

39 (f) (1) The board may require an applicant for licensure or a licensee  
40 in connection with an investigation of the licensee to be fingerprinted and  
41 submit to a state and national criminal history record check *in accordance*  
42 *with section 2, and amendments thereto.* ~~The fingerprints shall be used to~~  
43 ~~identify the licensee or applicant for licensure and to determine whether~~

1 the licensee or applicant for licensure has a record of criminal arrests and  
2 convictions in this state or other jurisdictions. The board is authorized to  
3 submit the fingerprints to the Kansas bureau of investigation, the federal  
4 bureau of investigation or any other law enforcement or criminal justice  
5 agency for a state and national criminal history record check. The board  
6 may use the information obtained through the criminal history record  
7 check for the purposes of verifying the identification of the licensee or  
8 applicant for licensure and in the official character and fitness  
9 determination of the licensee or applicant for licensure to practice  
10 optometry in this state.

11 (2) Local and state law enforcement officers and agencies shall assist  
12 the board in taking and processing fingerprints of licensees and applicants  
13 for licensure and shall release to the board all records of adult convictions,  
14 arrests and nonconvictions in this state and all records of adult convictions,  
15 arrests and nonconvictions of any other state or country. The board may  
16 enter into agreements with the Kansas bureau of investigation, the federal  
17 bureau of investigation or any other law enforcement or criminal justice  
18 agency as necessary to carry out the duties of the board under this act.

19 (3) The fingerprints and all information obtained from the criminal  
20 history record check shall be confidential and shall not be disclosed except  
21 to members of the board and agents and employees of the board as  
22 necessary to verify the identification of any licensee or applicant for  
23 licensure and in the official character and fitness determination of the  
24 licensee or applicant for licensure to practice optometry in this state. Any  
25 other disclosure of such confidential information shall constitute a class A  
26 misdemeanor and shall constitute grounds for removal from office,  
27 termination of employment or denial, revocation or suspension of any  
28 license issued under this act.

29 (4)(2) (A) The board shall fix a fee for fingerprinting applicants or  
30 licensees in an amount necessary to reimburse the board for the cost of the  
31 fingerprinting. Fees collected under this subsection shall be deposited in  
32 the criminal history and fingerprinting fund.

33 (B) There is hereby created in the state treasury the criminal history  
34 and fingerprinting fund. All moneys credited to the fund shall be used to  
35 pay all costs and fees associated with processing of fingerprints and  
36 criminal history checks for the board of examiners in optometry. The fund  
37 shall be administered by the board. All expenditures from the fund shall be  
38 made in accordance with appropriation acts upon warrants of the director  
39 of accounts and reports issued pursuant to vouchers approved by the  
40 president of the board or a person designated by the president.

41 Sec. 49. K.S.A. 2023 Supp. 65-1626 is hereby amended to read as  
42 follows: 65-1626. As used in the pharmacy act of the state of Kansas:

43 (a) "Address" means, with respect to prescriptions, the physical

- 1 address where a patient resides, including street address, city and state.
- 2 (b) "Administer" means the direct application of a drug, whether by  
3 injection, inhalation, ingestion or any other means, to the body of a patient  
4 or research subject by:
- 5 (1) A practitioner or pursuant to the lawful direction of a practitioner;  
6 (2) the patient or research subject at the direction and in the presence  
7 of the practitioner; or  
8 (3) a pharmacist as authorized in K.S.A. 65-1635a, and amendments  
9 thereto, or K.S.A. 2023 Supp. 65-16,129, and amendments thereto.
- 10 (c) "Agent" means an authorized person who acts on behalf of or at  
11 the direction of a manufacturer, repackager, wholesale distributor, third-  
12 party logistics provider or dispenser but does not include a common  
13 carrier, public warehouseman or employee of the carrier or warehouseman  
14 when acting in the usual and lawful course of the carrier's or  
15 warehouseman's business.
- 16 (d) "Automated dispensing system" means a robotic or mechanical  
17 system controlled by a computer that:
- 18 (1) Performs operations or activities, other than compounding or  
19 administration, relative to the storage, packaging, labeling, dispensing or  
20 distribution of drugs;  
21 (2) collects, controls and maintains all transaction information; and  
22 (3) operates in accordance with the board's rules and regulations.
- 23 (e) "Biological product" means the same as defined in 42 U.S.C. §  
24 262(i), as in effect on January 1, 2017.
- 25 (f) "Board" means the state board of pharmacy created by K.S.A. 74-  
26 1603, and amendments thereto.
- 27 (g) "Brand exchange," in the case of a drug prescribed, means the  
28 dispensing of a different drug product of the same dosage form and  
29 strength and of the same generic name as the brand name drug product  
30 prescribed, and in the case of a biological product prescribed, means the  
31 dispensing of an interchangeable biological product.
- 32 (h) "Brand name" means the registered trademark name given to a  
33 drug product by its manufacturer, labeler or distributor.
- 34 (i) "Co-licensed partner" means a person or pharmaceutical  
35 manufacturer that has entered into an agreement with another  
36 pharmaceutical manufacturer or an affiliate of the manufacturer to engage  
37 in a business activity or occupation related to the manufacture or  
38 distribution of a product.
- 39 (j) "Common carrier" means any person who undertakes, whether  
40 directly or by any other arrangement, to transport property, including  
41 drugs, for compensation.
- 42 (k) (1) "Compounding" means the combining of components into a  
43 compounded preparation under either of the following conditions:

1 (A) As the result of a practitioner's prescription drug order or  
2 initiative based on the practitioner-patient-pharmacist relationship in the  
3 course of professional practice to meet the specialized medical need of an  
4 individual patient of the practitioner that cannot be filled by an FDA-  
5 approved drug; or

6 (B) for the purpose of, or incidental to, research, teaching or chemical  
7 analysis, and not for sale or dispensing.

8 (2) Compounding includes the preparation of drugs or devices in  
9 anticipation of receiving prescription drug orders based on routine,  
10 regularly observed prescribing patterns.

11 (3) Compounding does not include reconstituting any mixed drug  
12 according to the FDA-approved labeling for the drug.

13 (l) "Current good manufacturing practices" or "CGMP" means the  
14 requirements for ensuring that drugs and drug products are consistently  
15 manufactured, repackaged, produced, stored and dispensed in accordance  
16 with 21 C.F.R. §§ 207, 210 and 211.

17 (m) "DEA" means the United States department of justice, drug  
18 enforcement administration.

19 (n) "Deliver" or "delivery" means the actual, constructive or  
20 attempted transfer from one person to another of any drug whether or not  
21 an agency relationship exists.

22 (o) "Device" means an instrument, apparatus, implement, machine,  
23 contrivance, implant, in vitro reagent or other similar or related article,  
24 including a component part or accessory that:

25 (1) (A) Is recognized in the official national formulary, or the United  
26 States pharmacopoeia, or any supplement thereof;

27 (B) is intended for use in the diagnosis of disease or other conditions;

28 (C) is used for the cure, mitigation, treatment or prevention of disease  
29 in human or other animals; or

30 (D) is intended to affect the structure or any function of the body of  
31 human or other animals; and

32 (2) (A) does not achieve its primary intended purposes through  
33 chemical action within or on the body of human or other animals; and

34 (B) is not dependent upon being metabolized for the achievement of  
35 any of its primary intended purposes.

36 (p) "Direct supervision" means the process by which the responsible  
37 pharmacist shall observe and direct the activities of a pharmacist intern or  
38 pharmacy technician, be readily and immediately available at all time  
39 activities are performed, provide personal assistance, direction and  
40 approval throughout the time the activities are performed and complete the  
41 final check before dispensing.

42 (q) "Dispense" or "dispensing" means to deliver prescription  
43 medication to the ultimate user or research subject by or pursuant to the

1 lawful order of a practitioner or pursuant to the prescription of a mid-level  
2 practitioner, including, but not limited to, delivering prescription  
3 medication to a patient by mail, common carrier, personal delivery or  
4 third-party delivery to any location requested by the patient.

5 (r) "Dispenser" means:

6 (1) A practitioner or pharmacist who dispenses prescription drugs or  
7 devices or a physician assistant who has authority to dispense prescription-  
8 only drugs in accordance with K.S.A. 65-28a08(b), and amendments  
9 thereto; or

10 (2) a retail pharmacy, hospital pharmacy or group of pharmacies  
11 under common ownership and control that do not act as a wholesale  
12 distributor.

13 (s) "Distribute" or "distribution" means to deliver, offer to deliver,  
14 sell, offer to sell, purchase, trade, transfer, broker, give away, handle, store  
15 or receive, other than by administering or dispensing, any product, but  
16 does not include dispensing a product pursuant to a prescription executed  
17 in accordance with 21 U.S.C. § 353 or the dispensing of a product  
18 approved under 21 U.S.C. § 360b.

19 (t) "Distributor" means a person or entity that distributes a drug or  
20 device.

21 (u) "Diversion" means the transfer of a controlled substance from a  
22 lawful to an unlawful channel of distribution or use.

23 (v) "Drop shipment" means the sale, by a manufacturer, repackager or  
24 exclusive distributor, of the manufacturer's prescription drug to a  
25 wholesale distributor whereby the wholesale distributor takes title but not  
26 possession of such prescription drug and the wholesale distributor invoices  
27 the dispenser, and the dispenser receives delivery of the prescription drug  
28 directly from the manufacturer, repackager, third-party logistics provider  
29 or exclusive distributor, of such prescription drug.

30 (w) "Drug" means articles:

31 (1) Recognized in the official United States pharmacopeia, or other  
32 such official compendiums of the United States, or official national  
33 formulary, or any supplement to any of them;

34 (2) intended for use in the diagnosis, cure, mitigation, treatment or  
35 prevention of disease in human or other animals;

36 (3) other than food, intended to affect the structure or any function of  
37 the body of human or other animals; and

38 (4) intended for use as a component of any articles specified in  
39 paragraph (1), (2) or (3); but does not include devices or their components,  
40 parts or accessories, except that the term "drug" does not include  
41 amygdalin (laetrile) or any livestock remedy, if such livestock remedy had  
42 been registered in accordance with the provisions of article 5 of chapter 47  
43 of the Kansas Statutes Annotated, prior to its repeal.

1 (x) "Durable medical equipment" means equipment that:

2 (1) Provides therapeutic benefits or enables an individual to perform  
3 certain tasks that the individual is unable to otherwise undertake due to  
4 certain medical conditions or illnesses;

5 (2) is primarily and customarily used to serve a medical purpose;

6 (3) generally is not useful to a person in the absence of an illness or  
7 injury;

8 (4) can withstand repeated use;

9 (5) is appropriate for use in the home, long-term care facility or  
10 medical care facility, but may be transported to other locations to allow the  
11 individual to complete instrumental activities of daily living that are more  
12 complex tasks required for independent living; and

13 (6) may include devices and medical supplies or other similar  
14 equipment determined by the board in rules and regulations adopted by the  
15 board.

16 (y) "Electronic prescription" means an electronically prepared  
17 prescription that is authorized and transmitted from the prescriber to the  
18 pharmacy by means of electronic transmission.

19 (z) "Electronic prescription application" means software that is used  
20 to create electronic prescriptions and that is intended to be installed on the  
21 prescriber's computers and servers where access and records are controlled  
22 by the prescriber.

23 (aa) "Electronic signature" means a confidential personalized digital  
24 key, code, number or other method for secure electronic data transmissions  
25 that identifies a particular person as the source of the message,  
26 authenticates the signatory of the message and indicates the person's  
27 approval of the information contained in the transmission.

28 (bb) "Electronic transmission" means the transmission of an  
29 electronic prescription, formatted as an electronic data file, from a  
30 prescriber's electronic prescription application to a pharmacy's computer,  
31 where the data file is imported into the pharmacy prescription application.

32 (cc) "Electronically prepared prescription" means a prescription that  
33 is generated using an electronic prescription application.

34 (dd) "Exclusive distributor" means the wholesale distributor that  
35 directly purchased the product from the manufacturer and is the sole  
36 distributor of that manufacturer's product to a subsequent repackager,  
37 wholesale distributor or dispenser.

38 (ee) "FDA" means the United States department of health and human  
39 services, food and drug administration.

40 (ff) "Facsimile transmission" or "fax transmission" means the  
41 transmission of a digital image of a prescription from the prescriber or the  
42 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but  
43 is not limited to, transmission of a written prescription between the

1 prescriber's fax machine and the pharmacy's fax machine; transmission of  
2 an electronically prepared prescription from the prescriber's electronic  
3 prescription application to the pharmacy's fax machine, computer or  
4 printer; or transmission of an electronically prepared prescription from the  
5 prescriber's fax machine to the pharmacy's fax machine, computer or  
6 printer.

7 (gg) "Generic name" means the established chemical name or official  
8 name of a drug or drug product.

9 (hh) "Healthcare entity" means any person that provides diagnostic,  
10 medical, surgical or dental treatment or rehabilitative care but does not  
11 include any retail pharmacy or wholesale distributor.

12 (ii) (1) "Institutional drug room" means any location where  
13 prescription-only drugs are stored and from which prescription-only drugs  
14 are administered or dispensed and that is maintained or operated for the  
15 purpose of providing the drug needs of:

16 (A) Inmates of a jail or correctional institution or facility;

17 (B) residents of a juvenile correctional facility or juvenile detention  
18 facility, as defined in K.S.A. 38-2302, and amendments thereto;

19 (C) students of a public or private university or college, a community  
20 college or any other institution of higher learning that is located in Kansas;

21 (D) employees of a business or other employer; or

22 (E) persons receiving inpatient hospice services.

23 (2) "Institutional drug room" does not include:

24 (A) Any registered pharmacy;

25 (B) any office of a practitioner; or

26 (C) a location where no prescription-only drugs are dispensed and no  
27 prescription-only drugs other than individual prescriptions are stored or  
28 administered.

29 (jj) "Interchangeable biological product" means a biological product  
30 that the FDA has identified in the "purple book: lists of licensed biological  
31 products with reference product exclusivity and biosimilarity or  
32 interchangeability evaluations" as meeting the standards for  
33 "interchangeability" as defined in 42 U.S.C. § 262(k), as in effect on  
34 January 1, 2017.

35 (kk) "Intracompany transaction" means any transaction or transfer  
36 between any division, subsidiary, parent or affiliated or related company  
37 under common ownership or control of a corporate entity, or any  
38 transaction or transfer between co-licensed partners.

39 (ll) "Label" means a display of written, printed or graphic matter  
40 upon the immediate container of any drug.

41 (mm) "Labeling" means the process of preparing and affixing a label  
42 to any drug container, exclusive of the labeling by a manufacturer, packer  
43 or distributor of a non-prescription drug or commercially packaged legend

1 drug.

2 (nn) *"Fingerprint candidate" means a person who has made an*  
3 *original application for or reinstatement of any license, registration,*  
4 *permit or certificate under this act or a person who currently holds a*  
5 *license, registration, permit or certificate under this act.*

6 (oo) "Long-term care facility" means "nursing facility," as defined in  
7 K.S.A. 39-923, and amendments thereto.

8 ~~(pp)~~(pp) "Medical care facility" means the same as defined in K.S.A.  
9 65-425, and amendments thereto, and also includes psychiatric hospitals  
10 and psychiatric residential treatment facilities as defined by K.S.A. 39-  
11 2002, and amendments thereto.

12 ~~(qq)~~(qq) "Manufacture" means the production, preparation,  
13 propagation, compounding, conversion or processing of a drug either  
14 directly or indirectly by extraction from substances of natural origin,  
15 independently by means of chemical or biological synthesis or by a  
16 combination of extraction and chemical or biological synthesis or the  
17 packaging or repackaging of the drug or labeling or relabeling of its  
18 container, except that this term does not include the preparation or  
19 compounding of a drug by an individual for the individual's own use or the  
20 preparation, compounding, packaging or labeling of a drug by:

21 (1) A practitioner or a practitioner's authorized agent incident to such  
22 practitioner's administering or dispensing of a drug in the course of the  
23 practitioner's professional practice;

24 (2) a practitioner, by a practitioner's authorized agent or under a  
25 practitioner's supervision for the purpose of, or as an incident to, research,  
26 teaching or chemical analysis and not for sale; or

27 (3) a pharmacist or the pharmacist's authorized agent acting under the  
28 direct supervision of the pharmacist for the purpose of, or incident to, the  
29 dispensing of a drug by the pharmacist.

30 ~~(rr)~~(rr) "Manufacturer" means:

31 (1) A person that holds an application approved under section 505 of  
32 the federal food, drug and cosmetic act or a license issued under section  
33 351 of the federal public health service act for such drug or, if such drug is  
34 not the subject of an approved application or license, the person who  
35 manufactured the drug;

36 (2) a co-licensed partner of the person described in paragraph (1) that  
37 obtains the drug directly from a person described in paragraph (1) or (3);  
38 or

39 (3) an affiliate of a person described in paragraph (1) or (2) that  
40 receives the product directly from a person described in paragraph (1) or  
41 (2).

42 ~~(ss)~~(ss) "Medication order" means a written or oral order by a  
43 prescriber or the prescriber's authorized agent for administration of a drug

1 or device to a patient in a Kansas licensed medical care facility or in a  
2 Kansas licensed nursing facility or nursing facility for mental health, as  
3 such terms are defined by K.S.A. 39-923, and amendments thereto.

4 ~~(ss)~~(tt) "Mid-level practitioner" means a certified nurse-midwife  
5 engaging in the independent practice of midwifery under the independent  
6 practice of midwifery act, an advanced practice registered nurse issued a  
7 license pursuant to K.S.A. 65-1131, and amendments thereto, who has  
8 authority to prescribe drugs under K.S.A. 65-1130, and amendments  
9 thereto, or a physician assistant licensed pursuant to the physician assistant  
10 licensure act who has authority to prescribe drugs pursuant to a written  
11 agreement with a supervising physician under K.S.A. 65-28a08, and  
12 amendments thereto.

13 ~~(tt)~~(uu) "Nonresident pharmacy" means a pharmacy located outside  
14 of Kansas.

15 ~~(uu)~~(vv) "Outsourcing facility" means a facility at one geographic  
16 location or address that is engaged in the compounding of sterile drugs and  
17 has registered with the FDA as an outsourcing facility pursuant to 21  
18 U.S.C. § 353b.

19 ~~(vv)~~(ww) "Person" means individual, corporation, government,  
20 governmental subdivision or agency, partnership, association or any other  
21 legal entity.

22 ~~(ww)~~(xx) "Pharmacist" means any natural person licensed under this  
23 act to practice pharmacy.

24 ~~(xx)~~(yy) "Pharmacist-in-charge" means the pharmacist who is  
25 responsible to the board for a registered establishment's compliance with  
26 the laws and regulations of this state pertaining to the practice of  
27 pharmacy, manufacturing of drugs and the distribution of drugs. The  
28 pharmacist-in-charge shall supervise such establishment on a full-time or a  
29 part-time basis and perform such other duties relating to supervision of a  
30 registered establishment as may be prescribed by the board by rules and  
31 regulations. Nothing in this definition shall relieve other pharmacists or  
32 persons from their responsibility to comply with state and federal laws and  
33 regulations.

34 ~~(yy)~~(zz) "Pharmacist intern" or "intern" means:

35 (1) A student currently enrolled in and in good standing with an  
36 accredited pharmacy program;

37 (2) a graduate of an accredited pharmacy program serving an  
38 internship; or

39 (3) a graduate of a pharmacy program located outside of the United  
40 States that is not accredited and who has successfully passed equivalency  
41 examinations approved by the board.

42 ~~(zz)~~(aaa) "Pharmacy," "drugstore" or "apothecary" means premises,  
43 laboratory, area or other place, including any electronic medium:

1 (1) Where drugs are offered for sale where the profession of  
2 pharmacy is practiced and where prescriptions are compounded and  
3 dispensed;

4 (2) that has displayed upon it or within it the words "pharmacist,"  
5 "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore,"  
6 "druggist," "drugs," "drug sundries" or any of these words or combinations  
7 of these words or words of similar import in any language or on any sign  
8 containing any of these words as used in the context of health, medical or  
9 pharmaceutical care or services; or

10 (3) where the characteristic symbols of pharmacy or the characteristic  
11 prescription sign "Rx" may be exhibited in the context of health, medical  
12 or pharmaceutical care or services. As used in this subsection, premises  
13 refers only to the portion of any building or structure leased, used or  
14 controlled by the licensee in the conduct of the business registered by the  
15 board at the address for which the registration was issued.

16 ~~(aaa)~~(bbb) "Pharmacy prescription application" means software that  
17 is used to process prescription information and is either installed on a  
18 pharmacy's computers or servers and is controlled by the pharmacy or is  
19 maintained on the servers of an entity that sells electronic pharmacy  
20 prescription applications as a hosted service where the entity controls  
21 access to the application and maintains the software and records on its  
22 server.

23 ~~(bbb)~~(ccc) "Pharmacy technician" means an individual who, under  
24 the direct supervision and control of a pharmacist, may perform  
25 packaging, manipulative, repetitive or other nondiscretionary tasks related  
26 to the processing of a prescription or medication order and who assists the  
27 pharmacist in the performance of pharmacy-related duties, but who does  
28 not perform duties restricted to a pharmacist.

29 ~~(eee)~~(ddd) "Practitioner" means a person licensed to practice  
30 medicine and surgery, dentist, podiatrist, veterinarian, optometrist or  
31 scientific investigator or other person authorized by law to use a  
32 prescription-only drug in teaching or chemical analysis or to conduct  
33 research with respect to a prescription-only drug.

34 ~~(ddd)~~(eee) "Preceptor" means a licensed pharmacist who possesses at  
35 least two years' experience as a pharmacist and who supervises and is  
36 responsible for the actions of pharmacist interns obtaining pharmaceutical  
37 experience.

38 ~~(eee)~~(fff) "Prescriber" means a practitioner or a mid-level practitioner.

39 ~~(fff)~~(ggg) "Prescription" or "prescription order" means the front and  
40 back of a lawful written, electronic or facsimile order from a prescriber or  
41 an oral order from a prescriber or the prescriber's authorized agent that  
42 communicates the prescriber's instructions for a prescription drug or  
43 device to be dispensed.

1       ~~(ggg)~~(hhh) "Prescription medication" means any drug, including label  
2 and container according to context, that is dispensed pursuant to a  
3 prescription order.

4       ~~(hhh)~~(iii) "Prescription-only drug" means any drug whether intended  
5 for use by human or animal, required by federal or state law, including 21  
6 U.S.C. § 353, to be dispensed only pursuant to a written or oral  
7 prescription or order of a practitioner or is restricted to use by practitioners  
8 only.

9       ~~(iii)~~(jjj) "Probation" means the practice or operation under a  
10 temporary license, registration or permit or a conditional license,  
11 registration or permit of a business or profession for which a license,  
12 registration or permit is granted by the board under the provisions of the  
13 pharmacy act of the state of Kansas requiring certain actions to be  
14 accomplished or certain actions not to occur before a regular license,  
15 registration or permit is issued.

16       ~~(jjj)~~(lll) "Product" means the same as defined by part H of the federal  
17 drug supply chain security act, 21 U.S.C. § 351 et seq. and 21 U.S.C. §  
18 360eee.

19       ~~(lll)~~(mmm) "Professional incompetency" means:

20       (1) One or more instances involving failure to adhere to the  
21 applicable standard of pharmaceutical care to a degree that constitutes  
22 gross negligence, as determined by the board;

23       (2) repeated instances involving failure to adhere to the applicable  
24 standard of pharmaceutical care to a degree that constitutes ordinary  
25 negligence, as determined by the board; or

26       (3) a pattern of pharmacy practice or other behavior that demonstrates  
27 a manifest incapacity or incompetence to practice pharmacy.

28       ~~(mmm)~~(nnn) "Readily retrievable" or "readily available" means that  
29 records kept in hard copy or by automatic data processing applications or  
30 other electronic or mechanized record-keeping systems can be separated  
31 out from all other records quickly and easily during an inspection or  
32 investigation, or within a reasonable time not to exceed 48 hours of a  
33 written request from the board or other authorized agent.

34       ~~(nnn)~~(ooo) "Repackage" means changing the container, wrapper,  
35 quantity or label of a drug to further the distribution of the drug.

36       ~~(ooo)~~(ppp) "Repackager" means a person who owns or operates a  
37 facility that repackages.

38       ~~(ppp)~~(qqq) "Retail dealer" means a person selling at retail  
39 nonprescription drugs that are prepackaged, fully prepared by the  
40 manufacturer or distributor for use by the consumer and labeled in  
41 accordance with the requirements of the state and federal food, drug and  
42 cosmetic acts. Such nonprescription drugs shall not include: (1) A  
43 controlled substance; (2) a prescription-only drug; or (3) a drug intended

1 for human use by hypodermic injection.

2 ~~(qqq)~~(rrr) "Reverse distributor" means a person who owns or  
3 operates an establishment that disposes of or otherwise processes saleable  
4 or nonsaleable products received from an authorized trading partner such  
5 that the product may be processed for credit to the purchaser, manufacturer  
6 or seller or disposed of for no further distribution.

7 ~~(rrr)~~(sss) "Secretary" means the executive secretary of the board.

8 ~~(sss)~~(ttt) "Third-party logistics provider" means an entity that  
9 provides or coordinates warehousing or other logistic services of a product  
10 in interstate commerce on behalf of a manufacturer, wholesale distributor  
11 or dispenser, but does not take ownership of the product or have  
12 responsibility to direct the sale or disposition of the product.

13 ~~(ttt)~~(uuu) "Trading partner" means:

14 (1) A manufacturer, repackager, wholesale distributor or dispenser  
15 from whom a manufacturer, repackager, wholesale distributor or dispenser  
16 accepts direct ownership of a product or to whom a manufacturer,  
17 repackager, wholesale distributor or dispenser transfers direct ownership of  
18 a product; or

19 (2) a third-party logistics provider from whom a manufacturer,  
20 repackager, wholesale distributor or dispenser accepts direct possession of  
21 a product or to whom a manufacturer, repackager, wholesale distributor or  
22 dispenser transfers direct possession of a product.

23 ~~(uuu)~~(vvv) "Transaction" means the transfer of product between  
24 persons in which a change of ownership occurs.

25 ~~(vvv)~~(www) "Unprofessional conduct" means:

26 (1) Fraud in securing a registration or permit;

27 (2) intentional adulteration or mislabeling of any drug, medicine,  
28 chemical or poison;

29 (3) causing any drug, medicine, chemical or poison to be adulterated  
30 or mislabeled, knowing the same to be adulterated or mislabeled;

31 (4) intentionally falsifying or altering records or prescriptions;

32 (5) unlawful possession of drugs and unlawful diversion of drugs to  
33 others;

34 (6) willful betrayal of confidential information under K.S.A. 65-1654,  
35 and amendments thereto;

36 (7) conduct likely to deceive, defraud or harm the public;

37 (8) making a false or misleading statement regarding the licensee's  
38 professional practice or the efficacy or value of a drug;

39 (9) commission of any act of sexual abuse, misconduct or  
40 exploitation related to the licensee's professional practice; or

41 (10) performing unnecessary tests, examinations or services that have  
42 no legitimate pharmaceutical purpose.

43 ~~(www)~~(xxx) "Vaccination protocol" means a written protocol, agreed

1 to and signed by a pharmacist and a person licensed to practice medicine  
 2 and surgery by the state board of healing arts, that establishes procedures  
 3 and recordkeeping and reporting requirements for administering a vaccine  
 4 by the pharmacist for a period of time specified therein, not to exceed two  
 5 years.

6 ~~(xxx)~~(yyy) "Valid prescription order" means a prescription that is  
 7 issued for a legitimate medical purpose by an individual prescriber  
 8 licensed by law to administer and prescribe drugs and acting in the usual  
 9 course of such prescriber's professional practice. A prescription issued  
 10 solely on the basis of an internet-based questionnaire or consultation  
 11 without an appropriate prescriber-patient relationship is not a valid  
 12 prescription order.

13 ~~(yyy)~~(zzz) "Veterinary medical teaching hospital pharmacy" means  
 14 any location where prescription-only drugs are stored as part of an  
 15 accredited college of veterinary medicine and from which prescription-  
 16 only drugs are distributed for use in treatment of or administration to a  
 17 nonhuman.

18 ~~(zzz)~~(aaaa) "Virtual manufacturer" means an entity that engages in  
 19 the manufacture of a drug or device for which it:

20 (1) Owns the new drug application or abbreviated new drug  
 21 application number, if a prescription drug;

22 (2) owns the unique device identification number, as available, for a  
 23 prescription device;

24 (3) contracts with a contract manufacturing organization for the  
 25 physical manufacture of the drug or device;

26 (4) is not involved in the physical manufacture of the drug or device;  
 27 and

28 (5) does not store or take physical possession of the drug or device.

29 ~~(aaa)~~(bbbb) "Virtual wholesale distributor" means a wholesale  
 30 distributor that sells, brokers or transfers a drug or device but never  
 31 physically possesses the product.

32 ~~(bbb)~~(cccc) "Wholesale distributor" means any person engaged in  
 33 wholesale distribution or reverse distribution of drugs or devices, other  
 34 than a manufacturer, co-licensed partner or third-party logistics provider.

35 ~~(eee)~~(ddd) "Wholesale distribution" means the distribution or  
 36 receipt of drugs or devices to or by persons other than consumers or  
 37 patients, in which a change of ownership occurs. "Wholesale distribution"  
 38 does not include:

39 (1) The dispensing of a drug or device pursuant to a prescription;

40 (2) the distribution of a drug or device or an offer to distribute a drug  
 41 or device for emergency medical reasons, including a public health  
 42 emergency declaration pursuant to section 319 of the public health service  
 43 act, except that, for purposes of this paragraph, a drug or device shortage

1 not caused by a public health emergency shall not constitute an emergency  
2 medical reason;

3 (3) intracompany distribution;

4 (4) the distribution of a drug or device, or an offer to distribute a drug  
5 or device, among hospitals or other healthcare entities under common  
6 control;

7 (5) the distribution of a drug or device, or the offer to distribute a  
8 drug or device, by a charitable organization described in section 501(c)(3)  
9 of the internal revenue code of 1986 to a nonprofit affiliate of the  
10 organization to the extent otherwise permitted by law;

11 (6) the distribution of an intravenous drug used to maintain the  
12 equilibrium of water and minerals in the body, such as dialysis solutions;  
13 or

14 (7) the sale or transfer from a retail pharmacy of expired, damaged,  
15 returned or recalled prescription drugs to the original manufacturer,  
16 originating wholesale distributor or to a reverse distributor registered in  
17 accordance with the board's rules and regulations.

18 Sec. 50. K.S.A. 65-1696 is hereby amended to read as follows: 65-  
19 1696. (a) ~~As part of an original application for or reinstatement of any~~  
20 ~~license, registration, permit or certificate or in connection with any~~  
21 ~~investigation of any holder of a license, registration, permit or certificate,~~  
22 The state board of pharmacy may require a ~~person licensee~~ to be  
23 fingerprinted and submit to a state and national criminal history record  
24 check *in accordance with section 2, and amendments thereto.* ~~The~~  
25 ~~fingerprints shall be used to identify the person and to determine whether~~  
26 ~~the person has a record of criminal history in this state or other~~  
27 ~~jurisdiction. The state board of pharmacy is authorized to submit the~~  
28 ~~fingerprints to the Kansas bureau of investigation and the federal bureau of~~  
29 ~~investigation for a state and national criminal history record check. The~~  
30 ~~state board of pharmacy may use the information obtained from~~  
31 ~~fingerprinting and the criminal history for purposes of verifying the~~  
32 ~~identification of the person and in the official determination of the~~  
33 ~~qualifications and fitness of the person to be issued or to maintain a~~  
34 ~~license, registration, permit or certificate.~~

35 (b) ~~Local and state law enforcement officers and agencies shall assist~~  
36 ~~the state board of pharmacy in taking and processing of fingerprints of~~  
37 ~~applicants for and holders of any license, registration, permit or certificate~~  
38 ~~and shall release all records of adult convictions and nonconvictions and~~  
39 ~~adult convictions or adjudications of another state or country to the state~~  
40 ~~board of pharmacy.~~

41 (e) The state board of pharmacy may fix and collect a fee as may be  
42 required by the board in an amount equal to the cost of fingerprinting and  
43 the criminal history record check. Any moneys collected under this

1 subsection shall be deposited in the state treasury and credited to the  
2 pharmacy fee fund. The board of pharmacy shall remit all moneys received  
3 by or for it from fees, charges or penalties to the state treasurer in  
4 accordance with the provisions of K.S.A. 75-4215, and amendments  
5 thereto. Upon receipt of each such remittance, the state treasurer shall  
6 deposit the entire amount in the state treasury to the credit of the pharmacy  
7 fee fund.

8 ~~(d)~~(c) This section shall be a part of and supplemental to the  
9 pharmacy act of the state of Kansas.

10 Sec. 51. K.S.A. 65-2401 is hereby amended to read as follows: 65-  
11 2401. As used in this act: (a) "Vital statistics" includes the registration,  
12 preparation, transcription, collection, compilation, and preservation of data  
13 pertaining to birth, adoption, legitimation, death, stillbirth, marriage,  
14 divorce, annulment of marriage, induced termination of pregnancy, and  
15 data incidental thereto.

16 (b) "Live birth" means the complete expulsion or extraction from its  
17 mother of a human child, irrespective of the duration of pregnancy, which,  
18 after such expulsion or extraction, breathes or shows any other evidence of  
19 life such as beating of the heart, pulsation of the umbilical cord, or definite  
20 movement of voluntary muscles, whether or not the umbilical cord has  
21 been cut or the placenta is attached.

22 (c) "Gestational age" means the age of the human child as measured  
23 in weeks as determined by either the last date of the mother's menstrual  
24 period, a sonogram conducted prior to the 20<sup>th</sup> week of pregnancy or the  
25 confirmed known date of conception.

26 (d) "Stillbirth" means any complete expulsion or extraction from its  
27 mother of a human child the gestational age of which is not less than 20  
28 completed weeks, resulting in other than a live birth, as defined in this  
29 section, and which is not an induced termination of pregnancy.

30 (e) "Induced termination of pregnancy" means abortion, as defined in  
31 K.S.A. 65-6701, and amendments thereto.

32 (f) "Dead body" means a lifeless human body or such parts of a  
33 human body or the bones thereof from the state of which it reasonably may  
34 be concluded that death recently occurred.

35 (g) "Person in charge of interment" means any person who places or  
36 causes to be placed a stillborn child or dead body or the ashes, after  
37 cremation, in a grave, vault, urn or other receptacle, or otherwise disposes  
38 thereof.

39 (h) "Secretary" means the secretary of health and environment.

40 (i) *"Employee" means a person who has applied for employment or is*  
41 *currently employed in the office of vital statistics.*

42 Sec. 52. K.S.A. 65-2402 is hereby amended to read as follows: 65-  
43 2402. (a) The secretary shall:

1 (1) Establish within the division of public health suitable offices  
2 properly equipped for the preservation of official records;

3 (2) maintain a complete cross-index on all records filed under the  
4 provisions of this act;

5 (3) install a statewide system of vital statistics;

6 (4) make and may amend, after notice and hearing, necessary  
7 regulations, give instructions and prescribe forms for collection,  
8 transcribing, compiling and preserving vital statistics; and

9 (5) enforce this act and the regulations made pursuant thereto.

10 (b) ~~Any person offered a position of employment~~ *employee* in the  
11 office of vital statistics; *who is* subject to a criminal history records check;  
12 shall be given a written notice that a criminal history records check is  
13 required. The secretary shall require such applicant to be fingerprinted and  
14 submit to a state and national criminal history record check *in accordance*  
15 *with section 2, and amendments thereto.* ~~The fingerprints shall be used to~~  
16 ~~identify the applicant and to determine whether the applicant has a record~~  
17 ~~of criminal history in this state or another jurisdiction. The secretary shall~~  
18 ~~submit the fingerprints to the Kansas bureau of investigation and the~~  
19 ~~federal bureau of investigation for a state and national criminal history~~  
20 ~~record check. Local and state law enforcement officers and agencies shall~~  
21 ~~assist the secretary in taking and processing of fingerprints of applicants.~~  
22 ~~The secretary may use the information obtained from fingerprinting and~~  
23 ~~the criminal history for purposes of verifying the identification of the~~  
24 ~~applicant and in the official determination of the eligibility of the applicant~~  
25 ~~to perform tasks within the office of vital statistics. If the criminal history~~  
26 ~~record information is used to disqualify an applicant, the applicant shall be~~  
27 ~~informed in writing of that decision.~~

28 Sec. 53. K.S.A. 65-2802 is hereby amended to read as follows: 65-  
29 2802. For the purpose of this act the following definitions shall apply:

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

37 (b) "Board" ~~shall mean~~ *means* the state board of healing arts.

38 (c) "License," unless otherwise specified, ~~shall mean~~ *means* a license  
39 to practice the healing arts granted under this act.

40 (d) "Licensed" or "licensee," unless otherwise specified, ~~shall mean~~  
41 *means* a person licensed under this act to practice medicine and surgery,  
42 osteopathic medicine and surgery or chiropractic.

43 (e) "Healing arts school" ~~shall mean~~ *means* an academic institution

1 which grants a doctor of chiropractic degree, doctor of medicine degree or  
2 doctor of osteopathy degree.

3 (f) *"Applicant" means a person who has submitted an application for*  
4 *any license, registration, permit or certificate to the board of healing arts.*

5 (g) *"Licensee" means a person who holds a license, registration,*  
6 *permit or certificate issued by the board of healing arts.*

7 (~~f~~)(h) Wherever the masculine gender is used, it shall be construed to  
8 include the feminine, and the singular number shall include the plural  
9 when consistent with the intent of this act.

10 Sec. 54. K.S.A. 65-2839a is hereby amended to read as follows: 65-  
11 2839a. (a) In connection with any investigation by the board, the board or  
12 its duly authorized agents or employees shall at all reasonable times have  
13 access to, for the purpose of examination, and the right to copy any  
14 document, report, record or other physical evidence of any person being  
15 investigated, or any document, report, record or other evidence maintained  
16 by and in possession of any clinic, office of a practitioner of any  
17 profession regulated by the board, laboratory, pharmacy, medical care  
18 facility or other public or private agency if such document, report, record  
19 or evidence relates to professional competence, unprofessional conduct or  
20 the mental or physical ability of a person to safely practice any profession  
21 regulated by the board.

22 (b) For the purpose of all investigations and proceedings conducted  
23 by the board:

24 (1) The board may issue subpoenas compelling the attendance and  
25 testimony of witnesses or the production for examination or copying of  
26 documents or any other physical evidence if such evidence relates to  
27 medical competence, unprofessional conduct or the mental or physical  
28 ability of a licensee, registrant, permit holder or certificate holder to safely  
29 practice. Within five days after the service of the subpoena on any person  
30 requiring the production of any evidence in the person's possession or  
31 under the person's control, such person may petition the board to revoke,  
32 limit or modify the subpoena. The board shall revoke, limit or modify such  
33 subpoena if in its opinion the evidence required does not relate to practices  
34 which may be grounds for disciplinary action, is not relevant to the charge  
35 which is the subject matter of the proceeding or investigation, or does not  
36 describe with sufficient particularity the physical evidence which is  
37 required to be produced. Any member of the board, or any agent  
38 designated by the board, may administer oaths or affirmations, examine  
39 witnesses and receive such evidence. The board shall have the authority to  
40 compel the production of evidence upon noncompliance with an  
41 investigative subpoena, if in the opinion of the board or the board's  
42 designee, the evidence demanded relates to a practice which may be  
43 grounds for disciplinary action, is relevant to the charge which is the

1 subject matter of the investigation and describes with sufficient  
2 particularity the physical evidence required to be produced.

3 (2) Any person appearing before the board shall have the right to be  
4 represented by counsel.

5 (3) The district court, upon application by the board or after  
6 exhaustion of available administrative remedies by the person subpoenaed,  
7 shall have jurisdiction to issue an order:

8 (A) Requiring such person to appear before the board or the board's  
9 duly authorized agent to produce evidence relating to the matter under  
10 investigation; or

11 (B) revoking, limiting or modifying the subpoena if in the court's  
12 opinion the evidence demanded does not relate to practices which may be  
13 grounds for disciplinary action, is not relevant to the charge which is the  
14 subject matter of the hearing or investigation or does not describe with  
15 sufficient particularity the evidence which is required to be produced.

16 (c) The board may receive from the Kansas bureau of investigation or  
17 other criminal justice agencies such criminal history record information,  
18 including arrest and nonconviction data, criminal intelligence information  
19 and information relating to criminal and background investigations as  
20 necessary for the purpose of determining initial and continuing  
21 qualifications of licensees, permit holders, registrants and certificate  
22 holders of, and applicants for, licensure and registration by the board *in*  
23 *accordance with section 3, and amendments thereto.* ~~Disclosure or use of~~  
24 ~~any such information received by the board or of any record containing~~  
25 ~~such information, for any purpose other than that provided by this~~  
26 ~~subsection is a class A misdemeanor and shall constitute grounds for~~  
27 ~~removal from office, termination of employment or denial, revocation or~~  
28 ~~suspension of any license, permit, registration or certificate issued under~~  
29 ~~this act. Unless otherwise specified, nothing in this subsection shall be~~  
30 ~~construed to make unlawful the disclosure of any such information by the~~  
31 ~~board in a hearing held pursuant to the practice act of any profession~~  
32 ~~regulated by the board.~~

33 (d) Patient records, including clinical records, medical reports,  
34 laboratory statements and reports, files, films, other reports or oral  
35 statements relating to diagnostic findings or treatment of patients,  
36 information from which a patient or a patient's family might be identified,  
37 peer review or risk management records or information received and  
38 records kept by the board as a result of the investigation procedure  
39 outlined in this section shall be confidential and shall not be disclosed.

40 (e) Nothing in this section or any other provision of law making  
41 communications between a licensee, registrant, permit holder or certificate  
42 holder and the patient a privileged communication shall apply to  
43 investigations or proceedings conducted pursuant to this section. The

1 board and its employees, agents and representatives shall keep in  
2 confidence the names of any patients whose records are reviewed during  
3 the course of investigations and proceedings pursuant to this section.

4 Sec. 55. K.S.A. 65-28,129 is hereby amended to read as follows: 65-  
5 28,129. (a) As part of an original application for or reinstatement of any  
6 license, registration, permit or certificate or in connection with any  
7 investigation of any holder of a license, registration, permit or certificate,  
8 the state board of healing arts may require a person to be fingerprinted and  
9 submit to a state and national criminal history record check *in accordance*  
10 *with section 2, and amendments thereto.* ~~The fingerprints shall be used to~~  
11 ~~identify the person and to determine whether the person has a record of~~  
12 ~~criminal history in this state or other jurisdiction. The state board of~~  
13 ~~healing arts is authorized to submit the fingerprints to the Kansas bureau~~  
14 ~~of investigation and the federal bureau of investigation for a state and~~  
15 ~~national criminal history record check. The state board of healing arts may~~  
16 ~~use the information obtained from fingerprinting and the criminal history~~  
17 ~~for purposes of verifying the identification of the person and in the official~~  
18 ~~determination of the qualifications and fitness of the person to be issued or~~  
19 ~~to maintain a license, registration, permit or certificate.~~

20 (b) ~~Local and state law enforcement officers and agencies shall assist~~  
21 ~~the state board of healing arts in taking and processing of fingerprints of~~  
22 ~~applicants for and holders of any license, registration, permit or certificate~~  
23 ~~and shall release all records of adult convictions and nonconvictions and~~  
24 ~~adult convictions or adjudications of another state or country to the state~~  
25 ~~board of healing arts.~~

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

31 (d)(c) This section shall be a part of and supplemental to the Kansas  
32 healing arts act.

33 Sec. 56. K.S.A. 65-2901 is hereby amended to read as follows: 65-  
34 2901. As used in the physical therapy practice act:

35 (a) "Physical therapy" means examining, evaluating and testing  
36 individuals with mechanical, anatomical, physiological and developmental  
37 impairments, functional limitations and disabilities or other health and  
38 movement-related conditions in order to determine a diagnosis solely for  
39 physical therapy, prognosis, plan of therapeutic intervention and to assess  
40 the ongoing effects of physical therapy intervention. Physical therapy also  
41 includes alleviating impairments, functional limitations and disabilities by  
42 designing, implementing and modifying therapeutic interventions that may  
43 include, but are not limited to, therapeutic exercise; functional training in

1 community or work integration or reintegration; manual therapy; dry  
2 needling; therapeutic massage; prescription, application and, as  
3 appropriate, fabrication of assistive, adaptive, orthotic, prosthetic,  
4 protective and supportive devices and equipment; airway clearance  
5 techniques; integumentary protection and repair techniques; debridement  
6 and wound care; physical agents or modalities; mechanical and  
7 electrotherapeutic modalities; patient-related instruction; reducing the risk  
8 of injury, impairments, functional limitations and disability, including the  
9 promotion and maintenance of fitness, health and quality of life in all age  
10 populations and engaging in administration, consultation, education and  
11 research. Physical therapy also includes the care and services provided by  
12 a physical therapist or a physical therapist assistant under the direction and  
13 supervision of a physical therapist who is licensed pursuant to the physical  
14 therapy practice act. Physical therapy does not include the use of roentgen  
15 rays and radium for diagnostic and therapeutic purposes, the use of  
16 electricity for surgical purposes, including cauterization, the practice of  
17 any branch of the healing arts and the making of a medical diagnosis.

18 (b) "Physical therapist" means a person who is licensed to practice  
19 physical therapy pursuant to the physical therapy practice act. Any person  
20 who successfully meets the requirements of K.S.A. 65-2906, and  
21 amendments thereto, shall be known and designated as a physical therapist  
22 and may designate or describe oneself, as appropriate, as a physical  
23 therapist, physiotherapist, licensed physical therapist, doctor of physical  
24 therapy, abbreviations thereof, or words similar thereto or use of the  
25 designated letters P.T., Ph. T., M.P.T., D.P.T. or L.P.T. Nothing in this  
26 section shall be construed to prohibit physical therapists licensed under  
27 K.S.A. 65-2906 and 65-2909, and amendments thereto, from listing or  
28 using in conjunction with their name any letters, words, abbreviations or  
29 other insignia to designate any educational degrees, certifications or  
30 credentials recognized by the board which such licensee has earned. Each  
31 licensee when using the letters or term "Dr." or "Doctor" in conjunction  
32 with such licensee's professional practice, whether in any written or oral  
33 communication, shall identify oneself as a "physical therapist" or "doctor  
34 of physical therapy."

35 (c) "Physical therapist assistant" means a person who is certified  
36 pursuant to the physical therapy practice act and who works under the  
37 direction of a physical therapist, and who assists the physical therapist in  
38 selected components of physical therapy intervention. Any person who  
39 successfully meets the requirements of K.S.A. 65-2906, and amendments  
40 thereto, shall be known and designated as a physical therapist assistant,  
41 and may designate or describe oneself as a physical therapist assistant,  
42 certified physical therapist assistant, abbreviations thereof, or words  
43 similar thereto or use of the designated letters P.T.A., C.P.T.A. or P.T. Asst.

1 Nothing in this section shall be construed to prohibit physical therapist  
2 assistants certified under K.S.A. 65-2906 and 65-2909, and amendments  
3 thereto, from listing or using in conjunction with their name any letters,  
4 words, abbreviations or other insignia to designate any educational  
5 degrees, certifications or credentials which such physical therapist  
6 assistant has earned.

7 (d) "Board" means the state board of healing arts.

8 (e) "Council" means the physical therapy advisory council.

9 (f) "Dry needling" means a skilled intervention using a thin filiform  
10 needle to penetrate into or through the skin and stimulate underlying  
11 myofascial trigger points or muscular or connective tissues for the  
12 management of neuromuscular pain or movement impairments.

13 (g) "Physician" means a person licensed to practice medicine and  
14 surgery.

15 (h) "Recognized by the board" means an action taken by the board at  
16 an open meeting to recognize letters, words, abbreviations or other  
17 insignia to designate any educational degrees, certifications or credentials,  
18 consistent with the provisions of this act, which a physical therapist may  
19 appropriately use to designate or describe oneself and which shall be  
20 published in the official minutes of the board.

21 (i) *"Applicant" means a person who has submitted an application for*  
22 *a license to practice physical therapy or a certificate as a physical therapy*  
23 *assistant.*

24 (j) *"Licensee" means a person who holds a license to practice*  
25 *physical therapy or a certificate as a physical therapy assistant.*

26 Sec. 57. K.S.A. 2023 Supp. 65-2924 is hereby amended to read as  
27 follows: 65-2924. (a) As part of an original application for a license as a  
28 physical therapist or a certificate as a physical therapy assistant or as part  
29 of an original application for reinstatement of a license or certificate or in  
30 connection with any investigation of any holder of a license or certificate,  
31 the state board of healing arts may require a person to be fingerprinted and  
32 submit to a state and national criminal history record check *in accordance*  
33 *with section 2, and amendments thereto.* ~~The fingerprints shall be used to~~  
34 ~~identify the person and to determine whether the person has a record of~~  
35 ~~criminal history in this state or other jurisdiction. The state board of~~  
36 ~~healing arts is authorized to submit the fingerprints to the Kansas bureau~~  
37 ~~of investigation and the federal bureau of investigation for a state and~~  
38 ~~national criminal history record check. The state board of healing arts may~~  
39 ~~use the information obtained from fingerprinting and the criminal history~~  
40 ~~for purposes of verifying the identification of the person and in the official~~  
41 ~~determination of the qualifications and fitness of the person to be issued or~~  
42 ~~to maintain a license or certificate.~~

43 (b) ~~Local and state law enforcement officers and agencies shall assist~~

1 ~~the state board of healing arts in taking and processing of fingerprints of~~  
2 ~~applicants for and holders of any license or certificate and shall release all~~  
3 ~~records of adult convictions and noneconvictions and adult convictions or~~  
4 ~~adjudications of another state or country to the state board of healing arts.~~

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

10 ~~(d)~~(c) This section shall be a part of and supplemental to the physical  
11 therapy practice act.

12 Sec. 58. K.S.A. 2023 Supp. 65-3407 is hereby amended to read as  
13 follows: 65-3407. (a) Except as otherwise provided by K.S.A. 65-3407c,  
14 and amendments thereto, no person shall construct, alter or operate a solid  
15 waste processing facility or a solid waste disposal area of a solid waste  
16 management system, except for clean rubble disposal sites, without first  
17 obtaining a permit from the secretary.

18 (b) Every person desiring to obtain a permit to construct, alter or  
19 operate a solid waste processing facility or disposal area shall make  
20 application for such a permit on forms provided for such purpose by the  
21 rules and regulations of the secretary and shall provide the secretary with  
22 such information as necessary to show that the facility or area will comply  
23 with the purpose of this act. Upon receipt of any application and payment  
24 of the application fee, the secretary, with advice and counsel from the local  
25 health authorities and the county commission, shall make an investigation  
26 of the proposed solid waste processing facility or disposal area and  
27 determine whether it complies with the provisions of this act and any rules  
28 and regulations and standards adopted thereunder. The secretary also may  
29 consider the need for the facility or area in conjunction with the county or  
30 regional solid waste management plan. If the investigation reveals that the  
31 facility or area conforms with the provisions of the act and the rules and  
32 regulations and standards adopted thereunder, the secretary shall approve  
33 the application and shall issue a permit for the operation of each solid  
34 waste processing or disposal facility or area set forth in the application. If  
35 the facility or area fails to meet the rules and regulations and standards  
36 required by this act the secretary shall issue a report to the applicant stating  
37 the deficiencies in the application. The secretary may issue temporary  
38 permits conditioned upon corrections of construction methods being  
39 completed and implemented.

40 (c) Before reviewing any application for permit, the secretary shall  
41 conduct a background investigation of the applicant. The secretary shall  
42 consider the financial, technical and management capabilities of the  
43 applicant as conditions for issuance of a permit. The secretary may reject

1 the application prior to conducting an investigation into the merits of the  
2 application if the secretary finds that:

3 (1) The applicant currently holds, or in the past has held, a permit  
4 under this section and while the applicant held a permit under this section  
5 the applicant violated a provision of K.S.A. 65-3409(a), and amendments  
6 thereto;

7 (2) the applicant previously held a permit under this section and that  
8 permit was revoked by the secretary;

9 (3) the applicant failed or continues to fail to comply with any of the  
10 provisions of the air, water or waste statutes, including rules and  
11 regulations issued thereunder, relating to environmental protection or to  
12 the protection of public health in this or any other state or the federal  
13 government of the United States, or any condition of any permit or license  
14 issued by the secretary; or if the secretary finds that the applicant has  
15 shown a lack of ability or intention to comply with any provision of any  
16 law referred to in this subsection or any rule and regulation or order or  
17 permit issued pursuant to any such law as indicated by past or continuing  
18 violations; or

19 (4) the applicant is a corporation and any principal, shareholder, or  
20 other person capable of exercising total or partial control of such  
21 corporation could be determined ineligible to receive a permit pursuant to  
22 paragraph (1), (2) or (3).

23 (d) Before reviewing any application for a permit, the secretary may  
24 request that the attorney general perform a comprehensive criminal  
25 background investigation of the applicant; or in the case of a corporate  
26 applicant, any principal, shareholder or other person capable of exercising  
27 total or partial control of the corporation *in accordance with section 3, and*  
28 *amendments thereto*. The secretary may reject the application prior to  
29 conducting an investigation into the merits of the application if the  
30 secretary finds that serious criminal violations have been committed by the  
31 applicant or a principal of the corporation.

32 (e) (1) The fees for a solid waste processing or disposal permit shall  
33 be established by rules and regulations adopted by the secretary. The fee  
34 for the application and original permit shall not exceed \$5,000. Except as  
35 provided by paragraphs (2) and (3), the annual permit renewal fee shall not  
36 exceed \$2,000. No refund shall be made in case of revocation. In  
37 establishing fees for a construction and demolition landfill, the secretary  
38 shall adopt a differential fee schedule based upon the volume of  
39 construction and demolition waste to be disposed of at such landfill. All  
40 fees shall be deposited in the state treasury and credited to the solid waste  
41 management fund. Except for the annual permit renewal fees provided in  
42 paragraph (3), a city, county, other political subdivision or state agency  
43 shall be exempt from payment of the fee but shall meet all other provisions

1 of this act.

2 (2) Except as provided in paragraph (3), the annual permit renewal  
3 fee for a solid waste disposal area that is permitted by the secretary, owned  
4 or operated by the facility generating the waste and used only for industrial  
5 waste generated by such facility shall be not less than \$1,000 and not more  
6 than \$4,000. In establishing fees for such disposal areas, the secretary shall  
7 adopt a differential fee schedule based upon the characteristics of the  
8 disposal area sites.

9 (3) (A) For each solid waste disposal area and each solid waste  
10 processing facility that is permitted by the secretary and subject to the  
11 requirements of 40 C.F.R. 257 subpart D, as in effect on July 1, 2017, or  
12 any later version adopted by reference by the secretary in rules and  
13 regulations, the annual permit renewal fee shall be not less than \$12,000  
14 and not more than \$16,000.

15 (B) The minimum fee shall apply until a fee schedule is established  
16 by the secretary in rules and regulations.

17 (C) If a single permit encompasses more than one solid waste  
18 disposal area or solid waste processing facility, the total fee for the permit  
19 shall be an amount equal to the sum of the fees for each solid waste  
20 disposal area and each solid waste processing facility subject to 40 C.F.R.  
21 257 subpart D encompassed in the permit.

22 (D) The first annual permit fee is due on September 1, 2022.

23 (E) If such solid waste disposal area or solid waste processing facility  
24 is operating under a federally issued coal combustion residuals (CCR)  
25 permit that includes all applicable requirements of 40 C.F.R. 257 subpart  
26 D, then the fees provided in this paragraph shall no longer apply and such  
27 disposal area or facility shall be subject to the fees provided in paragraph  
28 (2).

29 (F) Upon a determination by the department of health and  
30 environment that such solid waste disposal area or solid waste processing  
31 facility has met all applicable post-closure care requirements of 40 C.F.R.  
32 257 subpart D, and article 29 of the Kansas administrative regulations,  
33 then such disposal area or facility shall no longer be subject to permitting  
34 under this paragraph.

35 (f) Plans, designs and relevant data for the construction of solid waste  
36 processing facilities and disposal sites shall be prepared by a professional  
37 engineer licensed to practice in Kansas and shall be submitted to the  
38 department for approval prior to the construction, alteration or operation of  
39 such facility or area. In adopting rules and regulations, the secretary may  
40 specify sites, areas or facilities where the environmental impact is minimal  
41 and may waive such preparation requirements provided that a review of  
42 such plans is conducted by a professional engineer licensed to practice in  
43 Kansas.

1 (g) Each permit granted by the secretary, as provided in this act, shall  
2 be subject to such conditions as the secretary deems necessary to protect  
3 human health and the environment and to conserve the sites. Such  
4 conditions shall include approval by the secretary of the types and  
5 quantities of solid waste allowable for processing or disposal at the  
6 permitted location.

7 (h) (1) Before issuing or renewing a permit to operate a solid waste  
8 processing facility or solid waste disposal area, the secretary shall require  
9 the permittee to demonstrate that funds are available to ensure payment of  
10 the cost of closure and postclosure care and provide liability insurance for  
11 accidental occurrences at the permitted facility.

12 (2) If the permittee owns the land where the solid waste processing  
13 facility or disposal area is located or the permit for the facility was issued  
14 before the date this act is published in the Kansas register, the permittee  
15 shall satisfy the financial assurance requirement for closure and  
16 postclosure care by providing a trust fund, a surety bond guaranteeing  
17 payment, an irrevocable letter of credit or insurance policy, or by passing a  
18 financial test or obtaining a financial guarantee from a related entity, to  
19 guarantee the future availability of funds. The secretary shall prescribe the  
20 methods to be used by a permittee to demonstrate sufficient financial  
21 strength to become eligible to use a financial test or a financial guarantee  
22 procedure in lieu of providing the other financial instruments. Solid waste  
23 processing facilities or disposal areas, except municipal solid waste  
24 landfills, may also demonstrate financial assurance costs by use of ad  
25 valorem taxing power.

26 (3) If the permittee does not own the land where the solid waste  
27 processing facility or disposal area is located and the permit for the facility  
28 is issued after the date this act is published in the Kansas register, the  
29 permittee shall satisfy the financial assurance requirement for closure and  
30 postclosure care by providing a trust fund, a surety bond guaranteeing  
31 payment, or an irrevocable letter of credit.

32 (4) The secretary shall require each permittee of a solid waste  
33 processing facility or disposal area to provide liability insurance coverage  
34 during the period that the facility or area is active, and during the term of  
35 the facility or area is subject to postclosure care, in such amount as  
36 determined by the secretary to insure the financial responsibility of the  
37 permittee for accidental occurrences at the site of the facility or area. Any  
38 such liability insurance as may be required pursuant to this subsection or  
39 pursuant to the rules and regulations of the secretary shall be issued by an  
40 insurance company authorized to do business in Kansas or by a licensed  
41 insurance agent operating under authority of K.S.A. 40-246b, and  
42 amendments thereto, and shall be subject to the insurer's policy provisions  
43 filed with and approved by the commissioner of insurance pursuant to

1 K.S.A. 40-216, and amendments thereto, except as authorized by K.S.A.  
2 40-246b, and amendments thereto. Nothing contained in this subsection  
3 shall be deemed to apply to any state agency or department or agency of  
4 the federal government.

5 (i) (1) Permits granted by the secretary as provided by this act shall  
6 not be transferable except as follows:

7 (A) A permit for a solid waste disposal area may be transferred if the  
8 area is permitted for only solid waste produced on site from manufacturing  
9 and industrial processes or on-site construction or demolition activities and  
10 the only change in the permit is a name change resulting from a merger,  
11 acquisition, sale, corporate restructuring or other business transaction.

12 (B) A permit for a solid waste disposal area or a solid waste  
13 processing facility may be transferred if the secretary approves of the  
14 transfer based upon information submitted to the secretary sufficient to  
15 conduct a background investigation of the new owner as specified in  
16 subsections (c) and (d) and a financial assurance evaluation as specified in  
17 subsection (h). Such information shall be submitted to the secretary not  
18 more than one year nor less than 60 days before the transfer. If the  
19 secretary does not approve or disapprove the transfer within 30 days after  
20 all required information is submitted to the secretary, the transfer shall be  
21 deemed to have been approved.

22 (2) Permits granted by the secretary as provided by this act shall be  
23 revocable or subject to suspension whenever the secretary shall determine  
24 that the solid waste processing or disposal facility or area is, or has been  
25 constructed or operated in violation of this act or the rules and regulations  
26 or standards adopted pursuant to the act, or is creating or threatens to  
27 create a hazard to persons or property in the area or to the environment, or  
28 is creating or threatens to create a public nuisance, or upon the failure to  
29 make payment of any fee required under this act.

30 (3) The secretary also may revoke, suspend or refuse to issue a permit  
31 when the secretary determines that past or continuing violations of the  
32 provisions of subsection (c)(3) or K.S.A. 65-3409 or 65-3424b, and  
33 amendments thereto, have been committed by a permittee, or any  
34 principal, shareholder or other person capable of exercising partial or total  
35 control over a permittee.

36 (j) Except as otherwise provided by subsection (i)(1), the secretary  
37 may require a new permit application to be submitted for a solid waste  
38 processing facility or a solid waste disposal area in response to any  
39 change, either directly or indirectly, in ownership or control of the  
40 permitted real property or the existing permittee.

41 (k) In case any permit is denied, suspended or revoked the person,  
42 city, county or other political subdivision or state agency may request a  
43 hearing before the secretary in accordance with K.S.A. 65-3412, and

1 amendments thereto.

2 (1) (1) No permit to construct or operate a solid waste disposal area  
3 shall be issued on or after the effective date of this act if such area is  
4 located within  $\frac{1}{2}$  mile of a navigable stream used for interstate commerce  
5 or within one mile of an intake point for any public surface water supply  
6 system.

7 (2) Any permit, issued before the effective date of this act, to  
8 construct or operate a solid waste disposal area is hereby declared void if  
9 such area is not yet in operation and is located within  $\frac{1}{2}$  mile of a  
10 navigable stream used for interstate commerce or within one mile of an  
11 intake point for any public surface water supply system.

12 (3) The provisions of this subsection shall not be construed to  
13 prohibit:

14 (A) Issuance of a permit for lateral expansion onto land contiguous to  
15 a permitted solid waste disposal area in operation on the effective date of  
16 this act;

17 (B) issuance of a permit for a solid waste disposal area for disposal of  
18 a solid waste by-product produced on-site;

19 (C) renewal of an existing permit for a solid waste area in operation  
20 on the effective date of this act; or

21 (D) activities regulated under K.S.A. 65-163 through 65-165 or 65-  
22 171d, and amendments thereto.

23 (m) Before reviewing any application for a solid waste processing  
24 facility or solid waste disposal area, the secretary shall require the  
25 following information as part of the application:

26 (1) Certification by the board of county commissioners or the mayor  
27 of a designated city responsible for the development and adoption of the  
28 solid waste management plan for the location where the processing facility  
29 or disposal area is or will be located that the processing facility or disposal  
30 area is consistent with the plan. This certification shall not apply to a solid  
31 waste disposal area for disposal of only solid waste produced on site from  
32 manufacturing and industrial processes or from on-site construction or  
33 demolition activities.

34 (2) If the location is zoned, certification by the local planning and  
35 zoning authority that the processing facility or disposal area is consistent  
36 with local land use restrictions or, if the location is not zoned, certification  
37 from the board of county commissioners that the processing facility or  
38 disposal area is compatible with surrounding land use.

39 (3) For a solid waste disposal area permit issued on or after July 1,  
40 1999, proof that the applicant either owns the land where the disposal area  
41 will be located or operates the solid waste disposal area for an adjacent or  
42 on-site industrial facility, if the disposal area is:

43 (A) A municipal solid waste landfill; or

- 1 (B) a solid waste disposal area that has:  
2 (i) A leachate or gas collection or treatment system;  
3 (ii) waste containment systems or appurtenances with planned  
4 maintenance schedules; or  
5 (iii) an environmental monitoring system with planned maintenance  
6 schedules or periodic sampling and analysis requirements.  
7 (4) If the applicant does not own the land, the applicant shall also  
8 provide proof that the applicant has acquired and duly recorded an  
9 easement to the landfill property. The easement shall authorize the  
10 applicant to carry out landfill operations, closure, post-closure care,  
11 monitoring, and all related construction activities on the landfill property  
12 as required by applicable solid waste laws and regulations, as established  
13 in permit conditions, or as ordered or directed by the secretary. Such  
14 easement shall run with the land if the landfill property is transferred and  
15 the easement may only be vacated with the consent of the secretary. These  
16 requirements shall not apply to a permit for lateral or vertical expansion  
17 contiguous to a permitted solid waste disposal area in operation on July 1,  
18 1999, if such expansion is on land leased by the permittee before April 1,  
19 1999.

20 Sec. 59. K.S.A. 65-3503 is hereby amended to read as follows: 65-  
21 3503. (a) It shall be the duty of the board to:

22 (1) Develop, impose and enforce standards that shall be met by  
23 individuals in order to receive a license as an adult care home  
24 administrator and that shall be designed to ensure that adult care home  
25 administrators will be individuals who are of good character and are  
26 otherwise suitable, and who, by training or experience in the field of  
27 institutional administration, are qualified to serve as adult care home  
28 administrators;

29 (2) develop examinations and investigations for determining whether  
30 an individual meets such standards;

31 (3) issue licenses to individuals who meet such standards, and revoke  
32 or suspend licenses issued by the board or reprimand, censure or otherwise  
33 discipline a person holding any such license as provided under K.S.A. 65-  
34 3508, and amendments thereto;

35 (4) establish and carry out procedures designed to ensure that  
36 individuals licensed as adult care home administrators comply with the  
37 requirements of such standards; and

38 (5) receive, investigate and take appropriate action under K.S.A. 65-  
39 3505, and amendments thereto, and rules and regulations adopted by the  
40 board with respect to any charge or complaint filed with the board to the  
41 effect that any person licensed as an adult care home administrator may be  
42 subject to disciplinary action under K.S.A. 65-3505 and 65-3508, and  
43 amendments thereto.

1 (b) The board shall also have the power to make rules and  
2 regulations, not inconsistent with law, as may be necessary for the proper  
3 performance of its duties, and to have subpoenas issued pursuant to K.S.A.  
4 60-245, and amendments thereto, in the board's exercise of its power and  
5 to take such other actions as may be necessary to enable the state to meet  
6 the requirements set forth in section 1908 of the social security act, the  
7 federal rules and regulations promulgated thereunder and other pertinent  
8 federal authority.

9 (c) The board shall fix by rules and regulations the licensure fee,  
10 temporary license fee, renewal fee, late renewal fee, reinstatement fee,  
11 reciprocity fee, sponsorship fee, wall or wallet card license replacement  
12 fee, duplicate wall license fee for any administrator serving as  
13 administrator in more than one facility and, if necessary, an examination  
14 fee under this act. Such fees shall be fixed in an amount to cover the costs  
15 of administering the provisions of the act. No fee shall be more than \$200.  
16 The secretary for aging and disability services shall remit all moneys  
17 received from fees, charges or penalties under this act to the state treasurer  
18 in accordance with the provisions of K.S.A. 75-4215, and amendments  
19 thereto. Upon receipt of each such remittance, the state treasurer shall  
20 deposit the entire amount in the state treasury to the credit of the health  
21 occupations credentialing fee fund created by K.S.A. 39-979, and  
22 amendments thereto.

23 (d) The board upon request shall receive from the Kansas bureau of  
24 investigation, without charge, such criminal history record information  
25 relating to criminal convictions as necessary for the purpose of  
26 determining initial and continuing qualifications of licensees of and  
27 applicants for licensure by the board *in accordance with section 3, and*  
28 *amendments thereto.*

29 Sec. 60. K.S.A. 65-4209 is hereby amended to read as follows: 65-  
30 4209. (a) The board may deny, revoke, limit or suspend any license to  
31 practice as a mental health technician issued or applied for in accordance  
32 with the provisions of this act, may publicly or privately censure a licensee  
33 or may otherwise discipline a licensee upon proof that the licensee:

34 (1) Is guilty of fraud or deceit in procuring or attempting to procure a  
35 license to practice mental health technology;

36 (2) is unable to practice with reasonable skill and safety due to  
37 current abuse of drugs or alcohol;

38 (3) to be a person who has been adjudged in need of a guardian or  
39 conservator, or both, under the act for obtaining a guardian or conservator,  
40 or both, and who has not been restored to capacity under that act;

41 (4) is incompetent or grossly negligent in carrying out the functions  
42 of a mental health technician;

43 (5) has committed unprofessional conduct as defined by rules and

1 regulations of the board;

2 (6) has been convicted of a felony or has been convicted of a  
3 misdemeanor involving an illegal drug offense, unless the applicant or  
4 licensee establishes sufficient rehabilitation to warrant the public trust,  
5 except that notwithstanding K.S.A. 74-120, and amendments thereto, no  
6 license, certificate of qualification or authorization to practice as a licensed  
7 mental health technician shall be granted to a person with a felony  
8 conviction for a crime against persons as specified in article 34 of chapter  
9 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of  
10 chapter 21 of the Kansas Statutes Annotated or K.S.A. 21-6104, 21-6325,  
11 21-6326 or 21-6418, and amendments thereto;

12 (7) has committed an act of professional incompetency as defined in  
13 subsection (e);

14 (8) to have willfully or repeatedly violated the provisions of the  
15 mental health technician's licensure act or rules and regulations adopted  
16 under that act and amendments thereto; or

17 (9) to have a license to practice mental health technology denied,  
18 revoked, limited or suspended, or to be publicly or privately censured, by a  
19 licensing authority of another state, agency of the United States  
20 government, territory of the United States or country or to have other  
21 disciplinary action taken against the applicant or licensee by a licensing  
22 authority of another state, agency of the United States government,  
23 territory of the United States or country. A certified copy of the record or  
24 order of public or private censure, denial, suspension, limitation,  
25 revocation or other disciplinary action of the licensing authority of another  
26 state, agency of the United States government, territory of the United  
27 States or country shall constitute prima facie evidence of such a fact for  
28 purposes of this paragraph (9).

29 (b) Upon filing a sworn complaint with the board charging a person  
30 with having been guilty of any of the unlawful practices specified in  
31 subsection (a), two or more members of the board shall investigate the  
32 charges, or the board may designate and authorize an employee or  
33 employees of the board to conduct an investigation. After investigation,  
34 the board may institute charges. If an investigation, in the opinion of the  
35 board, reveals reasonable grounds to believe the applicant or licensee is  
36 guilty of the charges, the board shall fix a time and place for proceedings,  
37 which shall be conducted in accordance with the Kansas administrative  
38 procedure act.

39 (c) No person shall be excused from testifying in any proceedings  
40 before the board under the mental health technician's licensure act or in  
41 any civil proceedings under such act before a court of competent  
42 jurisdiction on the ground that the testimony may incriminate the person  
43 testifying, but such testimony shall not be used against the person for the

1 prosecution of any crime under the laws of this state except the crime of  
2 perjury as defined in K.S.A. 21-5903, and amendments thereto.

3 (d) If final agency action of the board in a proceeding under this  
4 section is adverse to the applicant or licensee, the costs of the board's  
5 proceedings shall be charged to the applicant or licensee as in ordinary  
6 civil actions in the district court, but if the board is the unsuccessful party,  
7 the costs shall be paid by the board. Witness fees and costs may be taxed  
8 by the board according to the statutes relating to procedure in the district  
9 court. All costs accrued by the board, when it is the successful party, and  
10 which the attorney general certifies cannot be collected from the applicant  
11 or licensee shall be paid from the board of nursing fee fund. All moneys  
12 collected following board proceedings shall be credited in full to the board  
13 of nursing fee fund.

14 (e) As used in this section, "professional incompetency" means:

15 (1) One or more instances involving failure to adhere to the  
16 applicable standard of care to a degree which constitutes gross negligence,  
17 as determined by the board;

18 (2) repeated instances involving failure to adhere to the applicable  
19 standard of care to a degree which constitutes ordinary negligence, as  
20 determined by the board; or

21 (3) a pattern of practice or other behavior which demonstrates a  
22 manifest incapacity or incompetence to practice mental health technology.

23 (f) The board upon request shall receive from the Kansas bureau of  
24 investigation such criminal history record information relating to criminal  
25 convictions as necessary for the purpose of determining initial and  
26 continuing qualifications of licensees of and applicants for licensure by the  
27 board *in accordance with section 3, and amendments thereto.*

28 (g) All proceedings under this section shall be conducted in  
29 accordance with the provisions of the Kansas administrative procedure act.

30 Sec. 61. K.S.A. 65-5117 is hereby amended to read as follows: 65-  
31 5117. (a) As used in this section:

32 (1) "Applicant" means an individual who applies for employment  
33 with a home health agency or applies to work for an employment agency  
34 or as an independent contractor that provides staff to a home health  
35 agency.

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

41 (3) "Department" means the Kansas department for aging and  
42 disability services.

43 (4) "Direct access" means work that involves an actual or reasonable

1 expectation of one-on-one interaction with a consumer or a consumer's  
2 property, personally identifiable information, medical records, treatment  
3 information or financial information.

4 (5) "Direct supervision" means that a supervisor is physically present  
5 within an immediate distance to a supervisee and is available to provide  
6 constant direction, feedback and assistance to a client and the supervisee.

7 (6) "Employment agency" means an organization or entity that has a  
8 contracted relationship with a home health agency to provide staff with  
9 direct access to consumers.

10 (7) "Independent contractor" means an organization, entity, agency or  
11 individual that provides contracted workers or services to a home health  
12 agency.

13 (b) (1) No person shall knowingly operate a home health agency if,  
14 for the home health agency, there works any person who has adverse  
15 findings on any state or national registry, as defined in rules and  
16 regulations adopted by the secretary for aging and disability services, or  
17 has been convicted of or has been adjudicated a juvenile offender because  
18 of having committed an act that if done by an adult would constitute the  
19 commission of capital murder, pursuant to K.S.A. 21-3439, prior to its  
20 repeal, or K.S.A. 21-5401, and amendments thereto, first degree murder,  
21 pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 21-5402, and  
22 amendments thereto, second degree murder, pursuant to K.S.A. 21-  
23 3402(a), prior to its repeal, or K.S.A. 21-5403(a), and amendments thereto,  
24 voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or  
25 K.S.A. 21-5404, and amendments thereto, assisting suicide, pursuant to  
26 K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-5407, and amendments  
27 thereto, mistreatment of a dependent adult or mistreatment of an elder  
28 person, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 21-5417,  
29 and amendments thereto, human trafficking, pursuant to K.S.A. 21-3446,  
30 prior to its repeal, or K.S.A. 21-5426(a), and amendments thereto,  
31 aggravated human trafficking, pursuant to K.S.A. 21-3447, prior to its  
32 repeal, or K.S.A. 21-5426(b), and amendments thereto, rape, pursuant to  
33 K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments  
34 thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior  
35 to its repeal, or K.S.A. 21-5506(a), and amendments thereto, aggravated  
36 indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its  
37 repeal, or K.S.A. 21-5506(b), and amendments thereto, aggravated  
38 criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or K.S.A.  
39 21-5504(b), and amendments thereto, indecent solicitation of a child,  
40 pursuant to K.S.A. 21-3510, prior to its repeal, or K.S.A. 21-5508(a), and  
41 amendments thereto, aggravated indecent solicitation of a child, pursuant  
42 to K.S.A. 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and  
43 amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-

1 3516, prior to its repeal, or K.S.A. 21-5510, and amendments thereto,  
2 sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A.  
3 21-5505(a), and amendments thereto, aggravated sexual battery, pursuant  
4 to K.S.A. 21-3518, prior to its repeal, or K.S.A. 21-5505(b), and  
5 amendments thereto, commercial sexual exploitation of a child, pursuant  
6 to K.S.A. 21-6422, and amendments thereto, an attempt to commit any of  
7 the crimes listed in this paragraph, pursuant to K.S.A. 21-3301, prior to its  
8 repeal, or K.S.A. 21-5301, and amendments thereto, a conspiracy to  
9 commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-  
10 3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, or  
11 criminal solicitation of any of the crimes listed in this paragraph, pursuant  
12 to K.S.A. 21-3303, prior to its repeal, or K.S.A. 21-5303, and amendments  
13 thereto, or similar statutes of other states or the federal government. The  
14 provisions of subsection (b)(2)(C) shall not apply to any person who is  
15 employed by a home health agency on or before July 1, 2010, and while  
16 continuously employed by the same home health agency or to any person  
17 during or upon successful completion of a diversion agreement.

18 (2) A person operating a home health agency may employ an  
19 applicant who has been convicted of any of the following if six or more  
20 years have elapsed since completion of the sentence imposed or the  
21 applicant was discharged from probation, a community correctional  
22 services program, parole, postrelease supervision, conditional release or a  
23 suspended sentence; if six or more years have elapsed since the applicant  
24 has been finally discharged from the custody of the commissioner of  
25 juvenile justice or from probation or has been adjudicated a juvenile  
26 offender, whichever time is longer; or if the applicant has been granted a  
27 waiver of such six-year disqualification: A felony conviction for a crime  
28 that is described in: (A) Article 34 of chapter 21 of the Kansas Statutes  
29 Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas  
30 Statutes Annotated, and amendments thereto, except those crimes listed in  
31 subsection (b)(1); (B) article 35 or 36 of chapter 21 of the Kansas Statutes  
32 Annotated, prior to their repeal, or article 55 or 56 of chapter 21 of the  
33 Kansas Statutes Annotated, or K.S.A. 21-6420, and amendments thereto,  
34 except those crimes listed in subsection (b)(1) and K.S.A. 21-3605, prior  
35 to its repeal, or K.S.A. 21-5606, and amendments thereto; (C) K.S.A. 21-  
36 3701, prior to its repeal, or K.S.A. 21-5801, and amendments thereto; (D)  
37 an attempt to commit any of the crimes listed in this paragraph pursuant to  
38 K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-5301, and amendments  
39 thereto; (E) a conspiracy to commit any of the crimes listed in this  
40 paragraph pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-  
41 5302, and amendments thereto; (F) criminal solicitation of any of the  
42 crimes listed in this paragraph pursuant to K.S.A. 21-3303, prior to its  
43 repeal, or K.S.A. 21-5303, and amendments thereto; or (G) similar statutes

1 of other states or the federal government.

2 An individual who has been disqualified for employment due to  
3 conviction or adjudication of an offense listed in this paragraph (2) may  
4 apply to the secretary for aging and disability services for a waiver of such  
5 disqualification if five years have elapsed since completion of the sentence  
6 for such conviction. The secretary shall adopt rules and regulations  
7 establishing the waiver process and the criteria to be utilized by the  
8 secretary in evaluating any such waiver request.

9 (3) A person operating a home health agency may employ an  
10 applicant who has been convicted of any of the following if six or more  
11 years have elapsed since completion of the sentence imposed or the  
12 applicant was discharged from probation, a community correctional  
13 services program, parole, postrelease supervision, conditional release or a  
14 suspended sentence; if six or more years have elapsed since the applicant  
15 has been finally discharged from the custody of the commissioner of  
16 juvenile justice or from probation or has been adjudicated a juvenile  
17 offender, whichever time is longer; or if the applicant has been granted a  
18 waiver of such six-year disqualification:

19 (i) Interference with custody of a committed person pursuant to  
20 K.S.A. 21-3423, prior to its repeal, or K.S.A. 21-5410, and amendments  
21 thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425,  
22 prior to its repeal, or K.S.A. 21-5416, and amendments thereto; unlawful  
23 administration of a substance pursuant to K.S.A. 21-3445, prior to its  
24 repeal, or K.S.A. 21-5425, and amendments thereto; violation of a  
25 protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A.  
26 21-5924; promoting obscenity or promoting obscenity to minors pursuant  
27 to K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401,  
28 and amendments thereto; or cruelty to animals pursuant to K.S.A. 21-  
29 3727, 21-4310 or 21-4311, prior to their repeal, or K.S.A. 21-6412, and  
30 amendments thereto; or

31 (ii) any felony conviction of: Unlawful manufacture of a controlled  
32 substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or  
33 K.S.A. 21-5703, and amendments thereto; unlawful cultivation or  
34 distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-  
35 36a05, prior to its repeal, or K.S.A. 21-5705, and amendments thereto;  
36 unlawful manufacture, distribution, cultivation or possession of a  
37 controlled substance using a communication facility pursuant to K.S.A.  
38 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 21-5707, and  
39 amendments thereto; unlawful obtainment or sale of a prescription-only  
40 drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A.  
41 21-5708, and amendments thereto; unlawful distribution of drug  
42 precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10,  
43 prior to its repeal, or K.S.A. 21-5710, and amendments thereto; unlawful

1 distribution or possession of a simulated controlled substance pursuant to  
2 K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 21-5713, and  
3 amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its  
4 repeal, or K.S.A. 21-5823, and amendments thereto; criminal use of a  
5 financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 21-  
6 5828, and amendments thereto; any violation of the Kansas medicaid fraud  
7 control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or  
8 K.S.A. 21-5925 et seq., and amendments thereto; making a false claim,  
9 statement or representation to the medicaid program pursuant to K.S.A.  
10 21-3846, prior to its repeal, or K.S.A. 21-5927, and amendments thereto;  
11 unlawful acts relating to the medicaid program pursuant to K.S.A. 21-  
12 3847, prior to its repeal, or K.S.A. 21-5928, and amendments thereto;  
13 obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856,  
14 prior to its repeal, or K.S.A. 21-5929, and amendments thereto; identity  
15 theft or identity fraud pursuant to K.S.A. 21-4018, prior to its repeal, or  
16 K.S.A. 21-6107, and amendments thereto; or social welfare fraud pursuant  
17 to K.S.A. 39-720, and amendments thereto. The provisions of this  
18 paragraph shall not apply to any person who is employed by a home health  
19 agency on or before July 1, 2018, and is continuously employed by the  
20 same home health agency or to any person during or upon successful  
21 completion of a diversion agreement.

22 An individual who has been disqualified for employment due to  
23 conviction or adjudication of an offense listed in this paragraph (3) may  
24 apply to the secretary for aging and disability services for a waiver of such  
25 disqualification if five years have elapsed since completion of the sentence  
26 for such conviction. The secretary shall adopt rules and regulations  
27 establishing the waiver process and criteria to be considered by the  
28 secretary in evaluating any such waiver request.

29 (c) No person shall operate a home health agency if such person has  
30 been found to be a person in need of a guardian or a conservator, or both,  
31 as provided in the act for obtaining a guardian or a conservator, or both.  
32 The provisions of this subsection shall not apply to an individual who, as a  
33 minor, was found to be in need of a guardian or conservator for reasons  
34 other than impairment.

35 (d) (1) The Kansas bureau of investigation shall release all records of  
36 adult and juvenile convictions and adjudications and adult and juvenile  
37 convictions and adjudications of any other state or country concerning  
38 persons working in a home health agency to the secretary for aging and  
39 disability services *in accordance with section 2, and amendments thereto.*  
40 ~~The Kansas bureau of investigation may charge to the Kansas department~~  
41 ~~for aging and disability services a reasonable fee for providing criminal~~  
42 ~~history record information under this subsection.~~

43 (2) ~~The department shall~~ *may* require an applicant to be fingerprinted

1 and to submit to a state and national criminal history record check *in*  
2 *accordance with section 2, and amendments thereto.* ~~The fingerprints shall~~  
3 ~~be used to identify the individual and to determine whether the individual~~  
4 ~~has a record of criminal history in this state or other jurisdiction. The~~  
5 ~~department is authorized to submit the fingerprints to the Kansas bureau of~~  
6 ~~investigation and the federal bureau of investigation for a state and~~  
7 ~~national criminal history record check. The department may use the~~  
8 ~~information obtained from fingerprinting and the criminal history record~~  
9 ~~check for purposes of verifying the identification of the person and for~~  
10 ~~making an official determination of the qualifications and fitness of the~~  
11 ~~person to work in the home health agency.~~

12 (3) An applicant for employment in ~~an~~ a home health agency shall  
13 have 20 calendar days after receipt of authorization to submit the  
14 applicant's fingerprints through an authorized collection site in order to be  
15 eligible for provisional employment or the applicant's application shall be  
16 deemed withdrawn.

17 (4) (A) The current or prospective employer of an applicant shall pay  
18 a *reasonable fee* ~~not to exceed \$19 of the total cost~~ for criminal history  
19 record information to the department for each applicant submitted.

20 (B) The prospective employer, employee or independent contractor  
21 shall pay the fingerprint collection fee at the time of fingerprinting to the  
22 authorized collection site.

23 (5) If an applicant disputes the contents of a criminal history record  
24 check, then the applicant may file an appeal with the Kansas bureau of  
25 investigation.

26 (6) Individuals who have been disqualified for employment by reason  
27 of their criminal history records and who have met the requirements of this  
28 subsection may apply for a waiver with the department within 30 days of  
29 the receipt of the notice of employment prohibition.

30 (7) The department shall adopt rules and regulations specifying the  
31 criteria and procedure for issuing a waiver of the employment prohibition.  
32 The secretary shall consider the following criteria when rendering a  
33 decision on such a waiver request: Passage of time; extenuating  
34 circumstances; demonstration of rehabilitation; and relevancy of the  
35 criminal history record information to the position for which the applicant  
36 is applying. Any employment prohibition issued shall remain in effect  
37 unless or until a waiver is granted.

38 (e) For the purpose of complying with this section, the operator of a  
39 home health agency shall request from the Kansas department for aging  
40 and disability services an eligibility determination regarding adult and  
41 juvenile convictions and adjudications. For the purpose of complying with  
42 this section, a person who operates a home health agency may hire an  
43 applicant for provisional employment on a one-time basis of 60 calendar

1 days pending the results from the Kansas department for aging and  
2 disability services of a request for information under this subsection. A  
3 provisional employee may only be supervised by an employee who has  
4 completed all training required by federal regulations, rules and  
5 regulations of the department and the home health agency's policies and  
6 procedures. No home health agency, the operator or employees of a home  
7 health agency or an employment agency or an independent contractor shall  
8 be liable for civil damages resulting from any decision to employ, to refuse  
9 to employ or to discharge from employment any person based on such  
10 home health agency's compliance with the provisions of this section if  
11 such home health agency or employment agency acts in good faith to  
12 comply with this section.

13 (f) The secretary for aging and disability services shall provide each  
14 operator requesting information under this section with a pass or fail  
15 determination after review of any criminal history information in writing  
16 and within three working days of receipt of such information from the  
17 Kansas bureau of investigation or the federal bureau of investigation.

18 (g) A person who volunteers to assist a home health agency shall not  
19 be subject to the provisions of this section unless the volunteer performs  
20 functions equivalent to functions performed by direct access employees.

21 (h) No person who has been continuously employed by the same  
22 home health agency since July 1, 1992, shall be subject to the  
23 requirements of this section while employed by such home health agency.

24 (i) The operator of a home health agency shall not be required under  
25 this section to conduct a criminal history record check on an applicant for  
26 employment with the home health agency if the applicant has been the  
27 subject of a criminal history record check under this act within one year  
28 prior to the application for employment with the home health agency.

29 (j) No person who is in the custody of the secretary of corrections and  
30 who provides services, under direct supervision in non-patient areas, on  
31 the grounds or other areas designated by the superintendent of the Kansas  
32 soldiers' home or the Kansas veterans' home shall be subject to the  
33 provisions of this section while providing such services.

34 (k) (1) All fees charged by the secretary for criminal history record  
35 checks conducted pursuant to this section shall be established by rules and  
36 regulations of the secretary.

37 (2) All moneys collected and remitted to the department for fees  
38 charged for criminal history record checks conducted pursuant to this  
39 section shall be remitted to the state treasurer in accordance with K.S.A.  
40 65-5113, and amendments thereto. Upon receipt of each such remittance,  
41 the state treasurer shall deposit the entire amount into the state treasury to  
42 the credit of the state licensure fee fund created by K.S.A. 39-930, and  
43 amendments thereto.

1 (l) The department may implement the amendments made to this  
2 section by this act in phases for different categories of employers. The  
3 department shall adopt rules and regulations establishing dates and  
4 procedures for the implementation of the criminal history record checks  
5 required by this section, and such dates may be staggered to facilitate  
6 implementation of the criminal history record checks required by this  
7 section.

8 (m) This section shall be *a* part of and supplemental to the provisions  
9 of article 51 of chapter 65 of the Kansas Statutes Annotated, and  
10 amendments thereto.

11 Sec. 62. K.S.A. 2023 Supp. 65-6129 is hereby amended to read as  
12 follows: 65-6129. (a) (1) Application for an emergency medical service  
13 provider certificate shall be made to the board. The board shall not grant  
14 an emergency medical service provider certificate unless the applicant  
15 meets the following requirements:

16 (A) (i) Has successfully completed coursework required by the rules  
17 and regulations adopted by the board;

18 (ii) has successfully completed coursework in another jurisdiction  
19 that is substantially equivalent to that required by the rules and regulations  
20 adopted by the board; or

21 (iii) has provided evidence that such applicant holds a current and  
22 active certification with the national registry of emergency medical  
23 technicians, completed emergency medical technician training as a  
24 member of the army, navy, marine corps, air force, air or army national  
25 guard, coast guard or any branch of the military reserves of the United  
26 States that is substantially equivalent to that required by the rules and  
27 regulations adopted by the board, and such applicant separated from such  
28 military service with an honorable discharge;

29 (B) (i) has passed the examination required by the rules and  
30 regulations adopted by the board; or

31 (ii) has passed the certification or licensing examination in another  
32 jurisdiction that has been approved by the board; and

33 (C) has paid an application fee required by the rules and regulations  
34 adopted by the board.

35 (2) The board may grant an emergency medical service provider  
36 certificate to any applicant who meets the requirements under subsection  
37 (a)(1)(A)(iii) but was separated from such military service with a general  
38 discharge under honorable conditions.

39 (b) (1) The emergency medical services board may require an original  
40 applicant for certification as an emergency medical services provider to be  
41 fingerprinted and submit to a state and national criminal history record  
42 check *in accordance with section 2, and amendments thereto.* ~~The~~  
43 ~~fingerprints shall be used to identify the applicant and to determine~~

1 ~~whether the applicant has a record of criminal history in this state or~~  
2 ~~another jurisdiction. The emergency medical services board is authorized~~  
3 ~~to submit the fingerprints to the Kansas bureau of investigation and the~~  
4 ~~federal bureau of investigation for a state and national criminal history~~  
5 ~~record check. The emergency medical services board may use the~~  
6 ~~information obtained from fingerprinting and the applicant's criminal~~  
7 ~~history for purposes of verifying the identification of the applicant and~~  
8 ~~making the official determination of the qualifications and fitness of the~~  
9 ~~applicant to be issued or to maintain a certificate.~~

10 (2) ~~Local and state law enforcement officers and agencies shall assist~~  
11 ~~the emergency medical services board in taking the fingerprints of~~  
12 ~~applicants for license, registration, permit or certificate. The Kansas~~  
13 ~~bureau of investigation shall release all records of adult convictions,~~  
14 ~~nonconvictions or adjudications in this state and any other state or country~~  
15 ~~to the emergency medical services board.~~*As used in this section,*  
16 *"applicant" means a person who has submitted an application for an*  
17 *emergency medical services provider certificate.*

18 (3) The emergency medical services board may fix and collect a fee  
19 as may be required by the board in an amount equal to the cost of  
20 fingerprinting and the criminal history record check. The emergency  
21 medical services board shall remit all moneys received from the fees  
22 established by this section to the state treasurer in accordance with the  
23 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
24 each such remittance, the state treasurer shall deposit the entire amount in  
25 the state treasury to the credit of the emergency medical services criminal  
26 history and fingerprinting fund.

27 (4) There is hereby created in the state treasury the emergency  
28 medical services criminal history and fingerprinting fund. All moneys  
29 credited to the fund shall be used to pay the Kansas bureau of investigation  
30 for the processing of fingerprints and criminal history record checks for  
31 the emergency medical services board. The fund shall be administered by  
32 the emergency medical services board. All expenditures from the fund  
33 shall be made in accordance with appropriation acts upon warrants of the  
34 director of accounts and reports issued pursuant to vouchers approved by  
35 the chairperson of the emergency medical services board or the  
36 chairperson's designee.

37 (c) The board shall not grant an initial advanced emergency medical  
38 technician certificate or paramedic certificate as a result of successful  
39 course completion in the state of Kansas, unless the applicant for such an  
40 initial certificate is certified as an emergency medical technician.

41 (d) An emergency medical service provider certificate shall expire on  
42 the date prescribed by the board. An emergency medical service provider  
43 certificate may be renewed for a period of two years upon payment of a

1 fee as prescribed by rule and regulation of the board and upon presentation  
2 of satisfactory proof that the emergency medical service provider has  
3 successfully completed continuing education as prescribed by the board.

4 (e) All fees received pursuant to the provisions of this section shall be  
5 remitted to the state treasurer in accordance with the provisions of K.S.A.  
6 75-4215, and amendments thereto. Upon receipt of each such remittance,  
7 the state treasurer shall deposit the entire amount in the state treasury to  
8 the credit of the emergency medical services operating fund established by  
9 K.S.A. 65-6151, and amendments thereto.

10 (f) If a person who was previously certified as an emergency medical  
11 service provider applies for an emergency medical service provider's  
12 certificate after the certificate's expiration, the board may grant a  
13 certificate without the person completing an initial course of instruction or  
14 passing a certification examination if the person has completed education  
15 requirements and has paid a fee as specified in rules and regulations  
16 adopted by the board.

17 (g) The board shall adopt, through rules and regulations, a formal list  
18 of graduated sanctions for violations of article 61 of chapter 65 of the  
19 Kansas Statutes Annotated, and amendments thereto, that shall specify the  
20 number and severity of violations for the imposition of each level of  
21 sanction.

22 Sec. 63. K.S.A. 73-1210a is hereby amended to read as follows: 73-  
23 1210a. (a) Except as otherwise provided by law, and subject to the Kansas  
24 civil service act, the director of the Kansas commission on veterans affairs  
25 office shall appoint:

26 (1) Subordinate officers and employees, subject to the approval of the  
27 governor, as are necessary to enable the director to exercise or perform the  
28 functions, powers and duties pursuant to the provisions of article 12 of  
29 chapter 73 of the Kansas Statutes Annotated, and amendments thereto;

30 (2) the superintendent of the Kansas soldiers' home;

31 (3) the superintendent of the Kansas veterans' home; and

32 (4) the deputy director of veterans services pursuant to K.S.A. 73-  
33 1234, and amendments thereto.

34 (b) (1) Upon the commencement of the interview process, every  
35 candidate ~~for a position in the Kansas commission on veterans affairs~~  
36 ~~office that interviews claimants and provides information advice and~~  
37 ~~counseling to veterans, surviving spouses, their dependents concerning~~  
38 ~~compensation, pension, education, vocational rehabilitation, insurance,~~  
39 ~~hospitalization, outpatient care, home loans, housing, tax exemptions,~~  
40 ~~burial benefits and other benefits to which they may be entitled, or any~~  
41 ~~other sensitive position, as determined by the director shall be given a~~  
42 written notice that a criminal history records check is required. The  
43 director of the Kansas commission on veterans affairs office shall require

1 such candidates to be fingerprinted and submit to a state and national  
2 criminal history record check *in accordance with section 2, and*  
3 *amendments thereto.* ~~The fingerprints shall be used to identify the~~  
4 ~~candidate and to determine whether the candidate has a record of criminal~~  
5 ~~history in this state or another jurisdiction. The director of the Kansas~~  
6 ~~commission on veterans affairs office shall submit the fingerprints to the~~  
7 ~~Kansas bureau of investigation and the federal bureau of investigation for~~  
8 ~~a state and national criminal history record check. Local and state law~~  
9 ~~enforcement officers and agencies shall assist the director of the Kansas~~  
10 ~~commission on veterans affairs office in taking and processing of~~  
11 ~~fingerprints of candidates. If the criminal history record information~~  
12 ~~reveals any conviction of crimes of dishonesty or violence, such~~  
13 ~~conviction may be used to disqualify a candidate for any position within~~  
14 ~~the director of the Kansas commission on veterans affairs office. If the~~  
15 ~~criminal history record information is used to disqualify a candidate, the~~  
16 ~~candidate shall be informed in writing of that decision.~~

17 (2) *As used in this subsection, "candidate" means an applicant for a*  
18 *position in the Kansas commission on veterans affairs office that*  
19 *interviews claimants and provides information, advice and counseling to*  
20 *veterans, surviving spouses and their dependents concerning*  
21 *compensation, pension, education, vocational rehabilitation, insurance,*  
22 *hospitalization, outpatient care, home loans, housing, tax exemptions,*  
23 *burial benefits and other benefits to which they may be entitled.*

24 (c) Persons employed by the Kansas soldiers' home and Kansas  
25 veterans' home shall be excluded from the provisions of subsection (b). No  
26 person who has been employed by the director of the Kansas commission  
27 on veterans affairs office for five consecutive years immediately prior to  
28 the effective date of this act shall be subject to the provisions of subsection  
29 (b) while employed by the director of the Kansas commission on veterans  
30 affairs office.

31 (d) (1) Except as otherwise provided by law, and subject to the  
32 Kansas civil service act, the director of the Kansas commission on  
33 veterans affairs office shall appoint subordinate officers and employees, a  
34 superintendent of the Kansas soldiers' home and a superintendent of the  
35 Kansas veterans' home, as shall be necessary to enable the director of the  
36 Kansas commission on veterans affairs office to exercise or perform its  
37 functions, powers and duties pursuant to the provisions of article 19 of  
38 chapter 76 of the Kansas Statutes Annotated, and amendments thereto.

39 (2) (A) All subordinate officers and employees shall be within the  
40 classified service under the Kansas civil service act, shall perform such  
41 duties and exercise such powers as the director of the Kansas commission  
42 on veterans affairs office may prescribe and such duties and powers as are  
43 designated by law, and shall act for and exercise the powers of the the

1 director of the Kansas commission on veterans affairs office.

2 (B) The superintendent of the Kansas soldiers' home shall be in the  
3 unclassified service under the Kansas civil service act and shall receive an  
4 annual salary fixed by the director of the Kansas commission on veterans  
5 affairs office, with the approval of the governor. The superintendent of the  
6 Kansas soldiers' home shall perform such duties and exercise such powers  
7 as the director may prescribe, and such duties and powers as are prescribed  
8 by law.

9 (C) The superintendent of the Kansas veterans' home shall be in the  
10 unclassified service under the Kansas civil service act and shall receive an  
11 annual salary fixed by the director of the Kansas commission on veterans  
12 affairs office, with the approval of the governor. The superintendent of the  
13 Kansas veterans' home shall perform such duties and exercise such powers  
14 as the director may prescribe, and such duties and powers as are prescribed  
15 by law.

16 (e) Any veterans service representative appointed by the director of  
17 the Kansas commission on veterans affairs office shall be an honorably  
18 discharged veteran or retired from the United States armed forces. No  
19 veterans service representative of the Kansas commission on veterans  
20 affairs office shall take a power of attorney in the name of the director of  
21 the Kansas commission on veterans affairs office. Nothing in this act shall  
22 be construed to prohibit any such veterans service representative from  
23 assisting any veteran with any claim in which a power of attorney is not  
24 required.

25 (f) For the purpose of this subsection, "veterans service  
26 representative" means any officer or employee appointed pursuant to this  
27 section whose primary duties include:

28 (1) Assisting veterans and their dependents in securing benefits from  
29 the federal government and the state of Kansas.

30 (2) Providing information and assistance to veterans and dependents  
31 in obtaining special services and benefits based on knowledge of federal  
32 and state laws, policies and regulations pertaining to veterans benefits and  
33 services.

34 (3) Providing assistance to veterans service organizations  
35 participating in the veterans claims assistance program.

36 ~~(f)~~(g) Nothing in this act shall be construed to affect the status, rights  
37 or benefits of any officer or employee of the Kansas commission on  
38 veterans affairs under K.S.A. 73-1208a, prior to its repeal, employed by  
39 such commission on July 1, 2014.

40 Sec. 64. K.S.A. 74-1112 is hereby amended to read as follows: 74-  
41 1112. (a) The board of nursing may require an ~~original applicant for~~  
42 ~~licensure as a professional nurse, practical nurse or mental health~~  
43 ~~technician~~ *application* to be fingerprinted and submit to a state and

1 national criminal history record check *in accordance with section 2, and*  
2 *amendments thereto.* ~~The fingerprints shall be used to identify the~~  
3 ~~applicant and to determine whether the applicant has a record of criminal~~  
4 ~~history in this state or other jurisdictions. The board of nursing is~~  
5 ~~authorized to submit the fingerprints to the Kansas bureau of investigation~~  
6 ~~and the federal bureau of investigation for a state and national criminal~~  
7 ~~history record check. The board of nursing may use the information~~  
8 ~~obtained from fingerprinting and the applicant's criminal history for~~  
9 ~~purposes of verifying the identification of any applicant and in the official~~  
10 ~~determination of character and fitness of the applicant for any licensure to~~  
11 ~~practice professional or practical nursing or mental health technology in~~  
12 ~~this state.~~

13 ~~(b) Local and state law enforcement officers and agencies shall assist~~  
14 ~~the board of nursing in taking and processing of fingerprints of applicants~~  
15 ~~to practice professional or practical nursing or mental health technology in~~  
16 ~~this state and shall release all records of adult convictions and~~  
17 ~~nonconvictions and adult convictions or adjudications of another state or~~  
18 ~~country to the board of nursing.~~

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

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

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

36 Sec. 65. K.S.A. 74-2113 is hereby amended to read as follows: 74-  
37 2113. (a) *(1)* There is hereby created a Kansas highway patrol. The patrol  
38 shall consist of:

39 ~~(1)(A)~~ A superintendent, who shall have the rank of colonel and who  
40 shall have special training and qualifications for the position;

41 ~~(2)(B)~~ an assistant superintendent, who shall have the rank of  
42 lieutenant colonel; and

43 ~~(3)(C)~~ officers and troopers who are appointed in accordance with

1 appropriation acts and as provided in this section.

2 (2) The superintendent and assistant superintendent shall be within  
3 the unclassified service under the Kansas civil service act. The assistant  
4 superintendent shall be appointed by the superintendent from among the  
5 members of the patrol, and shall serve at the pleasure of the  
6 superintendent. If a person appointed as superintendent, assistant  
7 superintendent or major is a member of the patrol when appointed, the  
8 person in each case, upon termination of the term as superintendent,  
9 assistant superintendent or major, respectively, shall be returned to a rank  
10 not lower than the rank the person held when appointed as superintendent,  
11 assistant superintendent or major. If the rank is filled at that time, a  
12 temporary additional position shall be created in the rank until a vacancy  
13 occurs in such rank. All other officers, troopers and employees shall be  
14 within the classified service under the Kansas civil service act.

15 (b) The superintendent of the patrol shall be appointed by the  
16 governor, subject to confirmation by the senate as provided in K.S.A. 75-  
17 4315b, and amendments thereto, and shall receive an annual salary fixed  
18 by the governor. Except as provided by K.S.A. 46-2601, and amendments  
19 thereto, no person appointed as superintendent shall exercise any power,  
20 duty or function as superintendent until confirmed by the senate. The  
21 assistant superintendent shall receive an annual salary fixed by the  
22 superintendent and approved by the governor.

23 (c) All other members of the patrol shall be appointed by the  
24 superintendent in accordance with appropriation acts and with the Kansas  
25 civil service act. No person shall be appointed as an officer of the patrol,  
26 other than superintendent, unless the person has had at least five years of  
27 service in the patrol as an officer or trooper. No person shall be appointed  
28 as a trooper unless the person meets the following requirements:

29 (1) Is a citizen of the United States;

30 (2) is at least 21 years of age at the time of appointment;

31 (3) has not been convicted by any state or the federal government of a  
32 crime which is a felony or its equivalent under the uniform code of  
33 military justice;

34 (4) has been fingerprinted *pursuant to section 1, and amendments*  
35 *thereto*, and a search of local, state and national fingerprint files has been  
36 made to determine whether the applicant has a criminal record;

37 (5) is the holder of a high school diploma or furnishes evidence of  
38 successful completion of an examination indicating an equivalent  
39 achievement; and

40 (6) is free of any physical or mental condition which might adversely  
41 affect the applicant's performance of duties as a trooper and whose  
42 physical health has been certified by an examining physician appointed by  
43 the superintendent.

1 (d) No member of the patrol shall:

2 (1) Hold any other elective or appointive commission or office,  
3 except:

4 (A) In the Kansas national guard or in the organized reserve of the  
5 United States army, air force or navy.

6 (B) In the governing body of a municipality:

7 (i) If the position to be held is appointed; or

8 (ii) if the position to be held is elected on a nonpartisan basis.

9 (C) On any appointed board, commission or task force which the  
10 superintendent of the highway patrol deems necessary as part of the  
11 member's or officer's duties.

12 (2) Accept any employment or compensation from any licensee of the  
13 director of alcoholic beverage control of the department of revenue or  
14 from any licensee of the Kansas racing commission or from any officer,  
15 director, member or employee of any such licensee.

16 (3) Accept any employment or compensation for services which  
17 require the use of any state-owned equipment provided by the Kansas  
18 highway patrol or the wearing of the patrol uniform.

19 (4) Accept any reward or gift pertaining to the performance of the  
20 member's or officer's duties except with the written permission of the  
21 superintendent.

22 (e) For the purposes of this section, the terms "governing body" and  
23 "municipality" shall have the meanings ascribed to such terms in K.S.A.  
24 12-105a, and amendments thereto.

25 Sec. 66. K.S.A. 74-4905 is hereby amended to read as follows: 74-  
26 4905. (a) On July 1, 1993, the board of trustees of the Kansas public  
27 employees retirement system, as such board existed on June 30, 1993, is  
28 hereby abolished. On July 1, 1993, there is hereby established a new board  
29 of trustees of the Kansas public employees retirement system. Such board  
30 established on July 1, 1993, shall consist of nine members, as follows:

31 (1) Six appointed members, four appointed by the governor subject to  
32 confirmation by the senate as provided in K.S.A. 75-4315b, and  
33 amendments thereto, one appointed by the president of the senate and one  
34 appointed by the speaker of the house of representatives. Except as  
35 provided by K.S.A. 46-2601, *and amendments thereto*, no person  
36 appointed to the board whose appointment is subject to confirmation, shall  
37 exercise any power, duty or function as a member of the board until  
38 confirmed by the senate. No more than two members of the board whose  
39 appointment is subject to confirmation shall be from the same political  
40 party;

41 (2) two retirement system members elected by the members and  
42 retirants of the system as provided in ~~subsection (12)~~ of K.S.A. 74-  
43 4909(12), and amendments thereto. As provided in this subsection, only

1 active and retired members of the system shall be eligible to be elected to  
2 the board and only active and retired members of the system shall be  
3 eligible to elect the two retirement system members pursuant to this  
4 subsection. Inactive members shall not be eligible to be elected to the  
5 board nor to elect the two retirement system members elected pursuant to  
6 this subsection. If a member elected to the board as provided in this  
7 subsection becomes inactive, such member is disqualified from service on  
8 the board and such member's board position shall be vacant and such  
9 vacancy shall be filled as provided in subsection (b)(1). Of the two  
10 retirement system members elected pursuant to this subsection, one shall  
11 be a member of the retirement system who is in school employment as  
12 provided in K.S.A. 74-4931et seq., and amendments thereto and one shall  
13 be a member of the retirement system other than a member who is in  
14 school employment. For purposes of this subsection, retirement system  
15 means the Kansas public employees retirement system, the Kansas police  
16 and firemen's retirement system and the retirement system for judges; and

17 (3) the state treasurer.

18 (b) (1) Except as provided by this paragraph and paragraph (2), all  
19 members of the board as provided in subsection (a)(1) and (a)(2) shall  
20 serve four-year terms, except that of the members first appointed by the  
21 governor, two shall be appointed for two-year terms and the member  
22 appointed by the speaker of the house of representatives shall be appointed  
23 for a two-year term. The governor shall designate the term for which each  
24 of the members first appointed shall serve. All members appointed to fill  
25 vacancies in the membership of the board and all members appointed to  
26 succeed members appointed to membership on the board shall be  
27 appointed in like manner as that provided for the original appointment of  
28 the member succeeded. All members appointed to fill vacancies of a  
29 member of the board appointed by the governor, the president of the senate  
30 or the speaker of the house of representatives shall be appointed to fill the  
31 unexpired term of such member. All vacancies on the board by a member  
32 elected by the members and retirants of the system shall be filled by the  
33 board as provided by rules and regulations adopted as provided in  
34 ~~subsection (12) of~~ K.S.A. 74-4909(12), and amendments thereto.

35 (2) Except as provided in K.S.A. 46-2601, *and amendments thereto*,  
36 no person appointed to the board by the governor shall exercise any power,  
37 duty or function as a member of the board until confirmed by the senate.  
38 The terms of members appointed by the governor who are serving on the  
39 board on the effective date of this act shall expire on January 15, of the  
40 year in which such member's term would have expired under the  
41 provisions of this section prior to amendment by this act. Thereafter,  
42 members shall be appointed for terms of four years and until their  
43 successors are appointed and confirmed.

1 (c) The board shall elect a chairperson of the board at the first regular  
2 meeting held on or after July 1, 1993, and at each annual meeting  
3 thereafter from the members of the board. The chairperson shall preside  
4 over meetings of the board and perform such other duties as required by  
5 the board.

6 (d) The chairperson shall appoint another board member as vice-  
7 chairperson, and the vice-chairperson shall perform the duties of  
8 chairperson in the absence of the chairperson or upon the chairperson's  
9 inability or refusal to act.

10 (e) The six members appointed pursuant to subsection (a)(1) shall  
11 have demonstrated experience in the financial affairs of a public or private  
12 organization or entity which employs 100 or more employees or had at  
13 least five years' experience in the field of investment management or  
14 analysis, actuarial analysis or administration of an employee benefit plan.

15 (f) No person shall serve on the board if such person has knowingly  
16 acquired a substantial interest in any nonpublicly traded investment made  
17 with moneys of the fund. Any such person who knowingly acquires such  
18 an interest shall vacate such member's position on the board and shall be  
19 guilty of a class A misdemeanor. For purposes of this subsection,  
20 "substantial interest" means any of the following:

21 (1) If an individual or an individual's spouse, either individually or  
22 collectively, has owned within the preceding 12 months a legal or  
23 equitable interest exceeding \$5,000 or 5% of any business, whichever is  
24 less, the individual has a substantial interest in that business.

25 (2) If an individual or an individual's spouse, either individually or  
26 collectively, has received during the preceding calendar year compensation  
27 which is or will be required to be included as taxable income on federal  
28 income tax returns of the individual and spouse in an aggregate amount of  
29 \$2,000 from any business or combination of businesses, the individual has  
30 a substantial interest in that business or combination of businesses.

31 (3) If an individual or an individual's spouse holds the position of  
32 officer, director, associate, partner or proprietor of any business, the  
33 individual has a substantial interest in that business, irrespective of the  
34 amount of compensation received by the individual or individual's spouse.

35 (4) If an individual or an individual's spouse receives compensation  
36 which is a portion or percentage of each separate fee or commission paid  
37 to a business or combination of businesses, the individual has a substantial  
38 interest in any client or customer who pays fees or commissions to the  
39 business or combination of businesses from which fees or commissions the  
40 individual or the individual's spouse, either individually or collectively,  
41 received an aggregate of \$2,000 or more in the preceding calendar year.

42 (5) If an individual or an individual's spouse has received a loan from  
43 or received financing from any bank, savings and loan, credit union or any

1 other financial institution in an amount which exceeds \$2,000, the  
2 individual has a substantial interest in that financial institution.

3 (6) As used in this subsection, "client or customer" means a business  
4 or combination of businesses.

5 (7) Any person who serves on the board shall fully disclose any  
6 substantial interest that such person has in any publicly traded investment  
7 made with moneys of the fund.

8 (g) No person who serves on the board shall be employed for a period  
9 of two years commencing on the date the person no longer serves on the  
10 board and ending two years after such date with any organization in which  
11 moneys of the fund were invested, except that the employment limitation  
12 contained in this subsection shall not apply if such person's employment is  
13 with an organization whose stock or other evidences of ownership are  
14 traded on the public stock or bond exchanges.

15 (h) All members of the board named, appointed or elected to the  
16 board shall be ~~subject to an investigation by the Kansas bureau of~~  
17 ~~investigation or other criminal justice agencies fingerprinted and to submit~~  
18 ~~to a state and national criminal background check in accordance with~~  
19 ~~section 2, and amendments thereto. Information to be obtained during such~~  
20 ~~investigation shall include criminal history record information, including~~  
21 ~~arrest and conviction data, criminal intelligence information and~~  
22 ~~information relating to criminal and background investigations as~~  
23 ~~necessary to determine qualifications of such member. Such information~~  
24 ~~shall be forwarded to the senate committee specified by the president of~~  
25 ~~the senate for such committee's consideration and other than conviction~~  
26 ~~data, shall be confidential and shall not be disclosed except to members~~  
27 ~~and employees of the committee as necessary to determine qualifications~~  
28 ~~of such member.~~ The committee, in accordance with K.S.A. 75-4319, and  
29 amendments thereto, shall recess for a closed or executive meeting to  
30 receive and discuss information received by the committee pursuant to this  
31 subsection.

32 (i) All of the powers, duties and functions of the board of trustees of  
33 the Kansas public employees retirement system as such board existed prior  
34 to July 1, 1993, are hereby transferred to and conferred and imposed upon  
35 the board of trustees established pursuant to this act. The board of trustees  
36 of the Kansas public employees retirement system established pursuant to  
37 this act shall be the successor in every way of the powers, duties and  
38 functions of the board of trustees existing prior to July 1, 1993, in which  
39 the same were vested prior to July 1, 1993.

40 Sec. 67. K.S.A. 74-50,182 is hereby amended to read as follows: 74-  
41 50,182. As used in the Kansas professional regulated sports act:

42 (a) "Amateur mixed martial arts" means any form of martial arts or  
43 self-defense conducted on a full-contact basis in a contest without

1 weapons and in which the contestants compete without valuable  
2 consideration.

3 (b) "Bout" means one match involving a regulated sport.

4 (c) *"Boxing commissioner" means the person appointed pursuant to*  
5 *K.S.A. 74-50,184, and amendments thereto, who shall be devoted full time*  
6 *to the duties prescribed by the commission.*

7 (d) "Commission" means the athletic commission or the commission's  
8 designee.

9 ~~(d)~~(e) "Contest" means a bout or a group of bouts involving licensed  
10 contestants competing in a regulated sport.

11 ~~(e)~~(f) "Contestant" means a person who is licensed by the commission  
12 to compete in a regulated sport.

13 ~~(f)~~(g) "Fund" means the athletic fee fund.

14 ~~(g)~~(h) "Grappling arts" means any form of grappling including, but  
15 not limited to, Brazilian jujitsu, catch wrestling, judo, luta livre esportiva,  
16 sambo, shoot wrestling, shooto and shuai Jiao conducted on a full-contact  
17 basis in a bout or contest without weapons or striking and where  
18 contestants may compete for valuable consideration.

19 ~~(h)~~(i) "Noncompetitive sparring" means boxing, kickboxing or mixed  
20 martial arts where a decision is not rendered.

21 ~~(i)~~(j) "Pankration" means a martial art system which includes  
22 elements of karate, tae-kwon-do, jujitsu, kempo, kung-fu, wrestling, and  
23 submission grappling.

24 ~~(j)~~(k) "Professional boxing" means the sport of attack and defense  
25 which uses the fists and where contestants compete for valuable  
26 consideration.

27 ~~(k)~~(l) "Professional full-contact karate" means any form of full-  
28 contact martial arts including but not limited to full-contact kung fu, full-  
29 contact tae-kwon-do or any form of martial arts or self-defense conducted  
30 on a full-contact basis in a bout or contest without weapons and where  
31 contestants may compete for valuable consideration.

32 ~~(l)~~(m) "Professional kickboxing" means any form of kickboxing in  
33 which blows are delivered with any part of the arm below the shoulder,  
34 including the hand, and any part of the leg below the hip, including the  
35 foot, and where contestants compete for valuable consideration.

36 ~~(m)~~(n) "Professional mixed martial arts" means any form of martial  
37 arts or self-defense conducted on a full-contact basis in a bout or contest  
38 without weapons and where contestants compete for valuable  
39 consideration.

40 ~~(n)~~(o) "Professional wrestling" means any performance of wrestling  
41 skills and techniques by two or more professional wrestlers, to which any  
42 admission is charged. Participating wrestlers may not be required to use  
43 their best efforts in order to win. The winner may have been selected

1 before the performance commences and contestants compete for valuable  
2 consideration.

3 ~~(p)~~ "Regulated sports" means professional boxing, sparring,  
4 professional kickboxing, professional and amateur mixed martial arts,  
5 grappling arts, pankration, professional wrestling and professional full-  
6 contact karate.

7 ~~(q)~~ "Sparring" means boxing, kickboxing, professional and  
8 amateur mixed martial arts, grappling arts, pankration, or full-contact  
9 karate for practice or as an exhibition.

10 Sec. 68. K.S.A. 74-50,184 is hereby amended to read as follows: 74-  
11 50,184. (a) The commission shall appoint a boxing commissioner who  
12 shall be in the unclassified service under the Kansas civil service act and  
13 who shall devote full-time to the duties prescribed by the commission.  
14 Before appointing a person as the boxing commissioner, the commission  
15 shall request the Kansas bureau of investigation to conduct a criminal  
16 history record check and background investigation of the person. The  
17 boxing commissioner shall have no felony convictions under the laws of  
18 any state or of the United States prior to appointment or during such  
19 commissioner's employment with the commission. The boxing  
20 commissioner shall receive an annual salary fixed by the commission and  
21 approved by the governor.

22 (b) Before appointing a person as the boxing commissioner, the  
23 commission shall require fingerprinting of such person necessary to verify  
24 qualification for appointment *in accordance with section 2, and*  
25 *amendments thereto.* ~~The commission shall submit such fingerprints to the~~  
26 ~~Kansas bureau of investigation and to the federal bureau of investigation~~  
27 ~~for the purposes of verifying the identity of such person and obtaining~~  
28 ~~records of criminal arrests and convictions.~~

29 ~~(c) The commission may receive from the Kansas bureau of~~  
30 ~~investigation or other criminal justice agencies, including but not limited~~  
31 ~~to the federal bureau of investigation and the federal internal revenue~~  
32 ~~service, such criminal history record information (including arrest and~~  
33 ~~nonconviction data), criminal intelligence information and information~~  
34 ~~relating to criminal and background investigations as necessary for the~~  
35 ~~purpose of determining qualifications of a person to be appointed as~~  
36 ~~boxing commissioner. Upon the written request of the chairperson of the~~  
37 ~~commission, the commission may receive from the district courts such~~  
38 ~~information relating to juvenile proceedings as necessary for the purpose~~  
39 ~~of determining qualifications of any person to be appointed as boxing~~  
40 ~~commissioner. Such information, other than conviction data, shall be~~  
41 ~~confidential and shall not be disclosed except to members and employees~~  
42 ~~of the commission as necessary to determine qualifications of such person.~~  
43 ~~Any other disclosure of such confidential information is a class A~~

1 ~~misdemeanor and shall constitute grounds for removal from office,~~  
2 ~~termination of employment or denial, revocation or suspension of any~~  
3 ~~license issued under this act.~~

4 Sec. 69. K.S.A. 2023 Supp. 74-5602 is hereby amended to read as  
5 follows: 74-5602. As used in the Kansas law enforcement training act:

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

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

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

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

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

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

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

26 (2) "Police officer" or "law enforcement officer" includes, but is not  
27 limited to: The sheriff, undersheriff and full-time or part-time salaried  
28 deputies in the sheriff's office in each county; deputy sheriffs deputized  
29 pursuant to K.S.A. 19-2858, and amendments thereto; conservation  
30 officers of the Kansas department of wildlife and parks; university police  
31 officers, as defined in K.S.A. 22-2401a, and amendments thereto; campus  
32 police officers, as defined in K.S.A. 22-2401a, and amendments thereto;  
33 law enforcement agents of the director of alcoholic beverage control; law  
34 enforcement agents designated by the secretary of revenue pursuant to  
35 K.S.A. 75-5157, and amendments thereto; law enforcement agents of the  
36 Kansas lottery; law enforcement agents of the Kansas racing commission;  
37 deputies and assistants of the state fire marshal having law enforcement  
38 authority; capitol police, existing under the authority of K.S.A. 75-4503,  
39 and amendments thereto; special agents of the department of corrections;  
40 special investigators designated by the secretary of labor; and law  
41 enforcement officers appointed by the adjutant general pursuant to K.S.A.  
42 48-204, and amendments thereto; railroad policemen appointed pursuant to  
43 K.S.A. 66-524, and amendments thereto; school security officers

1 designated as school law enforcement officers pursuant to K.S.A. 72-6146,  
2 and amendments thereto; the manager and employees of the horsethief  
3 reservoir benefit district pursuant to K.S.A. 82a-2212, and amendments  
4 thereto; and the director of the Kansas commission on peace officers'  
5 standards and training and any other employee of such commission  
6 designated by the director pursuant to K.S.A. 74-5603, and amendments  
7 thereto, as a law enforcement officer. "Police officer" or "law enforcement  
8 officer" includes any officer appointed or elected on a provisional basis.

9 ~~(2)~~(3) "Police officer" or "law enforcement officer" does not include  
10 any elected official, other than a sheriff, serving in the capacity of a law  
11 enforcement or police officer solely by virtue of such official's elected  
12 position; any attorney-at-law having responsibility for law enforcement  
13 and discharging such responsibility solely in the capacity of an attorney;  
14 any employee of the secretary of corrections other than a special agent;  
15 any employee of the secretary for children and families; any deputy  
16 conservation officer of the Kansas department of wildlife and parks; or any  
17 employee of a city or county who is employed solely to perform  
18 correctional duties related to jail inmates and the administration and  
19 operation of a jail; or any full-time or part-time salaried officer or  
20 employee whose duties include the issuance of a citation or notice to  
21 appear provided such officer or employee is not vested by law with the  
22 authority to make an arrest for violation of the laws of this state or any  
23 municipality thereof, and is not authorized to carry firearms when  
24 discharging the duties of such person's office or employment.

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

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

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

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

43 (l) "Active law enforcement certificate" means a certificate that

1 attests to the qualification of a person to perform the duties of a law  
2 enforcement officer and that has not been suspended or revoked by action  
3 of the Kansas commission on peace officers' standards and training and  
4 has not lapsed by operation of law as provided in K.S.A. 74-5622, and  
5 amendments thereto.

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

8 Sec. 70. K.S.A. 74-5605 is hereby amended to read as follows: 74-  
9 5605. (a) Every applicant for certification shall be:

10 (1) An employee of a state, county or city law enforcement agency, a  
11 municipal university police officer, a railroad policeman appointed  
12 pursuant to K.S.A. 66-524, and amendments thereto;

13 (2) an employee of the tribal law enforcement agency of an Indian  
14 nation that has entered into a tribal-state gaming compact with this state;

15 (3) a manager or employee of the horsethief reservoir benefit district  
16 pursuant to K.S.A. 82a-2212, and amendments thereto; or

17 (4) a school security officer designated as a school law enforcement  
18 officer pursuant to K.S.A. 72-6146, and amendments thereto.

19 (b) Prior to admission to a course conducted at the training center or  
20 at a certified state or local law enforcement agency, the applicant's  
21 appointing authority or agency head shall furnish to the director of police  
22 training and to the commission a statement certifying that the applicant has  
23 been found to meet the minimum requirements of certification established by  
24 this subsection. The commission may rely upon the statement of the  
25 appointing authority or agency head as evidence that the applicant meets  
26 the minimum requirements for certification to issue a provisional  
27 certification. Each applicant for certification shall meet the following  
28 minimum requirements:

29 (1) Be a United States citizen;

30 (2) have been fingerprinted *pursuant to section 1, and amendments*  
31 *thereto*, and a search of local, state and national fingerprint files made to  
32 determine whether the applicant has a criminal record;

33 (3) not have been convicted of a crime that would constitute a felony  
34 under the laws of this state, a misdemeanor crime of domestic violence or  
35 a misdemeanor offense that the commission determines reflects on the  
36 honesty, trustworthiness, integrity or competence of the applicant as  
37 defined by rules and regulations of the commission;

38 (4) have:

39 (A) graduated from a high school accredited by the Kansas state  
40 board of education or the appropriate accrediting agency of another state  
41 jurisdiction;

42 (B) obtained a high school education from a nonaccredited private  
43 secondary school as defined in K.S.A. 72-4345, and amendments thereto;

1 or

2 (C) obtained the equivalent of a high school education as defined by  
3 rules and regulations of the commission;

4 (5) be of good moral character sufficient to warrant the public trust in  
5 the applicant as a police officer or law enforcement officer;

6 (6) have completed an assessment, including psychological testing  
7 approved by the commission, to determine that the applicant does not have  
8 a mental or personality disorder that would adversely affect the ability to  
9 perform the essential functions of a police officer or law enforcement  
10 officer with reasonable skill, safety and judgment;

11 (7) be free of any physical or mental condition which adversely  
12 affects the ability to perform the essential functions of a police officer or  
13 law enforcement officer with reasonable skill, safety and judgment; and

14 (8) be at least 21 years of age.

15 (c) The commission may deny a provisional or other certification  
16 upon a finding that the applicant has engaged in conduct for which a  
17 certificate may be revoked, suspended or otherwise disciplined as provided  
18 in K.S.A. 74-5616, and amendments thereto. When it appears that grounds  
19 for denial of a certification exist under this subsection, after a conditional  
20 offer of employment has been made to an applicant seeking appointment  
21 as a police officer or law enforcement officer, the applicant's appointing  
22 authority or agency head may request an order from the commission to  
23 determine whether a provisional certification will be issued to that  
24 applicant.

25 (d) As used in this section, "conviction" includes rendering of  
26 judgment by a military court martial pursuant to the uniform code of  
27 military justice, by a court of the United States or by a court of competent  
28 jurisdiction in any state, whether or not expunged; and any diversion or  
29 deferred judgment agreement entered into for a misdemeanor crime of  
30 domestic violence or a misdemeanor offense that the commission  
31 determines reflects on the honesty, trustworthiness, integrity or  
32 competence of the applicant as defined by rules and regulations by the  
33 commission and any diversion agreement or deferred judgment entered  
34 into on or after July 1, 1995, for a felony.

35 Sec. 71. K.S.A. 74-5607 is hereby amended to read as follows: 74-  
36 5607. (a) In addition to other powers and duties prescribed by law, the  
37 commission shall adopt, in accordance with the provisions of K.S.A. 77-  
38 415 et seq., and amendments thereto, rules and regulations necessary to  
39 carry out the provisions of and to administer the Kansas law enforcement  
40 training act. The commission may also adopt such rules of procedure or  
41 guidance documents as are necessary for conducting the business of the  
42 commission.

43 (b) The commission or a designated committee or member of the

1 commission may conduct investigations and proceedings necessary to  
2 carry out the provisions of the Kansas law enforcement training act. In all  
3 investigations, hearings or other matters pending before the commission,  
4 the commission or any person acting as a presiding officer for the  
5 commission shall have the power to:

6 (1) Administer oaths and take testimony;

7 (2) issue subpoenas, compel the attendance of witnesses and the  
8 production of any papers, books, accounts, documents and testimony, and  
9 to cause the deposition of witnesses, either residing within or without the  
10 state, to be taken in the manner prescribed by law for taking depositions in  
11 civil actions in the district courts. In case of the failure of any person to  
12 comply with any subpoena issued on behalf of the commission, or on the  
13 refusal of any witness to testify to any matters regarding which the witness  
14 may be lawfully questioned, the district court of any county, on application  
15 of a member of the commission, may require compliance by proceedings  
16 for contempt, as in the case of failure to comply with a subpoena issued  
17 from such court or a refusal to testify in such court. Each witness who  
18 appears before the commission by its order or subpoena, other than a state  
19 officer or employee, shall receive for such attendance the fees and mileage  
20 provided for witnesses in civil cases in courts of record which shall be  
21 audited and paid upon presentation of proper vouchers sworn to by such  
22 witnesses and approved by the chairperson of the commission or by a  
23 person or persons designated by the chairperson;

24 (3) enter into contracts necessary to administer the provisions of the  
25 Kansas law enforcement training act and the certification of law  
26 enforcement officers; and

27 (4) assess the costs of such matters pending before the commission  
28 under this section against the governmental entity employing the police  
29 officer or law enforcement officer.

30 (c) Members of the commission attending meetings of the  
31 commission, or attending a committee meeting authorized by the  
32 commission, shall be paid amounts provided for in ~~subsection (e) of~~  
33 K.S.A. 75-3223(e), and amendments thereto. The commission shall be  
34 responsible for approving all expense vouchers of members.

35 (d) The commission shall meet at least once each year at the training  
36 center and may hold other meetings whenever they are called by the  
37 chairperson.

38 (e) The commission shall adopt the rules and regulations that are  
39 necessary to ensure that law enforcement officers are adequately trained  
40 and to enforce the provisions of the Kansas law enforcement training act.  
41 Such rules and regulations shall include, but are not limited to, the  
42 establishment of a course of fire as a standard qualification for active law  
43 enforcement officers to carry firearms that may also be used for qualified

1 retired officers to carry firearms pursuant to federal law. The director of  
2 police training shall provide qualification opportunities for qualified  
3 retired officers at the times and places the director determines to be  
4 necessary. The training center shall charge and collect a fee from retired  
5 state, local and federal officers for the qualification opportunities, but these  
6 fees shall be limited to the actual costs of presenting the standard  
7 qualifications course.

8 (f) ~~On and after July 1, 2012, The commission shall may require~~  
9 ~~fingerprinting of each applicant for certification under the Kansas law~~  
10 ~~enforcement training act in accordance with section 2, and amendments~~  
11 ~~thereto, and may require fingerprinting of a person who has received a~~  
12 ~~certificate under the Kansas law enforcement training act prior to July 1,~~  
13 ~~2012, if such person's conduct is investigated pursuant to this section. The~~  
14 ~~commission shall appoint an employee of the commission whose official~~  
15 ~~duty includes seeking and maintaining confidential information as~~  
16 ~~provided by this subsection. The appointed employee shall submit~~  
17 ~~fingerprints to the Kansas bureau of investigation and to the federal bureau~~  
18 ~~of investigation for the purpose of verifying the identity of such applicant~~  
19 ~~or certificate holder and for obtaining records of that person's criminal~~  
20 ~~arrests and convictions. Upon the request of the appointed employee, the~~  
21 ~~Kansas bureau of investigation and other criminal justice agencies shall~~  
22 ~~provide to the appointed employee all background investigation~~  
23 ~~information including criminal history record information, arrest and~~  
24 ~~nonconviction data and criminal intelligence information. Such~~  
25 ~~information, other than conviction data, shall be confidential and shall not~~  
26 ~~be disclosed by the appointed employee, except for a purpose stated in this~~  
27 ~~section. In addition to any other penalty provided by law, unauthorized~~  
28 ~~disclosure of such information shall be grounds for removal from office or~~  
29 ~~termination of employment.~~

30 Sec. 72. K.S.A. 74-7511 is hereby amended to read as follows: 74-  
31 7511. (a) As part of an original application for or reinstatement of any  
32 license, registration, permit or certificate or in connection with any  
33 investigation of any holder of a license, registration, permit or certificate,  
34 the behavioral sciences regulatory board may require a person to be  
35 fingerprinted and submit to a state and national criminal history record  
36 check *in accordance with section 2, and amendments thereto.* ~~The~~  
37 ~~fingerprints shall be used to identify the person and to determine whether~~  
38 ~~the person has a record of criminal history in this state or another~~  
39 ~~jurisdiction. The behavioral sciences regulatory board is authorized to~~  
40 ~~submit the fingerprints to the Kansas bureau of investigation and the~~  
41 ~~federal bureau of investigation for a state and national criminal history~~  
42 ~~record check. The behavioral sciences regulatory board may use the~~  
43 ~~information obtained from fingerprinting and the criminal history for~~

1 purposes of verifying the identification of the person and in the official  
2 determination of the qualifications and fitness of the person to be issued or  
3 to maintain a license, registration, permit or certificate.

4 (b) ~~Local and state law enforcement officers and agencies shall assist~~  
5 ~~the behavioral sciences regulatory board in the taking and processing of~~  
6 ~~fingerprints of applicants for and holders of any license, registration,~~  
7 ~~permit or certificate and shall release all records of adult convictions and~~  
8 ~~nonconvictions and adult convictions or adjudications of another state or~~  
9 ~~country to the behavioral sciences regulatory board.~~

10 (e) The behavioral sciences regulatory board may fix and collect a fee  
11 as may be required by the board in an amount equal to the cost of  
12 fingerprinting and the criminal history record check. Any moneys  
13 collected under this subsection shall be deposited in the state treasury and  
14 credited to the behavioral sciences regulatory board fee fund. The  
15 behavioral sciences regulatory board shall remit all moneys received by or  
16 for it from fees, charges or penalties to the state treasurer in accordance  
17 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
18 receipt of each such remittance, the state treasurer shall deposit the entire  
19 amount in the state treasury to the credit of the behavioral sciences  
20 regulatory board fee fund.

21 (c) *As used in this section, "licensee" means a person who has*  
22 *submitted an original application for or an application for reinstatement*  
23 *of any license, registration, permit or certificate or a person who currently*  
24 *holds a license, registration, permit or certificate issued by the behavioral*  
25 *sciences regulatory board.*

26 Sec. 73. K.S.A. 2023 Supp. 74-8702 is hereby amended to read as  
27 follows: 74-8702. As used in the Kansas lottery act, unless the context  
28 otherwise requires:

29 (a) "Ancillary lottery gaming facility operations" means additional  
30 non-lottery facility game products and services not owned and operated by  
31 the state that may be included in the overall development associated with  
32 the lottery gaming facility. Such operations may include, but are not  
33 limited to, restaurants, hotels, motels, museums or entertainment facilities.

34 (b) "Auto racetrack facility" means the same as defined in K.S.A. 12-  
35 17,162, and amendments thereto, and that is located in Wyandotte county  
36 with a minimum investment of \$50,000,000 and is in operation on July 1,  
37 2022.

38 (c) "Commission" means the Kansas lottery commission.

39 (d) (1) "Electronic gaming machine" means any electronic,  
40 electromechanical, video or computerized device, contrivance or machine  
41 authorized by the Kansas lottery that, upon insertion of cash, tokens,  
42 electronic cards or any consideration, is available to play, operate or  
43 simulate the play of a game authorized by the Kansas lottery pursuant to

1 the Kansas expanded lottery act, including, but not limited to, bingo,  
2 poker, blackjack, keno and slot machines, and that may deliver or entitle  
3 the player operating the machine to receive cash, tokens, merchandise or  
4 credits that may be redeemed for cash. Electronic gaming machines may  
5 use bill validators and may be single-position reel-type, single or multi-  
6 game video and single-position multi-game video electronic game,  
7 including, but not limited to, poker, blackjack and slot machines.  
8 Electronic gaming machines shall be directly linked to a central computer  
9 at a location determined by the executive director for purposes of security,  
10 monitoring and auditing.

11 (2) "Electronic gaming machine" does not mean an historical horse  
12 race machine, as defined in K.S.A. 74-8802, and amendments thereto.

13 (e) *"Employee" means a person who has applied for a position of*  
14 *employment or is currently employed by the lottery in a position of*  
15 *employment within a sensitive area of the lottery.*

16 (f) "Executive director" means the executive director of the Kansas  
17 lottery.

18 ~~(f)~~(g) "Gaming equipment" means any electric, electronic,  
19 computerized or electromechanical machine, mechanism, supply or device  
20 or any other equipment, that is: (1) Unique to the Kansas lottery and used  
21 pursuant to the Kansas lottery act; (2) integral to the operation of an  
22 electronic gaming machine or lottery facility game; and (3) affects the  
23 results of an electronic gaming machine or lottery facility game by  
24 determining win or loss.

25 ~~(g)~~(h) "Gaming zone" means: (1) The northeast Kansas gaming zone,  
26 which consists of Wyandotte county; (2) the southeast Kansas gaming  
27 zone, which consists of Crawford and Cherokee counties; (3) the south  
28 central Kansas gaming zone, which consists of Sedgwick and Sumner  
29 counties; and (4) the southwest Kansas gaming zone, which consists of  
30 Ford county.

31 ~~(h)~~(i) "Gray machine" means any mechanical, electro-mechanical or  
32 electronic device, capable of being used for gambling, that is: (1) Not  
33 authorized by the Kansas lottery; (2) not linked to a lottery central  
34 computer system; (3) available to the public for play; or (4) capable of  
35 simulating a game played on an electronic gaming machine or any similar  
36 gambling game authorized pursuant to the Kansas expanded lottery act.

37 ~~(i)~~(j) "Interactive sports wagering platform" means an integrated  
38 system of hardware, software and applications, including, but not limited  
39 to, mobile applications and servers, through which sports wagering may be  
40 made available to persons physically located within the state of Kansas at  
41 the time of submitting the wager to a sports wagering manager over the  
42 internet or wireless services as defined in K.S.A. 66-2019, and  
43 amendments thereto, including, but not limited to, through websites and

1 mobile device applications.

2 ~~(j)~~(k) (1) "Instant bingo vending machine" means a machine or  
3 electronic device that is purchased or leased by a licensee, as defined by  
4 K.S.A. 75-5173, and amendments thereto, from a distributor who has been  
5 issued a distributor registration certificate pursuant to K.S.A. 75-5184, and  
6 amendments thereto, or leased from the Kansas lottery in fulfillment of the  
7 Kansas lottery's obligations under an agreement between the Kansas  
8 lottery and a licensee entered into pursuant to K.S.A. 75-5189, and  
9 amendments thereto, and the sole purpose of which is to:

10 (A) Dispense a printed physical instant bingo ticket after a purchaser  
11 inserts cash or other form of consideration into the machine; and

12 (B) allow purchasers to manually check the winning status of the  
13 instant bingo ticket.

14 (2) "Instant bingo vending machine" shall not:

15 (A) Provide a visual or audio representation of a bingo card or an  
16 electronic gaming machine;

17 (B) visually or functionally have the same characteristics of an  
18 electronic instant bingo game or an electronic gaming machine;

19 (C) automatically determine or display the winning status of any  
20 dispensed instant bingo ticket;

21 (D) extend or arrange credit for the purchase of an instant bingo  
22 ticket;

23 (E) dispense any winnings;

24 (F) dispense any prize;

25 (G) dispense any evidence of a prize other than an instant bingo  
26 ticket;

27 (H) provide free instant bingo tickets or any other item that can be  
28 redeemed for cash; or

29 (I) dispense any other form of a prize to a purchaser.

30 All physical instant bingo tickets dispensed by an instant bingo vending  
31 machine shall be purchased by a licensee, as defined by K.S.A. 75-5173,  
32 and amendments thereto, from a registered distributor.

33 Not more than two instant bingo vending machines may be located on  
34 the premises of each licensee location.

35 ~~(k)~~(l) "Kansas lottery" means the state agency created by this act to  
36 operate a lottery or lotteries pursuant to this act.

37 ~~(l)~~(m) "Lottery" or "state lottery" means the lottery or lotteries  
38 operated pursuant to this act.

39 ~~(m)~~(n) (1) "Lottery facility games" means any electronic gaming  
40 machines and any other games that are authorized to be conducted or  
41 operated at any licensed gaming facilities in the United States.

42 (2) "Lottery facility games" does not include sports wagering or  
43 historical horse race machines, as defined in K.S.A. 74-8802, and

1 amendments thereto.

2 ~~(n)~~(o) "Lottery gaming enterprise" means an entertainment enterprise  
3 that includes a lottery gaming facility authorized pursuant to the Kansas  
4 expanded lottery act and ancillary lottery gaming facility operations that  
5 have a coordinated business or marketing strategy. A lottery gaming  
6 enterprise shall be designed to attract to its lottery gaming facility  
7 consumers who reside outside the immediate area of such enterprise.

8 ~~(o)~~(p) "Lottery gaming facility" means that portion of a building used  
9 for the purposes of operating, managing and maintaining lottery facility  
10 games.

11 ~~(p)~~(q) "Lottery gaming facility expenses" means normal business  
12 expenses, as defined in the lottery gaming facility management contract,  
13 associated with the ownership and operation of a lottery gaming facility.

14 ~~(q)~~(r) "Lottery gaming facility management contract" means a  
15 contract, subcontract or collateral agreement between the state and a  
16 lottery gaming facility manager for the management of a lottery gaming  
17 facility, the business of which is owned and operated by the Kansas lottery,  
18 negotiated and signed by the executive director on behalf of the state.

19 ~~(r)~~(s) "Lottery gaming facility manager" means a corporation, limited  
20 liability company, resident Kansas American Indian tribe or other business  
21 entity authorized to construct and manage, or manage alone, pursuant to a  
22 lottery gaming facility management contract with the Kansas lottery, and  
23 on behalf of the state, a lottery gaming enterprise and lottery gaming  
24 facility.

25 ~~(s)~~(t) "Lottery gaming facility revenues" means the total revenues  
26 from lottery facility games at a lottery gaming facility after all related  
27 prizes are paid. The term "lottery gaming facility revenues" does not  
28 include sports wagering revenues.

29 ~~(t)~~(u) (1) "Lottery machine" means any machine or device that allows  
30 a purchaser to insert cash or other form of consideration and may deliver  
31 as the result of an element of chance, regardless of the skill required by the  
32 purchaser, a prize or evidence of a prize, including, but not limited to:

33 (A) Any machine or device in which the prize or evidence of a prize  
34 is determined by both chance and the purchaser's or purchasers' skill,  
35 including, but not limited to, any machine or device on which a lottery  
36 game or lottery games, such as poker or blackjack, are played; or

37 (B) any machine or device in which the prize or evidence of a prize is  
38 determined only by chance, including, but not limited to, any slot machine  
39 or bingo machine.

40 (2) "Lottery machine" shall not mean:

41 (A) Any food vending machine defined by K.S.A. 36-501, and  
42 amendments thereto;

43 (B) any nonprescription drug machine authorized under K.S.A. 65-

1 650, and amendments thereto;

2 (C) any machine that dispenses only bottled or canned soft drinks,  
3 chewing gum, nuts or candies;

4 (D) any machine excluded from the definition of gambling devices  
5 under K.S.A. 21-4302(d), prior to its repeal, or K.S.A. 21-6403, and  
6 amendments thereto;

7 (E) any electronic gaming machine or lottery facility game operated  
8 in accordance with the provisions of the Kansas expanded lottery act;

9 (F) any lottery ticket vending machine; or

10 (G) any instant bingo vending machine.

11 ~~(h)~~(v) "Lottery retailer" means any person with whom the Kansas  
12 lottery has contracted to sell lottery tickets or shares, or both, to the public.

13 ~~(w)~~(w) (1) "Lottery ticket vending machine" means a machine or  
14 similar electronic device owned or leased by the Kansas lottery, the sole  
15 purposes of which are to:

16 (A) Dispense a printed physical ticket, such as a lottery ticket, a keno  
17 ticket, a pull tab ticket or a coupon, the coupon of which must be  
18 redeemed through something other than a lottery ticket vending machine,  
19 after a purchaser inserts cash or other form of consideration into the  
20 machine;

21 (B) allow purchasers to manually check the winning status of a  
22 Kansas lottery ticket; and

23 (C) display advertising, promotions and other information pertaining  
24 to the Kansas lottery.

25 (2) "Lottery ticket vending machine" shall not:

26 (A) Provide a visual or audio representation of an electronic gaming  
27 machine;

28 (B) visually or functionally have the same characteristics of an  
29 electronic gaming machine;

30 (C) automatically determine or display the winning status of any  
31 dispensed ticket;

32 (D) extend or arrange credit for the purchase of a ticket;

33 (E) dispense any winnings;

34 (F) dispense any prize;

35 (G) dispense any evidence of a prize other than the lottery ticket,  
36 keno ticket, pull tab ticket or any free Kansas lottery ticket received as a  
37 result of the purchase of another Kansas lottery ticket;

38 (H) provide free games or any other item that can be redeemed for  
39 cash; or

40 (I) dispense any other form of a prize to a purchaser.

41 Not more than two lottery ticket vending machines may be located at  
42 each Kansas lottery retailer selling location.

43 Lottery ticket vending machines may only dispense the printed physical

1 lottery ticket, keno ticket or pull tab ticket, including any free Kansas  
 2 lottery ticket received as a result of the purchase of another Kansas lottery  
 3 ticket, and change from a purchase to the purchaser. Any winnings from a  
 4 lottery ticket vending machine shall be redeemed only for cash or check by  
 5 a lottery retailer or by cash, check or other prize from the office of the  
 6 Kansas lottery.

7 ~~(w)~~(x) (1) "Major procurement" means any gaming product or  
 8 service, including, but not limited to, facilities, advertising and  
 9 promotional services, annuity contracts, prize payment agreements,  
 10 consulting services, equipment, tickets and other products and services  
 11 unique to the Kansas lottery, but not including materials, supplies,  
 12 equipment and services common to the ordinary operations of state  
 13 agencies.

14 (2) "Major procurement" shall not mean any product, service or other  
 15 matter covered by or addressed in the Kansas expanded lottery act or a  
 16 lottery gaming facility management contract or racetrack gaming facility  
 17 management contract executed pursuant to the Kansas expanded lottery  
 18 act.

19 ~~(x)~~(y) "Marketing agreement" means an agreement entered into  
 20 between a professional sports team or other marketing entity and a lottery  
 21 gaming facility manager for the purposes described in K.S.A. 2023 Supp.  
 22 74-8784, and amendments thereto.

23 ~~(y)~~(z) "Marketing entity" means:

24 (1) A corporation, limited liability company, partnership or other  
 25 business entity registered to do business in this state; or

26 (2) a nonprofit fraternal or veterans organization.

27 ~~(z)~~(aa) "Match-fixing" means to arrange or determine any action that  
 28 occurs during a sporting event, including, but not limited to, any action  
 29 resulting in the final outcome of such sporting event, for financial gain.

30 ~~(aa)~~(bb) "Net electronic gaming machine income" means all cash or  
 31 other consideration utilized to play an electronic gaming machine operated  
 32 at a racetrack gaming facility, less all cash or other consideration paid out  
 33 to winning players as prizes.

34 ~~(bb)~~(cc) "Nonprofit fraternal organization" means any organization  
 35 within this state that exists for the common benefit, brotherhood or other  
 36 interests of its members and is authorized by its written constitution,  
 37 charter, articles of incorporation or bylaws to engage in a fraternal, civic or  
 38 service purpose within this state and has been determined by the executive  
 39 director to be organized and operated as a bona fide fraternal organization  
 40 and that has been exempted from the payment of federal income taxes as  
 41 provided by section 501(c)(8) or section 501(c)(10) of the federal internal  
 42 revenue code of 1986, as amended, or determined to be organized and  
 43 operated as a bona fide nonprofit fraternal organization by the executive

1 director.

2 ~~(ee)~~(dd) "Nonprofit veterans' organization" means any organization  
3 within this state or any branch, lodge or chapter of a national or state  
4 organization within this state, the membership of which consists  
5 exclusively of individuals who qualify for membership because they were  
6 or are members of the armed services or forces of the United States, or an  
7 auxiliary unit or society of such a nonprofit veterans' organization, the  
8 membership of which consists exclusively of individuals who were or are  
9 members of the armed services or forces of the United States, or are  
10 cadets, or are spouses, widows or widowers of individuals who were or are  
11 members of the armed services or forces of the United States, and of  
12 which no part of the net earnings inures to the benefit of any private  
13 shareholder or individual member of such organization, and has been  
14 determined by the executive director to be organized and operated as a  
15 bona fide veterans' organization and that has been exempted from the  
16 payment of federal income taxes as provided by section 501(c)(4) or  
17 501(c)(19) of the federal internal revenue code of 1986, as amended, or  
18 determined to be organized and operated as a bona fide nonprofit veterans'  
19 organization by the executive director.

20 ~~(dd)~~(ee) "Organization licensee" means the same as defined in K.S.A.  
21 74-8802, and amendments thereto.

22 ~~(ee)~~(ff) "Parimutuel licensee" means a facility owner licensee or  
23 facility manager licensee under the Kansas parimutuel racing act.

24 ~~(ff)~~(gg) "Parimutuel licensee location" means a racetrack facility, as  
25 defined in K.S.A. 74-8802, and amendments thereto, owned or managed  
26 by the parimutuel licensee. A parimutuel licensee location includes any  
27 existing structure at such racetrack facility or any structure that may be  
28 constructed on real estate where such racetrack facility is located.

29 ~~(gg)~~(hh) "Person" means any natural person, association, limited  
30 liability company, corporation or partnership.

31 ~~(hh)~~(ii) "Primary facility" means the stadium or arena where a  
32 professional sports team hosts competitive games in accordance with such  
33 team's league rules.

34 ~~(ii)~~(jj) "Prize" means any prize paid directly by the Kansas lottery  
35 pursuant to the Kansas lottery act or the Kansas expanded lottery act or  
36 any rules and regulations adopted pursuant to either act.

37 ~~(jj)~~(kk) "Professional sports team" means an athletic team, whose  
38 primary facility is located in Kansas, that operates at the major league  
39 level in the sport of baseball, basketball, football, ice hockey or soccer.

40 ~~(kk)~~(ll) "Progressive electronic game" means a game played on an  
41 electronic gaming machine for which the payoff increases uniformly as the  
42 game is played and for which the jackpot, determined by application of a  
43 formula to the income of independent, local or interlinked electronic

1 gaming machines, may be won.

2 ~~(H)~~(mm) "Racetrack gaming facility" means that portion of a  
3 parimutuel licensee location where electronic gaming machines are  
4 operated, managed and maintained.

5 ~~(mm)~~(nn) "Racetrack gaming facility management contract" means  
6 an agreement between the Kansas lottery and a racetrack gaming facility  
7 manager, negotiated and signed by the executive director on behalf of the  
8 state, for placement of electronic gaming machines owned and operated by  
9 the state at a racetrack gaming facility.

10 ~~(nn)~~(oo) "Racetrack gaming facility manager" means a parimutuel  
11 licensee specifically certified by the Kansas lottery to become a certified  
12 racetrack gaming facility manager and offer electronic gaming machines  
13 for play at the racetrack gaming facility.

14 ~~(oo)~~(pp) "Returned ticket" means any ticket that was transferred to a  
15 lottery retailer, that was not sold by the lottery retailer and that was  
16 returned to the Kansas lottery for refund by issuance of a credit or  
17 otherwise.

18 ~~(pp)~~(qq) "Share" means any intangible manifestation authorized by  
19 the Kansas lottery to prove participation in a lottery game, except as  
20 provided by the Kansas expanded lottery act.

21 ~~(qq)~~(rr) "Sports governing body" means the organization that  
22 prescribes the final rules and enforces codes of conduct with respect to a  
23 sporting event and the participants in such event.

24 ~~(rr)~~(ss) (1) "Sporting event" means any professional or collegiate  
25 sport or athletic event, motor race event or any other special event  
26 authorized by the commission that has not occurred at the time wagers are  
27 placed on such event.

28 (2) The term "sporting event" does not include:

29 (A) Any horse race that is subject to the provisions of the Kansas  
30 parimutuel racing act, K.S.A. 74-8801 et seq., and amendments thereto;

31 (B) any greyhound race; or

32 (C) any sporting or athletic event where a majority of the participants  
33 are less than 18 years of age.

34 ~~(ss)~~(tt) (1) "Sports wagering" means placing a wager or bet on one or  
35 more sporting events, or any portion thereof, or on the individual  
36 performance statistics of athletes participating in a sporting event, or  
37 combination of sporting events, by any system or method of wagering at or  
38 through a lottery gaming facility, including through an interactive sports  
39 wagering platform. "Sports wagering" includes, but is not limited to, single  
40 game wagers, teaser wagers, parlays, over-under wagers, moneyline  
41 wagers, pools, exchange wagering, in-game wagers, in-play wagers,  
42 proposition wagers, straight wagers and such other wagers approved by the  
43 commission.

1 (2) The term "sports wagering" shall not include:

2 (A) Parimutuel wagering, as defined in K.S.A. 74-8802, and  
3 amendments thereto; or

4 (B) fantasy sports leagues, as defined in K.S.A. 21-6403, and  
5 amendments thereto.

6 ~~(tt)~~(uu) "Sports wagering revenues" means wagering revenue  
7 generated from sports wagering that is an amount equal to the total wagers  
8 less any voided wagers, federal excise taxes, free plays or other  
9 promotional credits and any amounts paid as prizes.

10 ~~(ttt)~~(vv) "Sports wagering supplier" means a person providing goods,  
11 services, software or any other components necessary for the  
12 determination of the odds or the outcomes of any wager on a sporting  
13 event, directly or indirectly, to a lottery gaming facility manager, including  
14 data feeds and odds services, that is licensed under K.S.A. 2023 Supp. 74-  
15 8783, and amendments thereto.

16 ~~(vvv)~~(ww) "Ticket" means any tangible evidence issued by the Kansas  
17 lottery to prove participation in a lottery game, including a sports wager,  
18 other than a lottery facility game.

19 ~~(www)~~(xx) "Token" means a representative of value, of metal or other  
20 material, that is not legal tender, redeemable for cash only by the issuing  
21 lottery gaming facility manager or racetrack gaming facility manager and  
22 that is issued and sold by a lottery gaming facility manager or racetrack  
23 gaming facility manager for the sole purpose of playing an electronic  
24 gaming machine or lottery facility game.

25 ~~(xxx)~~(yy) "Vendor" means any person who has entered into a major  
26 procurement contract with the Kansas lottery.

27 ~~(yyy)~~(zz) "Video lottery machine" means any electronic video game  
28 machine that, upon insertion of cash, is available to play or simulate the  
29 play of a video game authorized by the commission, including, but not  
30 limited to, bingo, poker, black jack and keno, and which uses a video  
31 display and microprocessors and in which, by chance, the player may  
32 receive free games or credits that can be redeemed for cash.

33 ~~(zzz)~~(aaa) "Wager" or "bet" means a bargain in which the parties agree  
34 that, dependent upon chance, one stands to win or lose something of value  
35 specified in the agreement.

36 Sec. 74. K.S.A. 74-8704 is hereby amended to read as follows: 74-  
37 8704. (a) The executive director shall have the power to:

38 (1) Supervise and administer the operation of the state lottery in  
39 accordance with the provisions of this act and such rules and regulations as  
40 adopted hereunder.

41 (2) Appoint, subject to the Kansas civil service act and within the  
42 limitations of appropriations therefor, all other employees of the Kansas  
43 lottery, which employees shall be in the classified service unless otherwise

1 specifically provided by this act.

2 (3) Enter into contracts for advertising and promotional services,  
3 subject to the provisions of subsection (b); annuities or other methods  
4 deemed appropriate for the payment of prizes; data processing and other  
5 technical products, equipment and services; and facilities as needed to  
6 operate the Kansas lottery, including, but not limited to, gaming  
7 equipment, tickets and other services involved in major procurement  
8 contracts, in accordance with K.S.A. 74-8705, and amendments thereto.

9 (4) Enter into contracts with persons for the sale of lottery tickets or  
10 shares to the public, as provided by this act and rules and regulations  
11 adopted pursuant to this act, which contracts shall not be subject to the  
12 provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto.

13 (5) Require lottery retailers to furnish proof of financial stability or  
14 furnish surety in an amount based upon the expected volume of sales of  
15 lottery tickets or shares.

16 (6) Examine, or cause to be examined by any agent or representative  
17 designated by the executive director, any books, papers, records or  
18 memoranda of any lottery retailer for the purpose of ascertaining  
19 compliance with the provisions of this act or rules and regulations adopted  
20 hereunder.

21 (7) Issue subpoenas to compel access to or for the production of any  
22 books, papers, records or memoranda in the custody or control of any  
23 lottery retailer, or to compel the appearance of any lottery retailer or  
24 employee of any lottery retailer, for the purpose of ascertaining  
25 compliance with the provisions of this act or rules and regulations adopted  
26 hereunder. Subpoenas issued under the provisions of this subsection may  
27 be served upon natural persons and corporations in the manner provided in  
28 K.S.A. 60-304, and amendments thereto, for the service of process by any  
29 officer authorized to serve subpoenas in civil actions or by the executive  
30 director or an agent or representative designated by the executive director.  
31 In the case of the refusal of any person to comply with any such subpoena,  
32 the executive director may make application to the district court of any  
33 county where such books, papers, records, memoranda or person is located  
34 for an order to comply.

35 (8) Administer oaths and take depositions to the same extent and  
36 subject to the same limitations as would apply if the deposition were in aid  
37 of a civil action in the district court.

38 (9) ~~Require fingerprinting of employees and such other persons who~~  
39 ~~work in sensitive areas within the lottery as deemed appropriate by the~~  
40 ~~director in accordance with section 2, and amendments thereto. The~~  
41 ~~director may submit such fingerprints to the Kansas bureau of~~  
42 ~~investigation and to the federal bureau of investigation for the purposes of~~  
43 ~~verifying the identity of such employees and persons and obtaining records~~

1 ~~of their criminal arrests and convictions.~~

2 (b) The Kansas lottery shall not engage in on-site display advertising  
3 or promotion of the lottery at any amateur athletic or sporting event where  
4 the majority of participating athletes are under the age of 18, including, but  
5 not limited to, events under the jurisdiction and control of the Kansas state  
6 high school activities association.

7 Sec. 75. K.S.A. 74-8705 is hereby amended to read as follows: 74-  
8 8705. (a) Major procurement contracts shall be awarded in accordance  
9 with K.S.A. 75-3738 through 75-3744, and amendments thereto, or  
10 subsection (b), as determined by the director, except that:

11 (1) The contract or contracts for the initial lease of facilities for the  
12 Kansas lottery shall be awarded upon the evaluation and approval of the  
13 director, the secretary of administration and the director of architectural  
14 services;

15 (2) The commission shall designate certain major procurement  
16 contracts or portions thereof to be awarded, in accordance with rules and  
17 regulations of the commission, solely to minority business enterprises.

18 (b) (1) The director may award any major procurement contract by  
19 use of a procurement negotiating committee. Such committee shall be  
20 composed of:

21 ~~(1)-(A)~~ The executive director or a Kansas lottery employee  
22 designated by the executive director;

23 ~~(2)-(B)~~ the chairperson of the commission or a commission member  
24 designated by the chairperson; and

25 ~~(3)-(C)~~ the director of the division of purchases or an employee of  
26 such division designated by the director.

27 (2) Prior to negotiating a major procurement contract, the committee  
28 shall solicit bids or proposals thereon. The division of purchases shall  
29 provide staff support for the committee's solicitations. Upon receipt of bids  
30 or proposals, the committee may negotiate with one or more of the persons  
31 submitting such bids or proposals and select from among such persons the  
32 person to whom the contract is awarded. Such procurements shall be open  
33 and competitive and shall consider relevant factors, including security,  
34 competence, experience, timely performance and maximization of net  
35 revenues to the state. If a procurement negotiating committee is utilized,  
36 the provisions of K.S.A. 75-3738 through 75-3744, and amendments  
37 thereto, shall not apply. Meetings conducted by the procurement  
38 negotiating committee shall be exempt from the provisions of the Kansas  
39 open meeting act, K.S.A. 75-4317 through 75-4320c, and amendments  
40 thereto.

41 (c) (1) Before a major procurement contract is awarded, the executive  
42 director shall *fingerprint and* conduct a ~~background investigation~~ *state*  
43 *criminal history record check in accordance with section 3, and*

1 *amendments thereto, of:*

- 2 ~~(1)~~(A) The vendor to whom the contract is to be awarded;  
 3 ~~(2)~~(B) all officers and directors of such vendor;  
 4 ~~(3)~~(C) all persons who own a 5% or more interest in such vendor;  
 5 ~~(4)~~(D) all persons who own a controlling interest in such vendor; and  
 6 ~~(5)~~(E) any subsidiary or other business in which such vendor owns a  
 7 controlling interest.

8 (2) The vendor shall submit appropriate investigation authorizations  
 9 to facilitate such investigation. The executive director may require, in  
 10 accordance with rules and regulations of the commission, that a vendor  
 11 submit any additional information considered appropriate to preserve the  
 12 integrity and security of the lottery. In addition, the executive director may  
 13 conduct a background investigation of any person having a beneficial  
 14 interest in a vendor. The secretary of revenue, securities commissioner,  
 15 attorney general and director of the Kansas bureau of investigation shall  
 16 assist in any investigation pursuant to this subsection upon request of the  
 17 executive director. Whenever the secretary of revenue, securities  
 18 commissioner, attorney general or director of the Kansas bureau of  
 19 investigation assists in such an investigation and incurs costs in addition  
 20 to those attributable to the operations of the office or bureau, such additional  
 21 costs shall be paid by the Kansas lottery. The furnishing of assistance in  
 22 such an investigation shall be a transaction between the Kansas lottery and  
 23 the respective officer and shall be settled in accordance with K.S.A. 75-  
 24 5516, and amendments thereto.

25 (3) Upon the request of the chairperson, the Kansas bureau of  
 26 investigation and other criminal justice agencies shall provide to the  
 27 chairperson all background investigation information including criminal  
 28 history record information, arrest and nonconviction data, criminal  
 29 intelligence information and information relating to criminal and  
 30 background investigations of a vendor to whom a major procurement  
 31 contract is to be awarded *in accordance with section 2, and amendments*  
 32 *thereto. Such information, other than conviction data, shall be confidential  
 33 and shall not be disclosed, except as provided in this section. In addition to  
 34 any other penalty provided by law, disclosure of such information shall be  
 35 grounds for removal from office or termination of employment.*

36 (d) All major procurement contracts shall be subject to approval of  
 37 the commission.

38 (e) The executive director shall not agree to any renewal or extension  
 39 of a major procurement contract unless such extension or renewal is  
 40 awarded in the manner provided by this section.

41 Sec. 76. K.S.A. 74-8763 is hereby amended to read as follows: 74-  
 42 8763. Each person subject to a background check pursuant to the Kansas  
 43 expanded lottery act *and section 3, and amendments thereto*, shall be

1 subject to a state and national criminal history records check ~~which that~~  
2 conforms to applicable federal standards for the purpose of verifying the  
3 identity of the applicant and whether the person has been convicted of any  
4 crime that would disqualify the person from engaging in activities  
5 pursuant to this act. The executive director is authorized to use the  
6 information obtained from the national criminal history record check to  
7 determine the person's eligibility to engage in such activities.

8 Sec. 77. K.S.A. 74-8769 is hereby amended to read as follows: 74-  
9 8769. Each person subject to a background check pursuant to the Kansas  
10 expanded lottery act *and section 3, and amendments thereto*, shall be  
11 subject to a state and national criminal history records check which  
12 conforms to applicable federal standards for the purpose of verifying the  
13 identity of the applicant and whether the person has been convicted of any  
14 crime that would disqualify the person from engaging in activities  
15 pursuant to this act. The executive director of the Kansas racing and  
16 gaming commission is authorized to use the information obtained from the  
17 national criminal history record check to determine the person's eligibility  
18 to engage in such activities.

19 Sec. 78. K.S.A. 2023 Supp. 74-8802 is hereby amended to read as  
20 follows: 74-8802. As used in the Kansas parimutuel racing act unless the  
21 context otherwise requires:

22 (a) "Breakage" means the odd cents by which the amount payable on  
23 each dollar wagered exceeds:

24 (1) A multiple of \$.10, for parimutuel pools from races conducted in  
25 this state; and

26 (2) a multiple of such other number of cents as provided by law of the  
27 host jurisdiction, for interstate combined wagering pools.

28 (b) "Commission" means the Kansas racing and gaming commission  
29 created by this act.

30 (c) "Concessionaire licensee" means a person, partnership,  
31 corporation or association licensed by the commission to utilize a space or  
32 privilege within a racetrack facility to sell goods or services.

33 (d) "Contract" means an agreement, written or oral, between two or  
34 more persons, partnerships, corporations or associations, or any  
35 combination thereof that creates an obligation between the parties.

36 (e) "Crossover employment" means a situation in which an  
37 occupational licensee is concurrently employed at the same racing facility  
38 by an organization licensee and a facility owner licensee or facility  
39 manager licensee.

40 (f) "Dual racetrack facility" means a racetrack facility for the racing  
41 of both horses and greyhounds or two immediately adjacent racetrack  
42 facilities, owned by the same licensee, one for racing horses and one for  
43 racing greyhounds.

1 (g) "Employee" means a person who has applied for a position of  
2 employment or is currently employed by the commission.

3 (h) "Executive director" means the executive director of the  
4 commission.

5 ~~(h)~~(i) "Facility manager licensee" means a person, partnership,  
6 corporation or association licensed by the commission and having a  
7 contract with an organization licensee to manage a racetrack facility  
8 located in Sedgwick county.

9 ~~(i)~~(j) "Facility owner licensee" means a person, partnership,  
10 corporation or association, or the state of Kansas or any political  
11 subdivision thereof, licensed by the commission to construct or own a  
12 racetrack facility located in Sedgwick county. "Facility owner licensee"  
13 does not mean an organization licensee that owns the racetrack facility in  
14 which it conducts horse or greyhound racing.

15 ~~(j)~~(k) "Fair association" means an association organized pursuant to  
16 K.S.A. 2-125 et seq., and amendments thereto or a nonprofit association  
17 determined by the commission to be otherwise organized to conduct fair  
18 activities pursuant to findings of fact entered by the commission in a  
19 license order.

20 ~~(k)~~(l) "Financial interest" means an interest that could result directly  
21 or indirectly in receiving a pecuniary gain or sustaining a pecuniary loss as  
22 a result of ownership or interest in a business entity or activity or as a  
23 result of a salary, gratuity or other compensation or remuneration from any  
24 person.

25 ~~(l)~~(m) "Greyhound" means any greyhound breed of dog properly  
26 registered with the national greyhound association of Abilene, Kansas.

27 ~~(m)~~(n) "Historical horse race machine" means any electronic,  
28 electromechanical, video or computerized device, contrivance or machine  
29 authorized by the commission that, upon insertion of cash, tokens,  
30 electronic cards or any consideration, is available to accept wagers on and  
31 simulate the running of historical horse races, and that may deliver or  
32 entitle the patron operating the machine to receive cash, tokens,  
33 merchandise or credits that may be redeemed for cash. Historical horse  
34 race machines shall use historically accurate information of the horse race  
35 selected to determine the place of finish of each horse. No random number  
36 generator or other algorithm shall be used for determining the results of an  
37 historical horse race. Historical horse race machines shall be directly  
38 linked to a central computer at a location determined by the commission  
39 for purposes of security, monitoring and auditing.

40 ~~(n)~~(o) "Horsemen's association" means any association or  
41 corporation:

42 (1) All officers, directors, members and shareholders of which are  
43 licensed owners of horses or licensed trainers of horses, or both;

1 (2) applying for or has been issued a facility owner license  
 2 authorizing ownership of Eureka Downs, Anthony Downs or a racetrack  
 3 facility on or adjacent to premises used by a fair association to conduct fair  
 4 activities; and

5 (3) none of the officers, directors, members or shareholders of which  
 6 holds another facility owner license or is an officer, director, member or  
 7 shareholder of another facility owner licensee.

8 ~~(p)~~(p) "Horsemen's nonprofit organization" means any nonprofit  
 9 organization:

10 (1) All officers, directors, members or shareholders of which are  
 11 licensed owners of horses or licensed trainers of horses, or both; and

12 (2) applying for or has been issued an organization license  
 13 authorizing the conduct of horse races at Eureka Downs, Anthony Downs  
 14 or a racetrack facility on or adjacent to premises used by a fair association  
 15 to conduct fair activities.

16 ~~(q)~~(q) "Host facility" means the racetrack at which the race is run or,  
 17 if the race is run in a jurisdiction that is not participating in the interstate  
 18 combined wagering pool, the racetrack or other facility that is designated  
 19 as the host facility.

20 ~~(r)~~(r) "Host jurisdiction" means the jurisdiction where the host  
 21 facility is located.

22 ~~(s)~~(s) "Interstate combined wagering pool" means a parimutuel pool  
 23 established in one jurisdiction that is combined with comparable  
 24 parimutuel pools from one or more racing jurisdictions for the purpose of  
 25 establishing the amount of money returned on a successful wager in the  
 26 participating jurisdictions.

27 ~~(t)~~(t) "Intertrack wagering" means wagering on a simulcast race at a  
 28 licensed racetrack facility or at a facility that is licensed in its racing  
 29 jurisdiction to conduct live races.

30 ~~(u)~~(u) "Intrastate combined wagering pool" means a parimutuel pool  
 31 that is combined with comparable parimutuel pools from one or more  
 32 racetrack facilities for the purpose of establishing the amount of money  
 33 returned on a successful wager at the participating racetrack facilities.

34 ~~(v)~~(v) "Kansas-whelped greyhound" means a greyhound whelped and  
 35 raised in Kansas for the first six months of its life.

36 ~~(w)~~(w) "*Licensee*" means a person who has submitted an application  
 37 for licesure or currently holds a license issued by the commission.

38 (x) "Minus pool" means a parimutuel pool in which, after deducting  
 39 the takeout, not enough money remains in the pool to pay the legally  
 40 prescribed minimum return to those placing winning wagers, and in which  
 41 the organization licensee would be required to pay the remaining amount  
 42 due.

43 ~~(y)~~(y) "Nonprofit organization" means:

1 (1) A corporation that is incorporated in Kansas as a not-for-profit  
2 corporation pursuant to the Kansas general corporation code and the net  
3 earnings of which do not inure to the benefit of any shareholder, individual  
4 member or person; or

5 (2) a fair association.

6 ~~(x)~~(z) "Occupation licensee" means a person licensed by the  
7 commission to perform an occupation or provide services that the  
8 commission has identified as requiring a license pursuant to this act.

9 ~~(y)~~(aa) "Off-track wagering" means wagering on a simulcast race at a  
10 facility that is not licensed in its jurisdiction to conduct live races.

11 ~~(z)~~(bb) "Organization licensee" means a nonprofit organization  
12 licensed by the commission to conduct races pursuant to this act and, if the  
13 license so provides, to construct or own a racetrack facility.

14 ~~(aa)~~(cc) "Parimutuel pool" means the total money wagered by  
15 individuals on one or more horses or greyhounds in a particular horse or  
16 greyhound race to win, place or show, or combinations thereof, as  
17 established by the commission, and, except in the case of an interstate or  
18 intrastate combined wagering pool, held by the organization licensee  
19 pursuant to the parimutuel system of wagering. There is a separate  
20 parimutuel pool for win, for place, for show and for each of the other  
21 forms of betting provided for by the rules and regulations of the  
22 commission.

23 ~~(bb)~~(dd) "Parimutuel wagering" means a form of wagering on the  
24 outcome of horse and greyhound races, including historical horse races  
25 conducted by an historical horse race machine, in which those who wager  
26 purchase tickets of various denominations on one or more horses or  
27 greyhounds and all wagers for each race are pooled and the winning ticket  
28 holders are paid prizes from such pool in amounts proportional to the total  
29 receipts in the pool.

30 ~~(ee)~~(ee) "Race meeting" means one or more periods of racing days  
31 during a calendar year designated by the commission for which an  
32 organization licensee has been approved by the commission to hold live  
33 horse or greyhound races or simulcast horse races at which parimutuel  
34 wagering is conducted, including such additional time as designated by the  
35 commission for the conduct of official business before and after the races.

36 ~~(dd)~~(ff) "Racetrack facility" means a racetrack within Kansas used for  
37 the racing of horses or greyhounds, or both, including the track surface,  
38 grandstands, clubhouse, all animal housing and handling areas, other areas  
39 in which a person may enter only upon payment of an admission fee or  
40 upon presentation of authorized credentials and such additional areas as  
41 designated by the commission. The term "racetrack facility" includes a  
42 facility used for the display of and wagering on simulcast races and the  
43 operation of historical horse race machines without any live horse or

1 greyhound races being conducted.

2 (~~ee~~)(gg) "Racing jurisdiction" or "jurisdiction" means a governmental  
3 authority that is responsible for the regulation of live or simulcast racing in  
4 its jurisdiction.

5 (~~ff~~)(hh) "Racing or wagering equipment or services licensee" means  
6 any person, partnership, corporation or association licensed by the  
7 commission to provide integral racing or wagering equipment or services,  
8 as designated by the commission, to an organization licensee.

9 (~~gg~~)(ii) "Recognized greyhound owners' group" means the duly  
10 recognized group elected in accordance with rules and regulations of the  
11 commission by a majority of the Kansas licensed greyhound owners at the  
12 racetrack facility voting in the election. The commission may designate an  
13 organization such as the national greyhound association of Abilene,  
14 Kansas, to conduct the election.

15 (~~hh~~)(jj) "Recognized horsemen's group" means the duly recognized  
16 group, representing the breeds of horses running at a racetrack facility,  
17 elected in accordance with rules and regulations of the commission by a  
18 majority of the licensed owners and trainers at the racetrack facility voting  
19 in the election. If the licensee does not have a recognized horsemen's  
20 group, the commission shall designate as the recognized horsemen's group  
21 one that serves another organization licensee, but not one that serves a fair  
22 association organization licensee.

23 (~~ii~~)(kk) "Simulcast" means a live audio-visual broadcast of an actual  
24 horse race at the time it is run.

25 (~~jj~~)(ll) "Takeout" means the total amount of money withheld from  
26 each parimutuel pool for the payment of purses, taxes and the share to be  
27 kept by the organization licensee. Takeout does not include the breakage.  
28 The balance of each pool less the breakage is distributed to the holders of  
29 winning parimutuel tickets.

30 Sec. 79. K.S.A. 74-8803 is hereby amended to read as follows: 74-  
31 8803. (a) There is hereby created the Kansas racing and gaming  
32 commission, consisting of five members who shall be appointed by the  
33 governor, subject to confirmation by the senate as provided by K.S.A. 75-  
34 4315b, and amendments thereto. Except as provided by K.S.A. 46-2601,  
35 and amendments thereto, no person appointed to the commission shall  
36 exercise any power, duty or function as a member of the commission until  
37 confirmed by the senate.

38 (b) Before appointing any person as a member of the commission, the  
39 governor shall cause the Kansas bureau of investigation to conduct a  
40 criminal history record check and background investigation of the person  
41 *in accordance with section 3, and amendments thereto.*

42 (c) The members of the commission shall meet the following  
43 qualifications:

1 (1) Each member shall be a citizen of the United States and an actual  
2 resident of Kansas at the time of appointment and during such member's  
3 term of office with the commission;

4 (2) each member shall have been a resident of Kansas for a  
5 continuous period of not less than five years immediately preceding  
6 appointment to the commission; and

7 (3) no member shall have been convicted of a felony under the laws  
8 of any state or of the United States at any time prior to appointment or  
9 during such member's term of office with the commission.

10 (d) The governor shall make appointments to the commission in such  
11 a manner that:

12 (1) Not more than three members belong to the same political party at  
13 the time of appointment and during their terms of office with the  
14 commission; and

15 (2) subject to the provisions of K.S.A. 75-4315c, and amendments  
16 thereto each congressional district has at least one member residing in such  
17 district at the time of appointment.

18 (e) Except as provided by subsection (f), each member appointed  
19 before July 1, 1995, shall be appointed for a term of three years and until a  
20 successor is appointed and confirmed. Each member appointed on or after  
21 July 1, 1995, shall be appointed for a term of four years and until a  
22 successor is appointed and confirmed.

23 (f) The terms of members who are serving on the commission on the  
24 effective date of this act shall expire on January 15, of the year in which  
25 such member's term would have expired under the provisions of this  
26 section prior to amendment by this act. Thereafter, members shall be  
27 appointed for terms of four years and until their successors are appointed  
28 and confirmed.

29 (g) A vacancy on the commission shall be filled for the unexpired  
30 term by appointment by the governor.

31 (h) The commission shall meet at such times and places within this  
32 state as the chairperson or a majority of the commission members  
33 determines. A majority of the members shall constitute a quorum for the  
34 conduct of commission business.

35 (i) The governor shall designate a member of the commission as  
36 chairperson of the commission, to serve in that capacity at the pleasure of  
37 the governor. The members of the commission annually shall elect a vice-  
38 chairperson and secretary from the membership of the commission.

39 (j) Members of the commission shall receive such compensation as  
40 determined by the governor, subject to the limitations of appropriations  
41 therefor, and, when attending meetings of the commission, or a  
42 subcommittee meeting thereof approved by the commission, shall be paid  
43 subsistence allowances, mileage and other expenses as provided in K.S.A.

1 75-3223, and amendments thereto.

2 Sec. 80. K.S.A. 2023 Supp. 74-8804 is hereby amended to read as  
3 follows: 74-8804.(a) During live race meetings or simulcast racing  
4 operations, the commission and its designated employees may observe and  
5 inspect all racetrack facilities operated by licensees, all racetracks  
6 simulcasting races to racetrack facilities in Kansas and all historical horse  
7 race machines, including, but not limited to, all machines, equipment and  
8 facilities used for parimutuel wagering.

9 (b) Commission members and presiding officers may administer  
10 oaths and take depositions to the same extent and subject to the same  
11 limitations as would apply if the deposition was in aid of a civil action in  
12 the district court.

13 (c) The commission may examine, or cause to be examined by any  
14 agent or representative designated by the commission, any books, papers,  
15 records or memoranda of any licensee, or of any racetrack or business  
16 involved in simulcasting races to racetrack facilities in Kansas or operating  
17 historical horse race machines, for the purpose of ascertaining compliance  
18 with any provision of this act or any rule and regulation adopted  
19 hereunder.

20 (d) The commission may issue subpoenas to compel access to or for  
21 the production of any books, papers, records or memoranda in the custody  
22 or control of any licensee or officer, member, employee or agent of any  
23 licensee, or to compel the appearance of any licensee or officer, member,  
24 employee or agent of any licensee, or of any racetrack or business  
25 involved in simulcasting races to racetrack facilities in this state or  
26 operating historical horse race machines, for the purpose of ascertaining  
27 compliance with any of the provisions of this act or any rule and regulation  
28 adopted hereunder. Subpoenas issued pursuant to this subsection may be  
29 served upon individuals and corporations in the same manner provided in  
30 K.S.A. 60-304, and amendments thereto, for the service of process by any  
31 officer authorized to serve subpoenas in civil actions or by the commission  
32 or an agent or representative designated by the commission. In the case of  
33 the refusal of any person to comply with any such subpoena, the executive  
34 director may make application to the district court of any county where  
35 such books, papers, records, memoranda or person is located for an order  
36 to comply.

37 (e) The commission shall allocate equitably race meeting dates,  
38 racing days and hours to all organization licensees and assign such dates  
39 and hours so as to minimize conflicting dates and hours within the same  
40 geographic market area.

41 (f) The commission shall have the authority, after notice and an  
42 opportunity for hearing in accordance with rules and regulations adopted  
43 by the commission, to exclude, or cause to be expelled, from any race

1 meeting or racetrack facility, or to prohibit a licensee from conducting  
2 business with any person:

3 (1) Who has violated the provisions of this act or any rule and  
4 regulation or order of the commission;

5 (2) who has been convicted of a violation of the racing or gambling  
6 laws of this or any other state or of the United States or has been  
7 adjudicated of committing as a juvenile an act which, if committed by an  
8 adult, would constitute such a violation; or

9 (3) whose presence, in the opinion of the commission, reflects  
10 adversely on the honesty and integrity of horse or greyhound racing or  
11 interferes with the orderly conduct of a race meeting.

12 (g) The commission shall review and approve all proposed  
13 construction and major renovations to racetrack facilities owned or leased  
14 by licensees.

15 (h) The commission shall review and approve all proposed contracts  
16 with racetracks or businesses involved in simulcasting races to racetrack  
17 facilities in Kansas or operating historical horse race machines.

18 (i) The commission may suspend a horse or greyhound from  
19 participation in races if such horse or greyhound has been involved in any  
20 violation of the provisions of this act or any rule and regulation or order of  
21 the commission.

22 (j) The commission, within 72 hours after any action taken by a  
23 steward or racing judge and upon appeal by any interested party or upon  
24 its own initiative, may overrule any decision of a steward or racing judge,  
25 other than a decision regarding disqualifications for interference during the  
26 running of a race, if the preponderance of evidence indicates that:

27 (1) The steward or racing judge mistakenly interpreted the law;

28 (2) new evidence of a convincing nature is produced; or

29 (3) the best interests of racing and the state may be better served.

30 A decision of the commission to overrule any decision of a steward or  
31 racing judge shall not change the distribution of parimutuel pools to the  
32 holders of winning tickets. A decision of the commission which would  
33 affect the distribution of purses in any race shall not result in a change in  
34 that distribution unless a written claim is submitted to the commission  
35 within 48 hours after completion of the contested race by one of the  
36 owners or trainers of a horse or greyhound that participated in such race  
37 and a preponderance of evidence clearly indicates to the commission that  
38 one or more of the grounds for protest, as provided for in rules and  
39 regulations of the commission, has been substantiated.

40 (k) The commission shall review and approve all proposed historical  
41 horse race machines and all proposed types of wagering to be conducted  
42 on such machines.

43 (l) The commission, after notice and a hearing in accordance with

1 rules and regulations adopted by the commission, may impose a civil fine  
2 not exceeding \$5,000 for each violation of any provision of this act, or any  
3 rule and regulation of the commission, for which no other penalty is  
4 provided.

5 (m) The commission shall adopt rules and regulations specifying and  
6 regulating:

7 (1) Those drugs and medications that may be administered, and  
8 possessed for administration, to a horse or greyhound within the confines  
9 of a racetrack facility; and

10 (2) that equipment for administering drugs or medications to horses  
11 or greyhounds that may be possessed within the confines of a racetrack  
12 facility.

13 (n) The commission may adopt rules and regulations providing for  
14 the testing of any licensees of the commission, and any officers, directors  
15 and employees thereof, to determine whether they are users of any  
16 controlled substances.

17 (o) The commission shall require fingerprinting of all persons  
18 necessary to verify qualification for employment by the commission or to  
19 verify qualification for any license, including a simulcasting license,  
20 issued pursuant to this act. The commission shall submit such fingerprints  
21 to the Kansas bureau of investigation and to the federal bureau of  
22 investigation for the purposes of verifying the identity of such persons and  
23 obtaining records of criminal arrests and convictions.

24 (p) The commission, *in accordance with section 2, and amendments*  
25 *thereto*, may receive from commission security personnel, the Kansas  
26 bureau of investigation or other criminal justice agencies, including, but  
27 not limited to, the federal bureau of investigation and the federal internal  
28 revenue service, such criminal history record information—(, including  
29 arrest and nonconviction data), criminal intelligence information and  
30 information relating to criminal and background investigations as  
31 necessary for the purpose of determining qualifications of ~~licensees of the~~  
32 ~~commission, employees of the commission, applicants for employment by~~  
33 ~~the commission, and applicants for licensure by the commission, including~~  
34 ~~applicants for simulcasting licenses employees or licensees.~~ Upon the  
35 written request of the chairperson of the commission, the commission may  
36 receive from the district courts such information relating to juvenile  
37 proceedings as necessary for the purpose of determining qualifications of  
38 ~~employees of and applicants for employment by the commission and~~  
39 ~~determining qualifications of~~ *or* ~~licensees of and applicants for licensure~~  
40 ~~by the commission. Such information, other than conviction data, shall be~~  
41 ~~confidential and shall not be disclosed except to members and employees~~  
42 ~~of the commission as necessary to determine qualifications of such~~  
43 ~~licensees, employees and applicants. Any other disclosure of such~~

1 ~~confidential information is a class A misdemeanor and shall constitute~~  
2 ~~grounds for removal from office, termination of employment or denial,~~  
3 ~~revocation or suspension of any license issued under this act.~~

4 (q) The commission, in accordance with K.S.A. 75-4319, and  
5 amendments thereto, may recess for a closed or executive meeting to  
6 receive and discuss information received by the commission pursuant to  
7 subsection (o) and to negotiate with licensees of or applicants for licensure  
8 by the commission regarding any such information.

9 (r) The commission may enter into agreements with the federal  
10 bureau of investigation, the federal internal revenue service, the Kansas  
11 attorney general or any state, federal or local agency as necessary to carry  
12 out the duties of the commission under this act.

13 (s) The commission shall adopt such rules and regulations as  
14 necessary to implement and enforce the provisions of this act.

15 Sec. 81. K.S.A. 74-8805 is hereby amended to read as follows: 74-  
16 8805. (a) (1) The governor shall appoint, subject to confirmation by the  
17 senate as provided by K.S.A. 75-4315b, and amendments thereto, an  
18 executive director of the commission, to serve at the pleasure of the  
19 governor and under the direction and supervision of the commission.  
20 Except as provided by K.S.A. 46-2601, and amendments thereto, no  
21 person appointed as executive director shall exercise any power, duty or  
22 function as executive director until confirmed by the senate. Before  
23 appointing any person as executive director, the governor shall cause the  
24 Kansas bureau of investigation to conduct a criminal history record check  
25 and background investigation of the person.

26 (2) The executive director shall: (A) Be in the unclassified service  
27 under the Kansas civil service act; (B) devote full time to the executive  
28 director's assigned duties; (C) receive such compensation as determined by  
29 the governor, subject to the limitations of appropriations therefor; (D) be a  
30 citizen of the United States and an actual resident of Kansas during  
31 employment by the commission; (E) not have been convicted of a felony  
32 under the laws of any state or of the United States prior to or during  
33 employment by the commission; and (F) have familiarity with the horse  
34 and dog racing industries sufficient to fulfill the duties of the office of  
35 executive director.

36 (3) The executive director shall: (A) Recommend to the commission  
37 the number and qualifications of employees necessary to implement and  
38 enforce the provisions of this act; (B) employ persons for those positions  
39 approved by the commission, subject to the limitations of appropriations  
40 therefor; and (C) perform such other duties as directed by the commission.

41 (b) (1) The executive director shall appoint an inspector of  
42 parimutuels to serve at the pleasure of the executive director. Before  
43 appointing any person as inspector of parimutuels, the executive director

1 shall cause the Kansas bureau of investigation to conduct a criminal  
2 history record check and background investigation of the person.

3 (2) The inspector of parimutuels shall: (A) Be in the unclassified  
4 service under the Kansas civil service act; (B) devote full time to the  
5 inspector's assigned duties; (C) receive such compensation as determined  
6 by the executive director, subject to the limitations of appropriations  
7 therefor; (D) be a citizen of the United States and an actual resident of  
8 Kansas during employment as inspector of parimutuels; (E) not have been  
9 convicted of a felony under the laws of any state or of the United States  
10 prior to or during employment by the commission; and (F) be a certified  
11 public accountant with at least three years of auditing experience.

12 (3) The inspector of parimutuels shall: (A) Inspect and audit the  
13 conduct of parimutuel wagering by organization licensees, including the  
14 equipment and facilities used and procedures followed; (B) train and  
15 supervise such personnel as employed by the executive director to assist  
16 with such duties; and (C) perform such other duties as directed by the  
17 executive director.

18 (c) (1) The executive director shall appoint a director of security to  
19 serve at the pleasure of the executive director. Before appointing any  
20 person as director of security, the executive director shall cause the Kansas  
21 bureau of investigation to conduct a criminal history record check and  
22 background investigation of the person *in accordance with section 3, and*  
23 *amendments thereto.*

24 (2) The director of security shall: (A) Be in the unclassified service  
25 under the Kansas civil service act; (B) devote full time to the security  
26 director's assigned duties; (C) receive such compensation as determined by  
27 the executive director, subject to the limitations of appropriations therefor;  
28 (D) be a citizen of the United States and an actual resident of Kansas  
29 during employment as director of security; (E) not have been convicted of  
30 a felony under the laws of any state or of the United States prior to or  
31 during employment by the commission; and (F) be a professional law  
32 enforcement officer with a minimum of five years' experience in the field  
33 of law enforcement and at least a bachelor's degree in law enforcement  
34 administration, law, criminology or a related science or, in lieu thereof, a  
35 minimum of 10 years' experience in the field of law enforcement.

36 (3) The director of security shall: (A) Conduct investigations relating  
37 to compliance with the provisions of this act and rules and regulations of  
38 the commission; (B) recommend proper security measures to organization  
39 licensees; (C) train and supervise such personnel as employed by the  
40 executive director to assist with such duties; and (D) perform such other  
41 duties as directed by the executive director.

42 (d) (1) The executive director may appoint a director of racing  
43 operations to serve at the pleasure of the executive director. Before

1 appointing any person as director of racing operations, the executive  
2 director shall cause the Kansas bureau of investigation to conduct a  
3 criminal history record check and background investigation of the person.

4 (2) The director of racing operations shall: (A) Be in the unclassified  
5 service under the Kansas civil service act; (B) devote full time to the  
6 director's assigned duties; (C) receive such compensation as determined by  
7 the executive director, subject to the limitations of appropriations therefor;  
8 (D) be a citizen of the United States and an actual resident of Kansas  
9 during employment as director of racing operations; (E) not have been  
10 convicted of a felony under the laws of any state or of the United States  
11 prior to or during employment by the commission; and (F) have a  
12 minimum of five years' experience in racing operations.

13 (3) The director of racing operations shall: (A) Supervise racing  
14 operations, including stewards and racing judges; (B) be responsible for  
15 training and education of stewards and racing judges; (C) advise the  
16 commission on necessary or desirable changes in rules and regulations  
17 relating to conduct of races; (D) train and supervise such personnel as  
18 employed by the executive director to assist with such duties; and (E)  
19 perform such other duties as directed by the executive director.

20 (e) The commission may appoint an advisory committee of persons  
21 knowledgeable in the horse and greyhound breeding and racing industries  
22 to provide information and recommendations to the commission regarding  
23 the administration of this act. Members of such advisory committee shall  
24 serve without compensation or reimbursement of expenses.

25 (f) Except as otherwise provided by this act, all employees of the  
26 commission shall be in the classified service under the Kansas civil service  
27 act.

28 (g) No employee of the commission shall have been convicted of a  
29 felony under the laws of any state or of the United States prior to or during  
30 employment by the commission. Before employing any person, the  
31 commission shall cause a criminal history record check of the person to be  
32 conducted.

33 (h) The commission shall cause the Kansas bureau of investigation to  
34 conduct a criminal history record check and background investigation of a  
35 person before employing the person in any of the following positions:

- 36 (1) Deputy director;
- 37 (2) accountant;
- 38 (3) computer systems analyst;
- 39 (4) legal assistant;
- 40 (5) auditor;
- 41 (6) racing judge;
- 42 (7) steward;
- 43 (8) enforcement agent;

- 1 (9) office supervisor;
- 2 (10) human resource manager;
- 3 (11) office specialist; or
- 4 (12) any other sensitive position, as determined by the commission.

5 Sec. 82. K.S.A. 74-8806 is hereby amended to read as follows: 74-  
6 8806. (a) The commission shall employ an animal health officer and such  
7 assistant animal health officers as needed to serve at the pleasure of the  
8 commission. Before employing any person as the animal health officer, the  
9 commission shall cause the Kansas bureau of investigation to conduct a  
10 criminal history record check and background investigation of the person  
11 *in accordance with section 3, and amendments thereto.*

12 (b) The animal health officer and assistant animal health officers  
13 shall:

- 14 (1) Be doctors of veterinary medicine;
- 15 (2) be in the unclassified service under the Kansas civil service act;
- 16 (3) receive such compensation as determined by the commission,  
17 subject to the limitations of appropriations therefor; and
- 18 (4) while employed by the commission, devote full time to the duties  
19 of the office.

20 (c) The animal health officer shall:

- 21 (1) Supervise the formulation, administration and evaluation of all  
22 medical tests the commission's rules and regulations require or authorize;
- 23 (2) advise the commission on all aspects of veterinary medicine  
24 relating to its powers and duties;
- 25 (3) supervise all personnel involved in conducting physical  
26 examinations and medical testing of racing animals, as directed by the  
27 executive director; and
- 28 (4) perform such other duties as directed by the commission.

29 (d) The assistant animal health officers shall:

- 30 (1) Conduct physical examinations and medical tests of racing  
31 animals as prescribed by the commission;
- 32 (2) administer emergency treatment of racing animals at race  
33 meetings as authorized by the owners of such animals or their agents; and
- 34 (3) perform such other duties as directed by the commission.

35 (e) The animal health officer or an assistant animal health officer may  
36 possess and administer drugs and medications to horses and greyhounds  
37 within a racetrack facility as authorized by rules and regulations of the  
38 commission.

39 (f) The commission may require an organization licensee to  
40 reimburse the commission for services performed by assistant animal  
41 health officers at race meetings conducted by the organization licensee.

42 (g) The commission may obtain medical services as required by  
43 contract with an institution which teaches animal health sciences within

1 the state.

2 (h) The commission shall contract with one or more laboratory  
3 facilities for the analysis of samples taken for the purpose of enforcing  
4 compliance with K.S.A. 74-8811, and amendments thereto. In entering  
5 into any contract under this subsection, the commission shall give  
6 preference to laboratory facilities located in this state.

7 Sec. 83. K.S.A. 74-9802 is hereby amended to read as follows: 74-  
8 9802. As used in the tribal gaming oversight act:

9 (a) "Class III gaming" means all tribal gaming activities defined as  
10 class III gaming by the Indian gaming regulatory act (25 U.S.C. 2701 et  
11 seq.), as in effect on the effective date of this act.

12 (b) *"Employee" means a person who has applied for a position of*  
13 *employment or is currently employed by the state gaming agency.*

14 (c) "Executive director" means the executive director of the state  
15 gaming agency.

16 ~~(d)~~ *"Licensee" means a person who has submitted an application*  
17 *for licesure or currently holds a license in tribal gaming issued pursuant*  
18 *to a tribal-state gaming compact.*

19 (e) "Tribal gaming" means any class III gaming conducted pursuant  
20 to a tribal-state gaming compact. "Tribal gaming" does not include games  
21 on video lottery machines, as defined by K.S.A. 74-8702, and amendments  
22 thereto, that the Kansas lottery is prohibited from conducting under K.S.A.  
23 74-8704, and amendments thereto.

24 ~~(f)~~ "Tribal gaming commission" means a commission created by a  
25 native American tribe in accordance with a tribal-state gaming compact.

26 ~~(g)~~ "Tribal gaming facility" means a facility where tribal gaming is  
27 conducted or operated.

28 ~~(h)~~ "Tribal-state gaming compact" means a compact entered into  
29 between the state of Kansas and the Iowa Tribe of Kansas and Nebraska,  
30 the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas, the  
31 Prairie Band Potawatomi Nation in Kansas or the Sac and Fox Nation of  
32 Missouri in Kansas and Nebraska with respect to the tribe's authority to  
33 engage in class III gaming on the tribe's reservation property in the state of  
34 Kansas.

35 Sec. 84. K.S.A. 74-9804 is hereby amended to read as follows: 74-  
36 9804. (a) (1) The governor shall appoint, subject to confirmation by the  
37 senate as provided by K.S.A. 75-4315b, and amendments thereto, an  
38 executive director of the state gaming agency, to serve at the pleasure of  
39 the governor. Except as provided by K.S.A. 46-2601, and amendments  
40 thereto, no person appointed as executive director shall exercise any  
41 power, duty or function as executive director until confirmed by the senate.  
42 Before appointing any person as executive director, the governor shall  
43 cause the Kansas bureau of investigation to conduct a criminal history

1 record check and background investigation of the person *in accordance*  
2 *with section 3, and amendments thereto.*

3 (2) The executive director shall: (A) Be in the unclassified service  
4 under the Kansas civil service act; (B) devote full time to the executive  
5 director's assigned duties; (C) be a citizen of the United States and an  
6 actual resident of Kansas during employment as executive director; (D)  
7 not have been convicted of a felony under the laws of any state or of the  
8 United States prior to or during employment; and (E) have familiarity with  
9 gaming industries sufficient to fulfill the duties of the office of executive  
10 director.

11 (3) The executive director shall: (A) Determine, subject to the  
12 approval of the Kansas racing and gaming commission, the number and  
13 qualifications of employees necessary to implement and enforce the  
14 provisions of tribal-state gaming compacts and the provisions of the tribal  
15 gaming oversight act; (B) employ persons for those positions; and (C)  
16 perform such other duties as required by tribal-state gaming compacts.

17 (b) (1) The executive director may appoint a director of enforcement  
18 and compliance to serve at the pleasure of the executive director. Before  
19 appointing any person as director of enforcement and compliance, the  
20 executive director shall cause the Kansas bureau of investigation to  
21 conduct a criminal history record check and background investigation of  
22 the person.

23 (2) The director of enforcement and compliance shall: (A) Be in the  
24 unclassified service under the Kansas civil service act; (B) devote full time  
25 to the director's assigned duties; (C) receive such compensation as  
26 determined by the executive director, subject to the limitations of  
27 appropriations therefor; (D) be a citizen of the United States and an actual  
28 resident of Kansas during employment as director of enforcement and  
29 compliance; (E) not have been convicted of a felony under the laws of any  
30 state or of the United States prior to and during employment as director of  
31 compliance; and (F) have been a professional law enforcement officer with  
32 a minimum of five years' experience in the field of law enforcement and at  
33 least a bachelor's degree in law enforcement administration, law,  
34 criminology or a related science or, in lieu thereof, a minimum of 10 years'  
35 experience in the field of law enforcement.

36 (3) The director of enforcement and compliance shall: (A) Be vested  
37 with law enforcement authority;

38 (B) conduct investigations relating to compliance with the provisions  
39 of tribal-state gaming compacts and the provisions of the tribal gaming  
40 oversight act;

41 (C) recommend proper compliance measures to tribal gaming  
42 commissions;

43 (D) train and supervise such personnel as employed by the executive

1 director to assist with such duties; and

2 (E) perform such other duties as directed by the executive director.

3 (c) (1) The executive director may appoint enforcement agents.  
4 Before appointing any person as an enforcement agent, the executive  
5 director shall cause the Kansas bureau of investigation to conduct a  
6 criminal history record check and background investigation of the person.

7 (2) Each enforcement agent shall: (A) Be vested with law  
8 enforcement authority;

9 (B) be in the classified service under the Kansas civil service act;

10 (C) not have been convicted of a felony under the laws of any state or  
11 of the United States prior to or during employment as enforcement agent;  
12 and

13 (D) be a professional law enforcement officer with a minimum of two  
14 years' experience in the field of law enforcement or, in lieu thereof, a  
15 bachelor's degree from an accredited university or college.

16 (3) Enforcement agents shall: (A) Conduct investigations relating to  
17 compliance with the provisions of tribal-state gaming compacts or the  
18 provisions of the tribal gaming oversight act; and (B) perform such other  
19 duties as directed by the executive director or the director of enforcement  
20 and compliance.

21 Sec. 85. K.S.A. 74-9805 is hereby amended to read as follows: 74-  
22 9805. (a) The state gaming agency shall be responsible for oversight of  
23 class III gaming conducted pursuant to tribal-state compacts and, as such,  
24 shall monitor compliance with tribal-state gaming compacts and perform  
25 the duties of the state gaming agency as provided by tribal-state gaming  
26 compacts.

27 (b) The state gaming agency may examine and inspect all tribal  
28 gaming facilities and facilities linked to Kansas tribal gaming facilities for  
29 gaming, including but not limited to all machines and equipment used for  
30 tribal gaming.

31 (c) The state gaming agency may examine, or cause to be examined  
32 by any agent or representative designated by the executive director, any  
33 books, papers, records, electronic records, computer records or  
34 surveillance and security tapes and logs of any tribal gaming facility in  
35 accordance with tribal-state gaming compacts.

36 (d) The executive director may issue subpoenas to compel access to  
37 or for the production of any books, papers, records, electronic records,  
38 computer records or surveillance and security tapes and logs in the custody  
39 or control of a tribal gaming facility or any officer, employee or agent of a  
40 tribal gaming facility, or to compel the appearance of any officer,  
41 employee or agent of a tribal gaming facility, for the purpose of  
42 ascertaining compliance with any of the provisions of a tribal-state gaming  
43 compact or the tribal gaming oversight act. Subpoenas issued pursuant to

1 this subsection may be served upon individuals and corporations in the  
2 same manner provided in K.S.A. 60-304, and amendments thereto for the  
3 service of process by any officer authorized to serve subpoenas in civil  
4 actions or by the executive director or an agent or representative  
5 designated by the executive director. In the case of the refusal of any  
6 person to comply with any such subpoena, the executive director may  
7 make application to any court of competent jurisdiction.

8 (e) The state gaming agency may institute the dispute resolution  
9 procedure, in accordance with a tribal-state gaming compact, to ensure  
10 production of the documents required by the tribal-state gaming compact  
11 and to ensure compliance with all provisions of the compact.

12 (f) The state gaming agency shall monitor, examine and inspect tribal  
13 gaming to ensure that tribal gaming is conducted in compliance with  
14 tribal-state gaming compacts.

15 (g) The state gaming agency shall review all licensing and  
16 disciplinary actions taken by tribal gaming commissions or any party  
17 involved in the tribal gaming and assess if the action complies with the  
18 terms of the applicable tribal-state gaming compact.

19 (h) The executive director, or a designated employee, shall report any  
20 substantial noncompliance with a tribal-state gaming compact to the  
21 governor.

22 (i) The state gaming agency may negotiate a resolution between any  
23 tribe conducting or operating tribal gaming and any local or county  
24 governmental entity regarding the allocation or payment of additional  
25 expenses or costs incurred by the governmental entity as a result of tribal  
26 gaming, as provided by the applicable tribal-state gaming compacts.

27 (j) The state gaming agency may adopt background investigation and  
28 fingerprinting policies or procedures in accordance with the terms of  
29 tribal-state gaming compacts.

30 (k) The state gaming agency shall perform all functions and duties  
31 required to comply with and ensure tribal compliance with tribal-state  
32 gaming compacts.

33 (l) The state gaming agency shall require fingerprinting of all persons  
34 necessary to verify qualifications for employment by the state gaming  
35 agency or to verify qualification for any license issued pursuant to a tribal-  
36 state gaming compact *employees or licensees*. The state gaming agency  
37 shall submit such fingerprints to the Kansas bureau of investigation and to  
38 the federal bureau of investigation *in accordance with section 2, and*  
39 *amendments thereto*, for the purposes of verifying the identity of such  
40 persons and obtaining records of criminal arrests and convictions.

41 (m) (1) ~~The state gaming agency may receive from the Kansas bureau~~  
42 ~~of investigation or other criminal justice agencies, including but not~~  
43 ~~limited to the federal bureau of investigation and the federal internal~~

1 revenue service, such criminal history record information (including arrest  
 2 and nonconviction data), criminal intelligence information and information  
 3 relating to criminal and background investigations as necessary for the  
 4 purpose of determining qualifications of employees of and applicants for  
 5 employment by the state gaming agency and determining qualifications of  
 6 licensees and applicants for licensure in tribal gaming. Upon the written  
 7 request of the executive director, the state gaming agency may receive  
 8 from the district courts such information relating to juvenile proceedings  
 9 as necessary for the purpose of determining qualifications of employees of  
 10 and applicants for employment by the state gaming agency and  
 11 determining qualifications of licensees of and applicants for licensure in  
 12 tribal gaming.

13 (2) The state gaming agency may disclose information received  
 14 pursuant to subsection ~~(m)(1)~~ (l) to a tribal gaming commission as  
 15 necessary for the purpose of determining qualifications of employees of or  
 16 applicants for employment by such tribal gaming commission or  
 17 qualifications of licensees or applicants for licensure by such tribal gaming  
 18 commission.

19 ~~(3)~~(2) Any information, other than conviction data, received by the  
 20 state gaming agency pursuant to subsection ~~(m)(1)~~ (l) or by a tribal gaming  
 21 commission pursuant to *this* subsection ~~(m)(2)~~ shall be confidential and  
 22 shall not be disclosed except to the executive director, employees of the  
 23 state gaming agency and members and employees of the tribal gaming  
 24 commission as necessary for the purposes specified by ~~subsections (m)(1)~~  
 25 ~~and (m)(2)~~ subsection (l) and *this* subsection. ~~Any other disclosure of such~~  
 26 ~~confidential information is a class A nonperson misdemeanor and shall~~  
 27 ~~constitute grounds for removal from office, termination of employment or~~  
 28 ~~denial, revocation or suspension of any license issued by the tribal gaming~~  
 29 ~~commission.~~

30 (n) The executive director may adopt rules and regulations to  
 31 implement, administer and enforce the provisions of the tribal gaming  
 32 oversight act.

33 Sec. 86. K.S.A. 75-712 is hereby amended to read as follows: 75-712.

34 (a) It is the duty of the members of the bureau to make full and complete  
 35 investigations at the direction of the attorney general. Each member of the  
 36 bureau shall possess all powers and privileges which are now or may be  
 37 hereafter given to the sheriffs of Kansas.

38 (b) (1) The bureau shall acquire, collect, classify and preserve  
 39 criminal identification and other crime records, and may exchange such  
 40 criminal identification records with the duly authorized officials of  
 41 governmental agencies, of states, cities and penal institutions.

42 (2) The bureau shall make available to the governor's domestic  
 43 violence fatality review board crime record information related to

1 domestic violence, including, but not limited to, type of offense, type of  
 2 victim and victim relationship to offender, as found on the Kansas standard  
 3 offense report. Such crime record information shall be made available only  
 4 in a manner that does not identify individual offenders or victims.

5 (c) For purposes of carrying out the powers and duties of the bureau,  
 6 the director may request and accept grants or donations from any person,  
 7 firm, association or corporation or from the federal government or any  
 8 federal agency and may enter into contracts or other transactions with any  
 9 federal agency in connection therewith.

10 (d) (1) The bureau shall conduct background investigations of:

11 ~~(1)(A)~~ Appointees to positions which are subject to confirmation by  
 12 the senate of the state of Kansas; and

13 ~~(2)(B)~~ at the direction of the governor, all judicial appointments.

14 (2) The bureau shall require the appointee to be fingerprinted *in*  
 15 *accordance with section 2, and amendments thereto.* ~~The fingerprints shall~~  
 16 ~~be submitted to the bureau and to the federal bureau of investigation for~~  
 17 ~~the identification of the appointee and to obtain criminal history record~~  
 18 ~~information, including arrest and nonconviction data. Background reports~~  
 19 ~~may include criminal intelligence information and information relating to~~  
 20 ~~criminal and background investigations. Except as provided by this~~  
 21 ~~subsection, information received pursuant to this subsection shall be~~  
 22 ~~confidential and shall not be disclosed except to the appointing authority~~  
 23 ~~or as provided by K.S.A. 75-4315d, and amendments thereto. If the~~  
 24 ~~appointing authority is the governor, information received pursuant to this~~  
 25 ~~subsection also may be disclosed to the governor's staff as necessary to~~  
 26 ~~determine the appointee's qualifications.~~

27 (e) Reports of all investigations made by the members of the bureau  
 28 shall be made to the attorney general of Kansas.

29 Sec. 87. K.S.A. 75-7b01 is hereby amended to read as follows: 75-  
 30 7b01. As used in this act:

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

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

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

43 (2) the identity, habits, conduct, business, occupation, honesty,

1 integrity, credibility, knowledge, trustworthiness, efficiency, loyalty,  
2 activity, movement, whereabouts, affiliations, associations, transactions,  
3 acts, reputation or character of any person;

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

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

7 (5) securing evidence to be used before any court, board, officer or  
8 investigating committee.

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

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

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

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

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

26 ~~(g)~~(h) "Person" means an individual or organization.

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

30 ~~(i)~~(j) "Firearm" means:

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

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

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

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

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

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

3 (3) manufacturing or producing any false evidence; and

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

8 Sec. 88. K.S.A. 75-7b04 is hereby amended to read as follows: 75-  
9 7b04. (a) Every person desiring to be licensed in Kansas as a private  
10 detective or private detective agency shall make application therefor to the  
11 attorney general. An application for a license under this act shall be on a  
12 form prescribed by the attorney general and accompanied by the required  
13 application fee. An application shall be verified and shall include:

14 (1) The full name and business address of the applicant;

15 (2) the name under which the applicant intends to do business;

16 (3) a statement as to the general nature of the business in which the  
17 applicant intends to engage;

18 (4) a statement as to the classification or classifications under which  
19 the applicant desires to be qualified;

20 (5) if the applicant is an organization, the full name and residence  
21 address of each of its partners, officers, directors or associates;

22 (6) two photographs of the applicant taken within 30 days before the  
23 date of application, of a type prescribed by the attorney general, and two  
24 classifiable sets of the applicant's fingerprints one of which shall be  
25 submitted to the ~~federal bureau of investigation for a fingerprint check~~  
26 *Kansas bureau of investigation* for any criminal history of the applicant *in*  
27 *accordance with section 2, and amendments thereto*;

28 (7) a statement of the applicant's employment history; and

29 (8) such other information, evidence, statements or documents as may  
30 be required by the attorney general.

31 (b) The application shall be accompanied by a certificate of reference  
32 signed by five or more reputable persons who have known the applicant  
33 for a period of at least 5 years. The certificate of reference shall be verified  
34 and acknowledged by such persons before an officer authorized to take  
35 oaths and acknowledgment of deeds.

36 Each person signing the certificate of reference shall subscribe and  
37 affirm as true, under the penalties of perjury, that:

38 (1) The person has known the applicant personally for a period of at  
39 least five years prior to the filing of the application. The attorney general  
40 may lessen such period if the applicant has been discharged honorably  
41 from the military service of the United States within the six-year period  
42 immediately preceding the date the application is submitted;

43 (2) the person has read such application and believes each of the

1 statements made therein to be true;

2 (3) the applicant is honest, of good character and competent and not  
3 related or connected by blood or marriage to such person.

4 (c) Before an application for a license may be granted, the applicant  
5 or, if the applicant is an organization, all of the officers, directors, partners  
6 or associates shall:

7 (1) Be at least 21 years of age;

8 (2) be a citizen of the United States;

9 (3) be of good moral character; and

10 (4) comply with such other qualifications as the attorney general  
11 adopts by rules and regulations.

12 (d) In accordance with the summary proceedings provisions of the  
13 Kansas administrative procedure act, the attorney general may deny a  
14 license if the applicant has:

15 (1) Committed any act which, if committed by a licensee, would be  
16 grounds for the suspension or revocation of a license under this act;

17 (2) committed any act constituting dishonesty or fraud;

18 (3) a bad moral character or a bad reputation for truth, honesty, and  
19 integrity;

20 (4) been convicted of a felony or, within 10 years immediately prior  
21 to the date of application, been convicted of any crime involving moral  
22 turpitude, dishonesty, vehicular homicide, assault, battery, assault of a law  
23 enforcement officer, misdemeanor battery against a law enforcement  
24 officer, criminal restraint, sexual battery, endangering a child, intimidation  
25 of a witness or victim or illegally using, carrying, or possessing a  
26 dangerous weapon;

27 (5) been refused a license under this act or had a license suspended or  
28 revoked in this state or in any other jurisdiction or had a license censured,  
29 limited or conditioned two or more times in this state or in any other  
30 jurisdiction;

31 (6) been an officer, director, partner or associate of any person who  
32 has been refused a license under this act or whose license has been  
33 suspended or revoked in this state or in any other jurisdiction or had a  
34 license censured, limited or conditioned two or more times in this state or  
35 in any other jurisdiction;

36 (7) while unlicensed, committed or aided and abetted the commission  
37 of any act for which a license is required by this act; or

38 (8) knowingly made any false statement in the application.

39 (e) The attorney general may charge a fee for initial application forms  
40 and materials in an amount fixed by the attorney general pursuant to  
41 K.S.A. 75-7b22, and amendments thereto. Such fee shall be credited  
42 against the application fee of any person who subsequently submits an  
43 application.

1 Sec. 89. K.S.A. 75-7b21 is hereby amended to read as follows: 75-  
2 7b21. (a) The attorney general shall certify persons who are qualified to  
3 train private detectives in the handling of firearms and the lawful use of  
4 force.

5 (b) In order to be certified as a trainer under this section, an applicant  
6 shall:

7 (1) Be 21 or more years of age;

8 (2) have a minimum of one-year supervisory experience with a  
9 private detective agency, a private patrol operator, a proprietary  
10 investigative or security organization or any federal, United States  
11 military, state, county or city law enforcement agency;

12 (3) be personally qualified to train private detectives in the handling  
13 of firearms and the lawful use of force; and

14 (4) not have been convicted of a felony or, within 10 years  
15 immediately prior to the date of application, been convicted of a  
16 misdemeanor. If the applicant is not licensed as a private detective, the  
17 applicant shall submit two classifiable sets of the applicant's fingerprints  
18 one of which shall be submitted to the ~~federal bureau of investigation for a~~  
19 ~~fingerprint check~~ *Kansas bureau of investigation* for any criminal history  
20 of the applicant *in accordance with section 2, and amendments thereto.*

21 (c) Persons wishing to become certified trainers shall make  
22 application to the attorney general on a form prescribed by the attorney  
23 general. Applications for a firearm training certificate shall be  
24 accompanied by a fee in an amount fixed by the attorney general pursuant  
25 to K.S.A. 75-7b22, and amendments thereto. The application shall contain  
26 a statement of the plan of operation for the training offered by the  
27 applicant and the materials and aids to be used and any other information  
28 required by the attorney general.

29 (d) A certificate shall be granted to a trainer if the attorney general  
30 finds that the applicant:

31 (1) Meets the requirements of subsection (b);

32 (2) is a person of good character and reputation;

33 (3) has sufficient knowledge of private detective business, firearms  
34 training and the lawful use of force to be a suitable person to train private  
35 detectives in the handling of firearms and the lawful use of force;

36 (4) has supplied all required information to the attorney general; and

37 (5) has paid the required fee.

38 (e) The certificate issued pursuant to this section shall expire on  
39 December 31 of the year following the year when issued except that, on  
40 and after July 1, 2004, a certificate issued pursuant to this section shall  
41 expire two years from the date of issuance. A certificate may be renewed  
42 on a biennial basis upon application and payment of a fee in an amount  
43 fixed by the attorney general pursuant to K.S.A. 75-7b22, and amendments

1 thereto.

2 Sec. 90. K.S.A. 2023 Supp. 75-7c02 is hereby amended to read as  
3 follows: 75-7c02. As used in the personal and family protection act, except  
4 as otherwise provided:

5 (a) *"Applicant" means a person who has submitted an application for*  
6 *a license to carry a concealed handgun pursuant to K.S.A. 75-7c03, and*  
7 *amendments thereto.*

8 (b) *"Attorney general" means the attorney general of the state of*  
9 *Kansas.*

10 ~~(b)~~(c) *"Handgun" means a "firearm," as defined in K.S.A. 75-7b01,*  
11 *and amendments thereto.*

12 ~~(e)~~(d) *"Athletic event" means athletic instruction, practice or*  
13 *competition held at any location and including any number of athletes.*

14 ~~(d)~~(e) *"Dependent" means a resident of the household of an active*  
15 *duty member of any branch of the armed forces of the United States who*  
16 *depends in whole or in substantial part upon the member for financial*  
17 *support.*

18 ~~(e)~~(f) *"License" means a provisional or standard license issued by the*  
19 *attorney general pursuant to K.S.A. 75-7c03, and amendments thereto.*

20 Sec. 91. K.S.A. 2023 Supp. 75-7c05 is hereby amended to read as  
21 follows: 75-7c05. (a) The application for a license pursuant to this act shall  
22 be completed, under oath, on a form prescribed by the attorney general and  
23 shall only include:

24 (1) (A) Subject to the provisions of subsection (a)(1)(B), the name,  
25 address, social security number, Kansas driver's license number or Kansas  
26 nondriver's license identification number, place and date of birth, a  
27 photocopy of the applicant's driver's license or nondriver's identification  
28 card and a photocopy of the applicant's certificate of training course  
29 completion; (B) in the case of an applicant who presents proof that such  
30 person is on active duty with any branch of the armed forces of the United  
31 States, or is the dependent of such a person, and who does not possess a  
32 Kansas driver's license or Kansas nondriver's license identification, the  
33 number of such license or identification shall not be required;

34 (2) a statement that the applicant is in compliance with criteria  
35 contained within K.S.A. 75-7c04, and amendments thereto;

36 (3) a statement that the applicant has been furnished a copy of this act  
37 and is knowledgeable of its provisions;

38 (4) a conspicuous warning that the application is executed under oath  
39 and that a false answer to any question, or the submission of any false  
40 document by the applicant, subjects the applicant to criminal prosecution  
41 under K.S.A. 21-5903, and amendments thereto; and

42 (5) a statement that the applicant desires a concealed handgun license  
43 as a means of lawful self-defense.

1 (b) Except as otherwise provided in subsection (i), the applicant shall  
2 submit to the sheriff of the county where the applicant resides, during any  
3 normal business hours:

4 (1) A completed application described in subsection (a);

5 (2) an amount of \$32.50 payable to the sheriff of the county where  
6 the applicant resides for the purpose of covering the cost of taking  
7 fingerprints pursuant to subsection (c);

8 (3) if applicable, a photocopy of the proof of training required by  
9 K.S.A. 75-7c04(b)(1), and amendments thereto; and

10 (4) a full frontal view photograph of the applicant taken within the  
11 preceding 30 days.

12 (c) (1) Except as otherwise provided in subsection (i), the sheriff,  
13 upon receipt of the items listed in subsection (b), shall provide for the full  
14 set of fingerprints of the applicant to be taken and forwarded to the  
15 attorney general for purposes of a criminal history records check as  
16 provided by subsection (d). In addition, the sheriff shall forward the  
17 application to the attorney general. Notwithstanding any provision in this  
18 section to the contrary, an applicant shall not be required to submit  
19 fingerprints for a renewal application under K.S.A. 75-7c08, and  
20 amendments thereto.

21 (2) The sheriff of the applicant's county of residence or the chief law  
22 enforcement officer of any law enforcement agency, at the sheriff's or chief  
23 law enforcement officer's discretion, may participate in the process by  
24 submitting a voluntary report to the attorney general containing readily  
25 discoverable information, corroborated through public records, which,  
26 when combined with another enumerated factor, establishes that the  
27 applicant poses a significantly greater threat to law enforcement or the  
28 public at large than the average citizen. Any such voluntary reporting shall  
29 be made within 45 days after the date the sheriff receives the application.  
30 Any sheriff or chief law enforcement officer submitting a voluntary report  
31 shall not incur any civil or criminal liability as the result of the good faith  
32 submission of such report.

33 (3) All funds retained by the sheriff pursuant to the provisions of this  
34 section shall be credited to a special fund of the sheriff's office which shall  
35 be used solely for the purpose of administering this act.

36 (d) Each applicant shall be subject to a state and national criminal  
37 history records check ~~which conforms to applicable federal standards,~~  
38 ~~including an inquiry of the national instant criminal background check~~  
39 ~~system for the purpose of verifying the identity of the applicant and~~  
40 ~~whether the applicant has been convicted of any crime or has been the~~  
41 ~~subject of any restraining order or any mental health related finding that~~  
42 ~~would disqualify the applicant from holding a license under this act. The~~  
43 ~~attorney general is authorized to use the information obtained from the~~

1 ~~state or national criminal history record check to determine the applicant's~~  
2 ~~eligibility for such license in accordance with section 2, and amendments~~  
3 ~~thereto.~~

4 (e) Within 90 days after the date of receipt of the items listed in  
5 subsection (b), the attorney general shall:

6 (1) (A) Issue the license and certify the issuance to the department of  
7 revenue; and

8 (B) if it is impractical for the division of vehicles of the department of  
9 revenue to issue physical cards consistent with the requirements of this act  
10 and the attorney general has determined that the conditions for such  
11 impracticality have existed for at least 30 days, the attorney general shall  
12 issue an authorization document in accordance with K.S.A. 75-7c03(d),  
13 and amendments thereto; or

14 (2) deny the application based solely on: (A) The report submitted by  
15 the sheriff or other chief law enforcement officer under subsection (c)(2)  
16 for good cause shown therein; or (B) the ground that the applicant is  
17 disqualified under the criteria listed in K.S.A. 75-7c04, and amendments  
18 thereto. If the attorney general denies the application, the attorney general  
19 shall notify the applicant in writing, stating the ground for denial and  
20 informing the applicant the opportunity for a hearing pursuant to the  
21 Kansas administrative procedure act.

22 (f) No person who is issued a license or has such license renewed  
23 shall be required to pay a fee for the cost of the license or renewal except  
24 as otherwise provided in subsection (b) for the purpose of covering the  
25 cost of taking fingerprints.

26 (g) (1) A person who is a retired law enforcement officer, as defined  
27 in K.S.A. 21-5111, and amendments thereto, shall be: (A) Exempt from the  
28 required completion of a handgun safety and training course if such person  
29 was certified by the Kansas commission on peace officer's standards and  
30 training, or similar body from another jurisdiction, not more than eight  
31 years prior to submission of the application; and (B) required to comply  
32 with the criminal history records check requirement of this section.

33 (2) Proof of retirement as a law enforcement officer shall be required  
34 and provided to the attorney general in the form of a letter from the agency  
35 head, or their designee, of the officer's retiring agency that attests to the  
36 officer having retired in good standing from that agency as a law  
37 enforcement officer for reasons other than mental instability and that the  
38 officer has a nonforfeitable right to benefits under a retirement plan of the  
39 agency.

40 (h) A person who is a corrections officer, a parole officer or a  
41 corrections officer employed by the federal bureau of prisons, as defined  
42 by K.S.A. 75-5202, and amendments thereto, shall be: (1) Exempt from  
43 the required completion of a handgun safety and training course if such

1 person was issued a certificate of firearms training by the department of  
2 corrections or the federal bureau of prisons or similar body not more than  
3 one year prior to submission of the application; and (2) required to comply  
4 with the criminal history records check requirement of this section.

5 (i) A person who presents proof that such person is on active duty  
6 with any branch of the armed forces of the United States and is stationed at  
7 a United States military installation located outside this state, may submit  
8 by mail an application described in subsection (a) and the other materials  
9 required by subsection (b) to the sheriff of the county where the applicant  
10 resides. Provided the applicant is fingerprinted at a United States military  
11 installation, the applicant may submit a full set of fingerprints of such  
12 applicant along with the application. Upon receipt of such items, the  
13 sheriff shall forward to the attorney general the application.

14 Sec. 92. K.S.A. 75-7e01 is hereby amended to read as follows: 75-  
15 7e01. As used in K.S.A. 75-7e01 through 75-7e09 and K.S.A. 2023 Supp.  
16 50-6,141, and amendments thereto:

17 (a) "Surety" means a person or commercial surety, other than a  
18 defendant in a criminal proceeding, that guarantees the appearance of a  
19 defendant in a criminal proceeding, by executing an appearance bond.

20 (b) "Bail agent" means a person authorized by a surety to execute  
21 surety bail bonds on its behalf.

22 (c) "Bail enforcement agent" means a person not performing the  
23 duties of a law enforcement officer who tracks down, captures and  
24 surrenders to the custody of a court a fugitive who has violated a surety or  
25 bail bond agreement, commonly referred to as a bounty hunter.

26 (d) *"Applicant" means a person who has submitted an application for*  
27 *license as a bail enforcement agent pursuant to this act.*

28 Sec. 93. K.S.A. 75-7e03 is hereby amended to read as follows: 75-  
29 7e03. (a) Every person desiring to be licensed in Kansas as a bail  
30 enforcement agent shall make application to the attorney general. An  
31 application for a bail enforcement agent license shall be on a form  
32 prescribed by the attorney general and accompanied by the required  
33 application fee. An application shall be verified under penalty of perjury  
34 and shall include:

- 35 (1) The full name and business address of the applicant;
- 36 (2) two photographs of the applicant taken within 30 days before the  
37 date of application, of a type prescribed by the attorney general;
- 38 (3) a statement of the applicant's employment history;
- 39 (4) a statement of the applicant's criminal history, if any; and
- 40 (5) one classifiable set of the applicant's fingerprints.

41 (b) (1) Fingerprints submitted pursuant to this section shall be  
42 released by the attorney general to the Kansas bureau of investigation for  
43 the purpose of conducting criminal history records checks *in accordance*

1 *with section 2, and amendments thereto*, utilizing the files and records of  
2 the Kansas bureau of investigation and the federal bureau of investigation.

3 ~~(2) Each applicant shall be subject to a state and national criminal~~  
4 ~~history records check which conforms to applicable federal standards for~~  
5 ~~the purpose of verifying the identity of the applicant and whether the~~  
6 ~~applicant has been convicted of any crime that would disqualify the~~  
7 ~~applicant from being licensed as a bail enforcement agent under K.S.A.~~  
8 ~~75-7e01 through 75-7e09 and K.S.A. 2023 Supp. 50-6,141, and~~  
9 ~~amendments thereto. The attorney general is authorized to use the~~  
10 ~~information obtained from the state and national criminal history records~~  
11 ~~check to determine the applicant's eligibility for such license.~~

12 (3) Each applicant shall pay a fee for the criminal history records  
13 check in an amount necessary to reimburse the attorney general for the  
14 cost of the criminal history records check. Such fee shall be in an amount  
15 fixed by the attorney general pursuant to K.S.A. 75-7e08, and amendments  
16 thereto, and shall be in addition to the applicable original or renewal  
17 application fee amount fixed by the attorney general pursuant to K.S.A.  
18 75-7e08, and amendments thereto.

19 (c) In accordance with the Kansas administrative procedure act, the  
20 attorney general may deny a license if the applicant has:

21 (1) Committed any act on or after July 1, 2016, which, if committed  
22 by a licensee, would be grounds for the censure, limitation, conditioning,  
23 suspension or revocation of a license under K.S.A. 75-7e01 through 75-  
24 7e09 and K.S.A. 2023 Supp. 50-6,141, and amendments thereto;

25 (2) been convicted of a felony, unless such conviction has been  
26 expunged;

27 (3) in the 10 years immediately preceding the submission of the  
28 application, been convicted of an offense classified as a person  
29 misdemeanor offense, or a substantially similar offense from another  
30 jurisdiction, unless such conviction has been expunged;

31 (4) while unlicensed, committed or aided and abetted the commission  
32 of any act for which a license is required by K.S.A. 75-7e01 through 75-  
33 7e09 and K.S.A. 2023 Supp. 50-6,141, and amendments thereto; or

34 (5) knowingly made any false statement in the application.

35 (d) The attorney general may charge a fee for initial application forms  
36 and materials in an amount fixed by the attorney general pursuant to  
37 K.S.A. 75-7e08, and amendments thereto. Such fee shall be credited  
38 against the application fee of any person who subsequently submits an  
39 application.

40 (e) Every application for an initial or a renewal license shall be  
41 accompanied by a fee in an amount fixed by the attorney general pursuant  
42 to K.S.A. 75-7e08, and amendments thereto.

43 Sec. 94. K.S.A. 75-3707e is hereby amended to read as follows: 75-

1 3707e. (a) As the infrastructure provider for information technology for  
2 the state of Kansas, the office of information technology services must  
3 insure the highest level of information security and privacy in order to  
4 protect law enforcement, state agencies and the citizens of Kansas. ~~Toward~~  
5 ~~this objective,~~ The department of administration or the office of  
6 information technology services shall require ~~as a condition of~~  
7 ~~employment that individuals who have unescorted physical access to the~~  
8 ~~data center, telecommunications facilities and other security sensitive areas~~  
9 ~~as designated by the secretary of administration or the executive chief~~  
10 ~~information technology officer sensitive employees to be fingerprinted, and~~  
11 ~~such fingerprints shall be submitted to the Kansas bureau of investigation~~  
12 ~~and to the federal bureau of investigation in accordance with section 2,~~  
13 ~~and amendments thereto,~~ for the purposes of verifying the identity of such  
14 individuals and obtaining records of criminal arrests and convictions.

15 (b) *As used in this section, "sensitive employee" means a person who*  
16 *has applied for a position of employment or is currently employed by the*  
17 *department of administration or the office of information technology*  
18 *services in a position with unescorted physical access to any state-*  
19 *operated or contracted data center, telecommunications facility or other*  
20 *security-sensitive area as designated by the secretary of administration or*  
21 *the executive chief information technology officer.*

22 Sec. 95. K.S.A. 75-4315d is hereby amended to read as follows: 75-  
23 4315d. (a) As used in this section:

24 (1) "Office" means any state office or board, commission, council,  
25 committee, authority or other governmental body the members of which  
26 are required by law to be appointed by an appointing authority, and which  
27 appointment is subject to confirmation by the senate as provided in K.S.A.  
28 75-4315b, and amendments thereto.

29 (2) "Appointing authority" means a person, other than the governor,  
30 who is required by law to make an appointment to an office.

31 (3) "Chairperson" means the chairperson of the confirmation  
32 oversight committee.

33 (4) "Committee" means the confirmation oversight committee  
34 established by K.S.A. 46-2601, and amendments thereto.

35 (5) "Director" means the director of the Kansas legislative research  
36 department or the director's designee.

37 (b) No person may be appointed to an office unless such person has  
38 completed and submitted a nomination form as required by the rules of the  
39 committee. No person may be appointed to an office unless such person  
40 has filed a statement of substantial interest as required by K.S.A. 46-247,  
41 and amendments thereto. A copy of the nomination form and the statement  
42 of substantial interest shall be kept on file in the office of the director and  
43 shall be subject to disclosure under the Kansas open records act.

1 (c) No person may be appointed to an office unless such person has  
2 consented to a background investigation conducted by the Kansas bureau  
3 of investigation. No person may be appointed to an office unless such  
4 person is current in the payment of taxes and consents to the release of a  
5 tax certification by the Kansas department of revenue which states whether  
6 such person is, or is not, current in the payment of taxes.

7 (d) Any appointing authority who desires to appoint a person to an  
8 office shall forward to the chairperson a completed copy of the nomination  
9 form, the statement of substantial interest, the consent to the release of the  
10 tax certification and a written request that a background investigation be  
11 conducted on the person nominated for appointment to an office. Upon  
12 receipt of such information, the chairperson shall forward such  
13 information and a written direction to the director to request the Kansas  
14 bureau of investigation to conduct a background investigation of such  
15 nominee *in accordance with section 2, and amendments thereto*, and to  
16 request the Kansas department of revenue to release the tax certification  
17 for such person. ~~Upon written request of the director and the appointing~~  
18 ~~authority who nominated the person for appointment to an office, it shall~~  
19 ~~be the duty of the Kansas bureau of investigation to conduct a background~~  
20 ~~investigation of any person nominated for appointment to an office. Any~~  
21 ~~person nominated for appointment to an office shall submit such person's~~  
22 ~~fingerprints to the Kansas bureau of investigation for the purposes of~~  
23 ~~verifying the identity of such person and obtaining records of criminal~~  
24 ~~arrests and convictions. Upon written request of the director, it shall be the~~  
25 ~~duty of the Kansas department of revenue to release to the director tax~~  
26 ~~certification requested pursuant to this section.~~

27 ~~(e) The director may receive from the Kansas bureau of investigation~~  
28 ~~or other criminal justice agencies, including, but not limited to, the federal~~  
29 ~~bureau of investigation and the federal internal revenue service, such~~  
30 ~~criminal history record information (including arrest and nonconviction~~  
31 ~~data), criminal intelligence information and information relating to~~  
32 ~~criminal and background investigations as necessary for the purpose of~~  
33 ~~determining qualifications of a person nominated to be appointed to an~~  
34 ~~office. Upon the written request of the director, the director may receive~~  
35 ~~from the district courts such information relating to juvenile proceedings~~  
36 ~~as necessary for the purpose of determining qualifications of a person~~  
37 ~~nominated to be appointed to an office.~~

38 ~~(f)~~(e) Any information received by the director pursuant to this  
39 section from the Kansas department of revenue or the Kansas bureau of  
40 investigation shall be kept on file in the office of the director or in a secure  
41 location under the control of the director within the Kansas legislative  
42 research department. After receipt of information, the director shall notify  
43 the appointing authority who nominated the person for appointment to an

1 office and the nominee that the information is available for review in the  
2 office of the director. Upon the written request of such appointing  
3 authority or the nominee, the director shall allow such appointing authority  
4 and the nominee to review the information. Such information shall not be  
5 removed from the office of the director and shall not be duplicated or  
6 copied in any manner. If the appointing authority chooses to proceed with  
7 the nomination of the person for appointment to an office, the director  
8 shall notify the chairperson and the vice chairperson of the committee that  
9 such information is available for review by either legislator, or both, upon  
10 the written request of either legislator, or both.

11 ~~(g) Any information received by the director pursuant to this section~~  
12 ~~from the Kansas department of revenue or the Kansas bureau of~~  
13 ~~investigation, other than conviction data, shall be confidential. Except as~~  
14 ~~provided by section 22 of article 2 of the Kansas constitution and~~  
15 ~~subsection (f), such confidential information shall not be disclosed to any~~  
16 ~~other person. Any other intentional disclosure of such confidential~~  
17 ~~information is a class A nonperson misdemeanor. Any person who~~  
18 ~~intentionally or unintentionally discloses confidential information in~~  
19 ~~violation of this section may be removed from office or employment.~~

20 ~~(h)~~<sup>(f)</sup> Any information received by the director pursuant to this  
21 section which relates to a person whose nomination for appointment to an  
22 office is confirmed by the senate as provided by K.S.A. 75-4315b, and  
23 amendments thereto, may be disposed of in the manner provided by  
24 K.S.A. 75-3501 et seq., and amendments thereto. Any information  
25 received by the director pursuant to this section which relates to a person  
26 whose nomination is withdrawn or whose appointment is not confirmed by  
27 the senate as provided by K.S.A. 75-4315b, and amendments thereto, shall  
28 be destroyed by the director. The destruction of such records shall occur no  
29 sooner than one year, and no later than two years, following the  
30 withdrawal of the nomination of the appointment or the failure of the  
31 senate to confirm the appointment of such person.

32 Sec. 96. K.S.A. 75-5133c is hereby amended to read as follows: 75-  
33 5133c. (a) ~~The secretary of revenue may require, as a qualification for~~  
34 ~~initial or continuing employment or contracting with the department of~~  
35 ~~revenue, all persons having access to federal tax information received~~  
36 ~~directly from the internal revenue service employees to be fingerprinted~~  
37 ~~and submit to a state and national criminal history record check. The~~  
38 ~~fingerprints shall be used to identify the person and to determine whether~~  
39 ~~the person has a record of criminal arrests and convictions in this state or~~  
40 ~~other jurisdictions. The secretary is authorized to submit the fingerprints to~~  
41 ~~the Kansas bureau of investigation and the federal bureau of investigation~~  
42 ~~for a state and national criminal history record check. Local and state law~~  
43 ~~enforcement officers and agencies shall assist the secretary in the taking~~

1 and processing of fingerprints of such persons and shall release all records  
2 of a person's arrests and convictions to the secretary.

3 ~~(b) The secretary may use the information obtained from~~  
4 ~~fingerprinting and a person's criminal history only for the purposes of~~  
5 ~~verifying the identification of such person and in the official determination~~  
6 ~~of the fitness of such person's qualification for initial or continuing~~  
7 ~~employment. Disclosure or use of any information received by the~~  
8 ~~secretary or a designee of the secretary for any purpose other than the~~  
9 ~~purpose provided for in this section shall be a class A nonperson~~  
10 ~~misdemeanor and shall constitute grounds for removal from office or~~  
11 ~~termination of employment. Nothing in this section shall prevent~~  
12 ~~disclosure of any information received by the secretary pursuant to this~~  
13 ~~section to the post auditor in accordance with the provisions of the~~  
14 ~~legislative post audit act.~~

15 *(b) As used in this subsection, "employee" means a person who*  
16 *makes an application for employment or is currently employed or*  
17 *contracting with the department of revenue who has access to federal tax*  
18 *information received directly from the internal revenue service.*

19 (c) Whenever the secretary requires fingerprinting, any associated  
20 costs shall be paid by the agency or ~~contractor~~ *employee*.

21 Sec. 97. K.S.A. 75-5156 is hereby amended to read as follows: 75-  
22 5156. (a) ~~(1) The division of vehicles of the department of revenue shall~~  
23 ~~subject all persons and examiners authorized to manufacture, produce or~~  
24 ~~issue drivers' licenses and identification cards~~ *employees* to appropriate  
25 security clearance requirements, as defined by rules and regulations  
26 adopted by the secretary of revenue. To insure appropriate security  
27 clearance requirements, the division of vehicles may require fingerprinting  
28 ~~of any person authorized to manufacture, produce or issue drivers' licenses~~  
29 ~~and identification cards~~ *employees in accordance with section 2, and*  
30 *amendments thereto.* ~~The division of vehicles may submit such~~  
31 ~~fingerprints to the Kansas bureau of investigation, federal bureau of~~  
32 ~~investigation or other law enforcement agency for the purposes of~~  
33 ~~verifying identity, level of security risk and obtaining records of criminal~~  
34 ~~arrests and convictions.~~ Any person who is determined to be a security risk  
35 by the division of vehicles shall not be eligible to manufacture, produce or  
36 issue drivers' licenses or identification cards.

37 *(2) For the purposes of this subsection, "employee" means a person*  
38 *authorized to manufacture, produce or issue driver's licenses and*  
39 *identification cards.*

40 (b) The division of vehicles shall establish training programs for  
41 employees who engage in the issuance of drivers' license and identification  
42 cards regarding document recognition and federal rules used to determine  
43 lawful presence.

1 (c) The division of vehicles shall ensure the physical security of  
2 locations where drivers' licenses and identification cards are produced and  
3 the security of document materials and papers from which drivers' licenses  
4 and identification cards are produced.

5 (d) In the event that a social security account number is already  
6 registered or associated with another person to whom any state has issued  
7 a driver's license or identification card, the division of vehicles shall  
8 resolve the discrepancy and take appropriate action.

9 (e) The division of vehicles shall retain any documentation presented  
10 to secure a license or identification card when the division of vehicles has  
11 reasonable grounds to believe the documentation or the application is  
12 fraudulent.

13 (f) The division of vehicles may disclose motor vehicle records,  
14 including photographs or digital images maintained in connection with the  
15 issuance of drivers' licenses, to any federal, state or local agency, including  
16 any court or law enforcement agency, to assist such agency in carrying out  
17 the functions required of such governmental agency. In January of each  
18 year, the division shall report to the house committee on veterans, military  
19 and homeland security regarding the utilization of the provisions of this  
20 subsection.

21 Sec. 98. K.S.A. 2023 Supp. 75-5393a is hereby amended to read as  
22 follows: 75-5393a. (a) A person seeking to interpret under K.S.A. 75-  
23 4355a through 75-4355d, and amendments thereto, and K.S.A. 2023 Supp.  
24 75-5393a through 75-5393d and 75-5397f, and amendments thereto, or to  
25 comply with any state or federal law or rules and regulations shall obtain  
26 registration in accordance with this section.

27 (b) To obtain registration as an interpreter, an applicant shall submit  
28 an application on a form and in a manner prescribed by the commission  
29 and shall pay the registration fee determined by the commission in rules  
30 and regulations. The commission may grant registration to any person  
31 who:

- 32 (1) Has obtained a high school diploma or its equivalent;
- 33 (2) is 18 years of age or older;
- 34 (3) has no other record of disqualifying conduct as determined by the  
35 commission; and
- 36 (4) has obtained a certification or other appropriate credentials as  
37 determined by the commission.

38 (c) (1) The commission may grant registration as an interpreter to an  
39 applicant who has been duly licensed or registered as an interpreter by  
40 examination under the laws of another state, territory or the District of  
41 Columbia if, in the opinion of the commission, the applicant substantially  
42 meets the qualifications for registration as an interpreter in this state. The  
43 applicant shall provide satisfactory evidence of verification of the

1 applicant's licensure or registration from the original state of licensure or  
2 registration.

3 (2) The commission may grant temporary registration to a  
4 nonresident interpreter who holds a certificate or license in such  
5 interpreter's state of residence. An interpreter granted a temporary  
6 registration shall not interpret more than 20 separate days in a year in this  
7 state.

8 (d) (1) Registrations issued under this section shall expire on the date  
9 established by rules and regulations of the commission unless revoked  
10 prior to that time. The commission shall send a notice for renewal of  
11 registration to every interpreter at least 60 calendar days prior to the  
12 expiration date of such person's registration.

13 (2) (A) A registered interpreter shall have a grace period of 30  
14 calendar days after a registration has expired to renew such registration  
15 without a late fee. The commission may charge a late fee for any renewal  
16 application received after such grace period. The commission shall  
17 determine the amount of the late fee in rules and regulations, but such fee  
18 shall not exceed \$200.

19 (B) An interpreter whose registration has expired after failing to  
20 submit a renewal application may renew registration upon payment of the  
21 late fee and submission of satisfactory evidence of completion of  
22 continuing education requirements established by the commission. For  
23 renewals of expired registrations, the commission may require additional  
24 testing, training or education to establish the interpreter's present ability to  
25 perform the functions and responsibilities of an interpreter.

26 (3) An interpreter, as a condition for renewal of a registration, shall  
27 attend not less than 30 hours of continuing education programming within  
28 a two-year period. Upon receipt of such application, payment of fee and  
29 evidence of satisfactory completion of the required continuing education,  
30 the commission shall verify the accuracy of the application and grant  
31 renewal of the registration.

32 (e) (1) The commission may require an applicant for registration as  
33 an interpreter to be fingerprinted and to submit to a state and national  
34 criminal history record check *in accordance with section 2, and*  
35 *amendments thereto.* ~~The fingerprints shall be used to identify the~~  
36 ~~applicant and to determine whether the applicant has a record of criminal~~  
37 ~~history in this state or another jurisdiction. The commission is authorized~~  
38 ~~to submit the fingerprints to the Kansas bureau of investigation and the~~  
39 ~~federal bureau of investigation for a state and national criminal history~~  
40 ~~record check. The commission may use the information obtained from~~  
41 ~~fingerprinting and the applicant's criminal history for purposes of verifying~~  
42 ~~the identification of the applicant and making the official determination of~~  
43 ~~the qualifications and fitness of the application to be issued or maintain~~

1 registration.

2 ~~(2) Local and state law enforcement officers and agencies shall assist~~  
3 ~~the commission in taking the fingerprints of applicants for registration.~~  
4 ~~Local and state law enforcement officers and agencies may charge a fee as~~  
5 ~~reimbursement for expenses incurred in taking and processing fingerprints~~  
6 ~~under this section. The Kansas bureau of investigation shall release all~~  
7 ~~records of an applicant's adult convictions to the commission.~~

8 (3) The commission may fix and collect a fee for fingerprinting and  
9 conducting a state and national criminal history record check of applicants  
10 or registrants as may be required by the commission in an amount equal to  
11 the cost of fingerprinting and the criminal history record check.

12 (f) The commission may refuse to issue, renew or reinstate a  
13 registration, may condition, limit, revoke or suspend the registration of any  
14 individual if the applicant or registrant:

15 (1) Has been found incompetent or negligent in the practice of  
16 interpreting;

17 (2) has been convicted of a felony offense or a misdemeanor against  
18 persons and has not demonstrated to the commission's satisfaction that  
19 such person has been sufficiently rehabilitated to merit the public trust;

20 (3) submits an application that contains false, misleading or  
21 incomplete information;

22 (4) fails or refuses to provide any information requested by the  
23 commission;

24 (5) fails or refuses to pay the required fees;

25 (6) is currently listed on a child abuse registry or an adult protective  
26 services registry as the result of a substantiated finding of abuse or neglect  
27 by any state agency, agency of another state or the United States, territory  
28 of the United States or another country, and the applicant or registrant has  
29 not demonstrated to the commission's satisfaction that such person has  
30 been sufficiently rehabilitated to merit the public trust; or

31 (7) has had a license, registration or certificate to practice as an  
32 interpreter revoked, suspended or limited, or has been the subject of other  
33 disciplinary action, or an application for a license, registration or  
34 certificate denied, by the proper regulatory authority of another state,  
35 territory, District of Columbia, or other country, a certified copy of the  
36 record of the action of the other jurisdiction being conclusive evidence  
37 thereof.

38 (g) Administrative proceedings and disciplinary actions regarding  
39 interpreter registration under K.S.A. 2023 Supp. 75-5393a through 75-  
40 5393c, and amendments thereto, shall be conducted in accordance with the  
41 Kansas administrative procedure act. Judicial review and civil enforcement  
42 of agency actions under K.S.A. 2023 Supp. 75-5393a through 75-5393c,  
43 and amendments thereto, shall be in accordance with the Kansas judicial

1 review act.

2 (h) The executive director of the commission shall adopt rules and  
3 regulations to effectuate the provisions of this section. Such rules and  
4 regulations may include, but not be limited to:

5 (1) Fees, including, but not limited to, registration fees and late fees,  
6 that are necessary to fund the expenses and operating costs incurred in the  
7 administration and enforcement of this section;

8 (2) categories of interpreter certification and interpreter  
9 endorsements, including necessary credentials or qualifications;

10 (3) continuing education requirements and programs for registered  
11 interpreters;

12 (4) a code of professional conduct;

13 (5) a supervision and mentorship requirements and programs for  
14 interpreters with provisional registration;

15 (6) suspension or revocation of interpreter registration; and

16 (7) any other matter deemed necessary by the executive director to  
17 implement and administer this section.

18 Sec. 99. K.S.A. 2023 Supp. 75-5393c is hereby amended to read as  
19 follows: 75-5393c. (a) The commission shall develop and administer a  
20 program to provide guidelines for the utilization of communication  
21 access services, communication access service providers and interpreter  
22 service agencies. The executive director of the commission may adopt  
23 rules and regulations to effectuate the provisions of this section. Such rules  
24 and regulations may include, but not be limited to:

25 (1) Fees necessary to fund the expenses and operating costs incurred  
26 in the administration and enforcement of this section;

27 (2) determination of the qualifications of communication access  
28 service providers;

29 (3) minimum standards of training of communication access service  
30 providers;

31 (4) registration of communication access service providers and  
32 interpreter service agencies;

33 (5) a code of professional conduct governing communication access  
34 service providers;

35 (6) standards for equipment or technology supporting communication  
36 access services;

37 (7) a system of statewide coordination of communication access  
38 services; and

39 (8) any other matter that the executive director deems necessary to  
40 effectuate the provisions of this section.

41 (b) (1) The commission may require communication access service  
42 providers to be fingerprinted and to submit to a state and national criminal  
43 history record check *in accordance with section 2, and amendments*

1 ~~thereto. The fingerprints shall be used to identify the applicant and to~~  
 2 ~~determine whether the applicant has a record of criminal history in this~~  
 3 ~~state or another jurisdiction. The commission is authorized to submit the~~  
 4 ~~fingerprints to the Kansas bureau of investigation and the federal bureau of~~  
 5 ~~investigation for a state and national criminal history record check. The~~  
 6 ~~commission may use the information obtained from fingerprinting and the~~  
 7 ~~applicant's criminal history for purposes of verifying the identification of~~  
 8 ~~any individual and in the official determination of the qualifications and~~  
 9 ~~fitness of the individual to provide communication access services.~~

10 ~~(2) Local and state law enforcement officers and agencies shall assist~~  
 11 ~~the commission in taking the fingerprints of individuals. Local and state~~  
 12 ~~law enforcement officers and agencies may charge a fee as reimbursement~~  
 13 ~~for expenses incurred in taking and processing fingerprints under this~~  
 14 ~~section. The Kansas bureau of investigation shall release all records of an~~  
 15 ~~individual's adult convictions to the commission.~~

16 ~~(3) The commission may fix and collect a fee for fingerprinting and~~  
 17 ~~conducting a state and national criminal history record check of~~  
 18 ~~individuals pursuant to this section as may be required by the commission~~  
 19 ~~in an amount equal to the cost of fingerprinting and the criminal history~~  
 20 ~~record check.~~

21 Sec. 100. K.S.A. 2023 Supp. 75-5397f is hereby amended to read as  
 22 follows: 75-5397f. As used in K.S.A 75-4355a through 75-4355d, and  
 23 amendments thereto, and K.S.A. 2023 Supp. 75-5393a through 75-5393d  
 24 and 75-5397f, and amendments thereto:

25 (a) *"Applicant" means a person who has submitted an application for*  
 26 *registration as an interpreter.*

27 (b) *"Commission" means the Kansas commission for the deaf and*  
 28 *hard of hearing.*

29 ~~(b)(c)~~ *"Communication access services" includes, but is not limited*  
 30 *to:*

31 (1) Communication access realtime translation services;

32 (2) notetakers;

33 (3) open and closed captioning services;

34 (4) support service providers for the deaf-blind; and

35 (5) any other effective method of making aurally delivered  
 36 information available to individuals who are deaf or hard of hearing.

37 ~~(e)(d)~~ *"Communication access service provider" means an individual*  
 38 *who is trained to offer a communication access service to communicate*  
 39 *aurally delivered information to individuals who are deaf, hard of hearing*  
 40 *or have speech and language impairments.*

41 ~~(d)(e)~~ *"Employee" means a person registered as a communication*  
 42 *access service provider.*

43 (f) *"Executive director" means the executive director for the Kansas*

1 commission for the deaf and hard of hearing.

2 (e)(g) "Interpreter" means an individual who engages in the practice  
3 of interpreting.

4 (f)(h) "Interpreter service agency" means an entity that contracts with  
5 or employs registered interpreters to provide interpreter services, whether  
6 in person or remotely, for a fee.

7 (g)(i) "Interpreting" means the translating or transliterating of English  
8 concepts to any communication modes of individuals who are deaf, hard  
9 of hearing or have speech and language impairments or the translating or  
10 transliterating of the communication modes of individuals who are deaf,  
11 hard of hearing or have speech and language impairments to English  
12 language concepts. Communication modes include, but are not limited to,  
13 American sign language, English-based sign language, cued speech, oral  
14 transliterating and information received tactually.

15 (h)(j) "Video remote interpreter" means an interpreter who engages in  
16 the practice of video remote interpreting.

17 (i)(k) "Video remote interpreting" means the process that allows an  
18 individual who is deaf or hard of hearing to communicate with a hearing  
19 individual at the same location through an interpreter displayed through  
20 videoconferencing or similar technology.

21 Sec. 101. K.S.A. 75-53,105 is hereby amended to read as follows: 75-  
22 53,105. (a) As used in this section, "secretary" means the secretary for  
23 children and families or the secretary for aging and disability services.

24 (b) The secretary shall upon request receive from the Kansas bureau  
25 of investigation such criminal history record information *in accordance*  
26 *with section 2, and amendments thereto*, as necessary for the purpose of  
27 determining initial and continuing qualification for employment or for  
28 participation in any program administered by the secretary for the  
29 placement, safety, protection or treatment of vulnerable children or adults.

30 (c) ~~The secretary shall have access to any court orders or~~  
31 ~~adjudications of any court of record, any records of such orders,~~  
32 ~~adjudications, arrests, nonconvictions, convictions, expungements,~~  
33 ~~juvenile records, juvenile expungements, diversions and any criminal~~  
34 ~~history record information in the possession of the Kansas bureau of~~  
35 ~~investigation concerning such employee or individual.~~

36 (d) ~~If a nationwide criminal records check of all records noted above~~  
37 ~~is necessary, as determined by the secretary, the secretary's request will be~~  
38 ~~based on the submission of fingerprints to the Kansas bureau of~~  
39 ~~investigation and the federal bureau of investigation for the identification~~  
40 ~~of the individual and to obtain criminal history record information,~~  
41 ~~including arrest and nonconviction data.~~

42 (e) ~~Fees for such records checks shall be assessed to the secretary.~~

43 (f) ~~Disclosure or use of any such information received by the~~

1 ~~secretary or a designee of the secretary or of any record containing such~~  
2 ~~information, for any purpose other than that provided by this act is a class~~  
3 ~~A misdemeanor and shall constitute grounds for removal from office or~~  
4 ~~termination of employment. Nothing in this act shall be construed to make~~  
5 ~~unlawful or prohibit the disclosure of any such information in a hearing or~~  
6 ~~court proceeding involving programs administered by the secretary or~~  
7 ~~prohibit the disclosure of any such information to the post auditor in~~  
8 ~~accordance with and subject to the provisions of the legislative post audit~~  
9 ~~act.~~

10 Sec. 102. K.S.A. 75-5609a is hereby amended to read as follows: 75-  
11 5609a. (a) The secretary of health and environment shall require any  
12 person offered a position of employment in and any employee of the office  
13 of laboratory services of the Kansas department of health and environment  
14 that will have access to a secured biological laboratory *employee* to be  
15 fingerprinted and submit to a state and national criminal history record  
16 check *in accordance with section 2, and amendments thereto.* ~~Such person~~  
17 ~~offered a position of employment or employee shall be given written~~  
18 ~~notice that a fingerprinting and state and national criminal history record~~  
19 ~~check is required as a condition of initial and continued employment. The~~  
20 ~~fingerprints shall be used to identify such person offered a position of~~  
21 ~~employment or employee and to determine whether such person offered a~~  
22 ~~position of employment or employee has a record of criminal history in~~  
23 ~~this state or other jurisdiction. The secretary of health and environment~~  
24 ~~shall submit the fingerprints to the Kansas bureau of investigation and the~~  
25 ~~federal bureau of investigation for a state and national criminal history~~  
26 ~~record check. Local and state law enforcement officers and agencies shall~~  
27 ~~assist the secretary of health and environment in the taking and processing~~  
28 ~~of fingerprints of such persons offered positions of employment or~~  
29 ~~employees.~~

30 (b) ~~The secretary of health and environment shall use the information~~  
31 ~~obtained from fingerprinting and criminal history for the purposes of~~  
32 ~~verifying the identification of any person offered a position of employment~~  
33 ~~or employee in the official determination of the eligibility of such person~~  
34 ~~or employee to perform tasks within the office of laboratory services. If~~  
35 ~~criminal history record information or results of drug screening is used to~~  
36 ~~disqualify a person offered a position of employment or terminate an~~  
37 ~~employee, such person offered a position of employment or employee~~  
38 ~~shall be informed in writing of the purpose of such disqualification or~~  
39 ~~termination from employment.~~

40 (c) ~~As a condition of continued employment, any employee who has~~  
41 ~~access to a secured biological laboratory in the office of laboratory~~  
42 ~~services of the Kansas department of health and environment shall be~~  
43 ~~subject to state and national criminal history record checks at a frequency~~

1 ~~determined by the secretary.~~

2 *(b) As used in this section, "employee" means a person who has been*  
 3 *offered a position of employment in or any employee of the office of*  
 4 *laboratory services of the Kansas department of health and environment*  
 5 *who has or will have access to a secured biological laboratory.*

6 Sec. 103. K.S.A. 75-7241 is hereby amended to read as follows: 75-  
 7 7241. (a) An executive branch agency head, with input from the CISO,  
 8 ~~may shall~~ require ~~employees or contractors of executive branch agencies,~~  
 9 ~~whose duties include collection, maintenance or access to personal~~  
 10 ~~information,~~ *an employee* to be fingerprinted and to submit to a state and  
 11 national criminal history record check *in accordance with section 2, and*  
 12 *amendments thereto*, at least every five years.

13 (b) ~~The fingerprints shall be used to identify the employee and to~~  
 14 ~~determine whether the employee or other such person has a record of~~  
 15 ~~criminal history in this state or another jurisdiction. The executive director~~  
 16 ~~or agency head shall submit the fingerprints to the Kansas bureau of~~  
 17 ~~investigation and the federal bureau of investigation for a state and~~  
 18 ~~national criminal history record check. The executive director or agency~~  
 19 ~~head may use the information obtained from fingerprinting and the~~  
 20 ~~criminal history record check for purposes of verifying the identity of the~~  
 21 ~~employee or other such person and in the official determination of the~~  
 22 ~~qualifications and fitness of the employee or other such person to work in~~  
 23 ~~the position with access to personal information.~~

24 (c) ~~Local and state law enforcement officers and agencies shall assist~~  
 25 ~~the executive director or agency head in the taking and processing of~~  
 26 ~~fingerprints of employees or other such persons. Local law enforcement~~  
 27 ~~officers and agencies may charge a fee as reimbursement for expenses~~  
 28 ~~incurred in taking and processing fingerprints under this section, to be paid~~  
 29 ~~by the executive branch agency employing or contracting the individual~~  
 30 ~~required to submit to fingerprinting and a criminal history record check~~ *As*  
 31 *used in this section, "employee" means a person who has submitted an*  
 32 *application for employment or is currently employed by or contracting*  
 33 *with an executive branch agency whose duties include collection,*  
 34 *maintenance or access to personal information.*

35 Sec. 104. K.S.A. 2-3901, 2-3902, 2-3906, 2-3907, 2-3911, 7-127, 8-  
 36 2,142, 9-508, 9-509, 9-513e, 9-1719, 9-1722, 9-2201, 9-2209, 9-2301, 9-  
 37 2302, 12-1,120, 12-1679, 16a-6-104, 17-2234, 19-826, 39-969, 39-970,  
 38 39-2009, 40-5502, 40-5504, 41-311b, 46-1103, 46-3301, 65-503, 65-  
 39 1501a, 65-1505, 65-1696, 65-2401, 65-2402, 65-2802, 65-2839a, 65-  
 40 28,129, 65-2901, 65-3503, 65-4209, 65-5117, 73-1210a, 74-1112, 74-  
 41 2113, 74-4905, 74-50,182, 74-50,184, 74-5605, 74-5607, 74-7511, 74-  
 42 8704, 74-8705, 74-8763, 74-8769, 74-8803, 74-8805, 74-8806, 74-9802,  
 43 74-9804, 74-9805, 75-712, 75-7b01, 75-7b04, 75-7b21, 75-7e01, 75-7e03,

1 75-3707e, 75-4315d, 75-5133c, 75-5156, 75-53,105, 75-5609a and 75-  
2 7241 and K.S.A. 2023 Supp. 40-4905, 40-5505, 41-102, 50-6,126, 50-  
3 1128, 58-3035, 58-3039, 58-4102, 58-4127, 58-4703, 58-4709, 65-516,  
4 65-1120, 65-1626, 65-2924, 65-3407, 65-6129, 74-5602, 74-8702, 74-  
5 8802, 74-8804, 75-7c02, 75-7c05, 75-5393a, 75-5393c and 75-5397f are  
6 hereby repealed.

7 Sec. 105. This act shall take effect and be in force from and after its  
8 publication in the statute book.