

SENATE BILL No. 215

By Committee on Federal and State Affairs

2-5

9 AN ACT concerning certain boards, commissions and officers; relating
10 to the appointment thereof; amending K.S.A. 2008 Supp. 75-712 and
11 75-4315d and repealing the existing sections.
12

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

14 Section 1. K.S.A. 2008 Supp. 75-712 is hereby amended to read as
15 follows: 75-712. (a) It is the duty of the members of the bureau to make
16 full and complete investigations at the direction of the attorney general.
17 Each member of the bureau shall possess all powers and privileges which
18 are now or may be hereafter given to the sheriffs of Kansas.

19 (b) The bureau shall acquire, collect, classify and preserve criminal
20 identification and other crime records, and may exchange such criminal
21 identification records with the duly authorized officials of governmental
22 agencies, of states, cities and penal institutions.

23 (c) For purposes of carrying out the powers and duties of the bureau,
24 the director may request and accept grants or donations from any person,
25 firm, association or corporation or from the federal government or any
26 federal agency and may enter into contracts or other transactions with
27 any federal agency in connection therewith.

28 (d) The bureau, ~~at the direction of the governor,~~ shall conduct back-
29 ground investigations of: (1) Appointees to positions which are subject to
30 confirmation by the senate of the state of Kansas ~~and;~~ and (2) *at the*
31 *direction of the governor,* all judicial appointments. The bureau shall re-
32 quire the appointee to be fingerprinted. The fingerprints shall be sub-
33 mitted to the bureau and to the federal bureau of investigation for the
34 identification of the appointee and to obtain criminal history record in-
35 formation, including arrest and nonconviction data. Background reports
36 may include criminal intelligence information and information relating to
37 criminal and background investigations. *Except as provided by this sub-*
38 *section,* information received pursuant to this subsection shall be confi-
39 dential and shall not be disclosed except to the appointing authority ~~or~~
40 ~~members of the appointing authority's.~~ *If the appointing authority is the*
41 *governor, information received pursuant to this subsection also may be*
42 *disclosed to the governor's staff as necessary to determine the appointee's*
43 *qualifications or as provided by K.S.A. 2008 Supp. 75-4315d, and amend-*

1 ments thereto.

2 (e) Reports of all investigations made by the members of the bureau
3 shall be made to the attorney general of Kansas.

4 Sec. 2. K.S.A. 2008 Supp. 75-4315d is hereby amended to read as
5 follows: 75-4315d. (a) As used in this section:

6 (1) "Office" means any state office or board, commission, council,
7 committee, authority or other governmental body the members of which
8 are required by law to be appointed by an appointing authority, and which
9 appointment is subject to confirmation by the senate as provided in K.S.A.
10 75-4315b, and amendments thereto.

11 (2) "Appointing authority" means a person, other than the governor,
12 who is required by law to make an appointment to an office.

13 (3) "Chairperson" means the chairperson of the confirmation over-
14 sight committee.

15 (4) "Committee" means the confirmation oversight committee estab-
16 lished by K.S.A. 46-2601, and amendments thereto.

17 (5) "Director" means the director of the Kansas legislative research
18 department or the director's designee.

19 (b) No person may be appointed to an office unless such person has
20 completed and submitted a nomination form as required by the rules of
21 the committee. No person may be appointed to an office unless such
22 person has filed a statement of substantial interest as required by K.S.A.
23 46-247, and amendments thereto. A copy of the nomination form and the
24 statement of substantial interest shall be kept on file in the office of the
25 director and shall be subject to disclosure under the Kansas open records
26 act.

27 (c) No person may be appointed to an office unless such person has
28 consented to a background investigation conducted by the Kansas bureau
29 of investigation. No person may be appointed to an office unless such
30 person ~~consents to the release of tax information by the Kansas depart-~~
31 ~~ment of revenue and the federal internal revenue service to determine if~~
32 ~~is current in the payment of taxes and consents to the release of a tax~~
33 ~~certification by the Kansas department of revenue which states whether~~
34 such person is, or is not, current in the payment of taxes.

35 (d) Any appointing authority who desires to appoint a person to an
36 office shall forward to the chairperson a completed copy of the nomina-
37 tion form, the statement of substantial interest, the consent to the release
38 of ~~tax information~~ *the tax certification* and a written request that a back-
39 ground investigation be conducted on the person nominated for appoint-
40 ment to an office. Upon receipt of such information, the chairperson shall
41 forward such information and a written direction to the director to re-
42 quest the Kansas bureau of investigation to conduct a background inves-
43 tigation of such nominee and to request the Kansas department of rev-

1 enue to release ~~tax information which is necessary to determine if such~~
2 ~~person is current in the payment of taxes~~ *the tax certification for such*
3 *person.* Upon written request of the director and the appointing authority
4 who nominated the person for appointment to an office, it shall be the
5 duty of the Kansas bureau of investigation to conduct a background in-
6 vestigation of any person nominated for appointment to an office. Any
7 person nominated for appointment to an office shall submit such person's
8 fingerprints to the Kansas bureau of investigation for the purposes of
9 verifying the identity of such person and obtaining records of criminal
10 arrests and convictions. Upon written request of the director, it shall be
11 the duty of the Kansas department of revenue to release to the director
12 tax information requested pursuant to this section.

13 (e) The director may receive from the Kansas bureau of investigation
14 or other criminal justice agencies, including, but not limited to, the fed-
15 eral bureau of investigation and the federal internal revenue service, such
16 criminal history record information (including arrest and nonconviction
17 data), criminal intelligence information and information relating to crim-
18 inal and background investigations as necessary for the purpose of deter-
19 mining qualifications of a person nominated to be appointed to an office.
20 Upon the written request of the director, the director may receive from
21 the district courts such information relating to juvenile proceedings as
22 necessary for the purpose of determining qualifications of a person nom-
23 inated to be appointed to an office.

24 (f) Any information received by the director pursuant to this section
25 *from the Kansas department of revenue or the Kansas bureau of investi-*
26 *gation* shall be kept on file in the office of the director or in a secure
27 location under the control of the director within the Kansas legislative
28 research department. After receipt of information, the director shall no-
29 tify the appointing authority who nominated the person for appointment
30 to an office and the nominee that the information is available for review
31 in the office of the director. Upon the written request of such appointing
32 authority or the nominee, the director shall allow such appointing au-
33 thority ~~or~~ *and the* nominee to review the information. Such information
34 shall not be removed from the office of the director and shall not be
35 duplicated or copied in any manner. If the appointing authority chooses
36 to proceed with the nomination of the person for appointment to an
37 office, the director shall notify the chairperson and the ~~ranking minority~~
38 ~~member~~ *vice chairperson* of the committee that such information is avail-
39 able for review by either legislator, or both, upon the written request of
40 either legislator, or both.

41 (g) Any information *received by the director pursuant to this section*
42 *from the Kansas department of revenue or the Kansas bureau of investi-*
43 *gation*, other than conviction data ~~received by the director pursuant to~~

1 ~~subsection (e)~~, shall be confidential. Except as provided by section 22 of
2 article 2 of the Kansas constitution and subsection (f), such confidential
3 information shall not be disclosed to any other person. Any other inten-
4 tional disclosure of such confidential information is a class A nonperson
5 misdemeanor. Any person who intentionally or unintentionally discloses
6 confidential information in violation of this section may be removed from
7 office or employment.

8 (h) Any information received by the director pursuant to this section
9 which relates to a person whose nomination for appointment to an office
10 is confirmed by the senate as provided by K.S.A. 75-4315b, and amend-
11 ments thereto, may be disposed of in the manner provided by K.S.A. 75-
12 3501 et seq., and amendments thereto. Any information received by the
13 director pursuant to this section which relates to a person whose nomi-
14 nation is withdrawn or whose appointment is not confirmed by the senate
15 as provided by K.S.A. 75-4315b, and amendments thereto, shall be de-
16 stroyed by the director. The destruction of such records shall occur no
17 sooner than one year, and no later than two years, following the with-
18 drawal of the nomination of the appointment or the failure of the senate
19 to confirm the appointment of such person.

20 Sec. 3. K.S.A. 2008 Supp. 75-712 and 75-4315d are hereby repealed.

21 Sec. 4. This act shall take effect and be in force from and after its
22 publication in the statute book.