



**Kansas Legislative Research Department**

*Providing nonpartisan, objective research and fiscal analysis for the Kansas Legislature since 1934*

68-West-Statehouse | 300 SW 10th Ave. | Topeka, Kansas 66612-1504  
(785) 296-3181

kslegres@klrd.ks.gov

<https://klrd.gov/>

February 1, 2026

**To:** Senate Committee on Judiciary

**From:** Edward Penner, Assistant Director for Research

**Re:** Informational Testimony - SB 427

This memorandum outlines relevant information regarding the history of Senate confirmation oversight of non-gubernatorial appointees, the current process for the review of certain criminal history record information for candidates for such appointments, and the changes proposed to be made to that process by SB 427.

### **Background to Current Process – 2008 SB 21**

In 2008, the Legislature enacted SB 21, which updated a variety of provisions related to the Senate's review of candidates for various positions subject to confirmation by the Senate. This legislation created a specific process for appointments made by entities other than the Governor. For such appointments, the bill required the appointing authority to submit a variety of materials to the Chairperson of the Senate Committee on Confirmation Oversight, which were then forwarded to the Director of Legislative Research (Director). Among other things, the Director then makes a request of the Kansas Bureau of Investigation (KBI) to conduct a background investigation on the applicant.

The Director is required to keep information received pursuant to the request in a locked file in the Director's office and it may not leave the office or be duplicated in any way. The Chairperson and Vice Chairperson of the Senate Committee on Confirmation Oversight are permitted to review the confidential information in the Director's office.

### **Change in Release of Confidential Information – 2024 SB 491**

In 2024, the Legislature enacted SB 491, which made changes to law governing the confidentiality of certain fingerprinting and criminal history records information. The bill generally standardized the provisions related to the release of such information. In so doing, the bill specified that for non-gubernatorial appointees to positions requiring Senate confirmation, the information could only be released to appointing authorities. Accordingly, the law, as currently written, requires the Director of Legislative Research to request certain information from the KBI that the KBI is not legally permitted to release to the Director.

In working with staff from the Attorney General's office and the KBI, KLRD has currently reconciled that issue by requesting the information as required by law and, in the same

communication, requesting that any restricted information not be provided to KLRD, but rather only to the appointing authority. However, this process results in the information not being available in the Director's office for review by the Chairperson and Vice Chairperson of the Senate Committee on Confirmations Oversight.

### **Changes Made by SB 427**

SB 427 would eliminate the involvement of the Director of Legislative Research in the background investigation process for non-gubernatorial appointees and rather require the appointing authority to request the information from the KBI and then make the information available for review by the Chairperson and Vice Chairperson of the Senate Committee on Confirmation Oversight. This change would reinstate the availability of the information for review by the Chairperson and Vice Chairperson, while generally maintaining 2024 SB 491's limitation on the release of confidential information.

The bill would eliminate the distinction between gubernatorial and non-gubernatorial appointments with regard to the requirements of KSA 75-4315d. Under the bill, the procedures for the submission and Senate's review of information pertaining to an appointment requiring confirmation by the Senate would apply uniformly to all such appointments.