

SENATE Substitute for HOUSE BILL No. 2267

AN ACT concerning certain boards, commissions and officers; relating to the appointment thereof; amending K.S.A. 22-4607 and K.S.A. 2008 Supp. 74-99e02, 74-99e03, 74-99e04, 75-712 and 75-4315d and repealing the existing sections.

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

Section 1. K.S.A. 22-4607 is hereby amended to read as follows: 22-4607. (a) A 15-member task force on racial profiling shall be appointed by the governor. The task force shall include representatives of the Kansas attorney general's office, the Kansas highway patrol, city and county law enforcement agencies, the Hispanic and Latino American affairs commission, the advisory commission on African-American affairs, the department of revenue, Kansas human rights commission, Kansas district courts, Kansas civil rights advocates and others who can assist in the performance of the functions of the task force.

(b) The governor's task force on racial profiling shall work in partnership with local and state law enforcement agencies to review current policies and make recommendations for future policies and procedures statewide for the full implementation of the provisions of K.S.A. 22-4606 through 22-4611, and amendments thereto. The task force shall hold public hearings and meetings as needed to involve and inform the public on issues related to racial profiling.

~~(c) Members of the task force serving on the effective date of this act shall continue to serve terms until July 1, 2007. Thereafter, members shall be appointed for terms of two years. Vacancies shall be filled by appointment for the unexpired term. Upon expiration of a member's term, the member shall serve until a successor is appointed and qualifies. No member shall serve more than two consecutive full terms.~~

(c) *On July 1, 2009, the governor shall appoint the membership of the task force. Any person serving as a member of the task force on June 30, 2009, may be reappointed. The terms of members appointed or reappointed to the task force shall expire on July 1, 2011. Vacancies occurring before the expiration of a term shall be filled in the same manner as the original appointment.*

(d) The chairperson of the task force shall be designated by the governor. The task force shall meet at the call of the chairperson at least quarterly or as often as necessary to carry out the functions of the task force.

(e) The staff of the Kansas advisory commission on African-American affairs and the Kansas Hispanic/Latino American affairs commission shall provide administrative support to the task force and its chairperson.

(f) Members of the task force attending a meeting of the task force, or any subcommittee meeting authorized by the task force, shall receive amounts provided for in subsection (e) of K.S.A. 75-3223, and amendments thereto.

(g) The task force shall make a report of its activity to the public each calendar year.

(h) The provisions of this section shall expire on July 1, ~~2009~~ 2011.

Sec. 2. K.S.A. 2008 Supp. 75-712 is hereby amended to read as follows: 75-712. (a) It is the duty of the members of the bureau to make full and complete investigations at the direction of the attorney general. Each member of the bureau shall possess all powers and privileges which are now or may be hereafter given to the sheriffs of Kansas.

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

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

(d) The bureau, ~~at the direction of the governor,~~ shall conduct background investigations of: (1) Appointees to positions which are subject to confirmation by the senate of the state of Kansas ~~and;~~ and (2) *at the direction of the governor,* all judicial appointments. The bureau shall require the appointee to be fingerprinted. The fingerprints shall be submitted to the bureau and to the federal bureau of investigation for the identification of the appointee and to obtain criminal history record in-

formation, including arrest and nonconviction data. Background reports may include criminal intelligence information and information relating to criminal and background investigations. *Except as provided by this subsection, information received pursuant to this subsection shall be confidential and shall not be disclosed except to the appointing authority or members of the appointing authority's or as provided by K.S.A. 2008 Supp. 75-4315d, and amendments thereto. If the appointing authority is the governor, information received pursuant to this subsection also may be disclosed to the governor's staff as necessary to determine the appointee's qualifications or as provided by K.S.A. 2008 Supp. 75-4315d, and amendments thereto.*

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

Sec. 3. K.S.A. 2008 Supp. 75-4315d is hereby amended to read as follows: 75-4315d. (a) As used in this section:

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

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

(3) "Chairperson" means the chairperson of the confirmation oversight committee.

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

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

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

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

(d) Any appointing authority who desires to appoint a person to an office shall forward to the chairperson a completed copy of the nomination form, the statement of substantial interest, the consent to the release of ~~tax information~~ *the tax certification* and a written request that a background investigation be conducted on the person nominated for appointment to an office. Upon receipt of such information, the chairperson shall forward such information and a written direction to the director to request the Kansas bureau of investigation to conduct a background investigation of such nominee and to request the Kansas department of revenue to release ~~tax information which is necessary to determine if such person is current in the payment of taxes~~ *the tax certification for such person.* Upon written request of the director and the appointing authority who nominated the person for appointment to an office, it shall be the duty of the Kansas bureau of investigation to conduct a background investigation of any person nominated for appointment to an office. Any person nominated for appointment to an office shall submit such person's fingerprints to the Kansas bureau of investigation for the purposes of verifying the identity of such person and obtaining records of criminal arrests and convictions. Upon written request of the director, it shall be the duty of the Kansas department of revenue to release to the director ~~tax information~~ *certification* requested pursuant to this section.

(e) The director may receive from the Kansas bureau of investigation or other criminal justice agencies, including, but not limited to, the fed-

eral bureau of investigation and the federal internal revenue service, such criminal history record information (including arrest and nonconviction data), criminal intelligence information and information relating to criminal and background investigations as necessary for the purpose of determining qualifications of a person nominated to be appointed to an office. Upon the written request of the director, the director may receive from the district courts such information relating to juvenile proceedings as necessary for the purpose of determining qualifications of a person nominated to be appointed to an office.

(f) Any information received by the director pursuant to this section ~~from the Kansas department of revenue or the Kansas bureau of investigation~~ shall be kept on file in the office of the director or in a secure location under the control of the director within the Kansas legislative research department. After receipt of information, the director shall notify the appointing authority who nominated the person for appointment to an office and the nominee that the information is available for review in the office of the director. Upon the written request of such appointing authority or the nominee, the director shall allow such appointing authority ~~or and the~~ nominee to review the information. Such information shall not be removed from the office of the director and shall not be duplicated or copied in any manner. If the appointing authority chooses to proceed with the nomination of the person for appointment to an office, the director shall notify the chairperson and the ~~ranking minority member~~ *vice chairperson* of the committee that such information is available for review by either legislator, or both, upon the written request of either legislator, or both.

(g) Any information ~~received by the director pursuant to this section from the Kansas department of revenue or the Kansas bureau of investigation~~, other than conviction data ~~received by the director pursuant to subsection (c)~~, shall be confidential. Except as provided by section 22 of article 2 of the Kansas constitution and subsection (f), such confidential information shall not be disclosed to any other person. Any other intentional disclosure of such confidential information is a class A nonperson misdemeanor. Any person who intentionally or unintentionally discloses confidential information in violation of this section may be removed from office or employment.

(h) Any information received by the director pursuant to this section which relates to a person whose nomination for appointment to an office is confirmed by the senate as provided by K.S.A. 75-4315b, and amendments thereto, may be disposed of in the manner provided by K.S.A. 75-3501 et seq., and amendments thereto. Any information received by the director pursuant to this section which relates to a person whose nomination is withdrawn or whose appointment is not confirmed by the senate as provided by K.S.A. 75-4315b, and amendments thereto, shall be destroyed by the director. The destruction of such records shall occur no sooner than one year, and no later than two years, following the withdrawal of the nomination of the appointment or the failure of the senate to confirm the appointment of such person.

Sec. 4. K.S.A. 2008 Supp. 74-99e02 is hereby amended to read as follows: 74-99e02. (a) There is hereby established a body politic and corporate to be known as the Kansas commission on rural policy. The commission shall be an independent instrumentality of the state. The exercise by the commission of the powers conferred by this act shall be deemed and held to be the performance of an essential governmental function.

(b) (1) The Kansas commission on rural policy shall ~~be governed by a board of directors consisting~~ *consist* of 12 members.

(2) Nine members of the ~~board of directors~~ *commission* shall be voting members appointed as follows: Three shall be appointed by the governor, two shall be appointed by the speaker of the house of representatives, two shall be appointed by the president of the senate, one shall be appointed by the minority leader of the house of representatives and one shall be appointed by the minority leader of the senate. Each ~~member appointed to the board of directors~~ *person appointed to the commission* shall be recognized for outstanding knowledge and leadership in one of the following business sectors or key areas:

- (A) Agriculture;
- (B) oil and gas;

- (C) aviation;
- (D) finance and banking;
- (E) tourism;
- (F) any other primary, job creating, value added business sector;
- (G) fostering leadership;
- (H) encouraging wealth retention and generation;
- (I) developing entrepreneurship;
- (J) retaining youth in rural communities; and
- (K) health care.

~~(3) All voting members appointed to the board shall be subject to senate confirmation as provided in K.S.A. 75-4315b, and amendments thereto. Any voting member appointed to the board whose nomination is subject to confirmation during a regular session of the legislature shall be deemed terminated when the senate rejects the nomination. No such termination shall affect the validity of any action taken by such member of the board before such termination.~~

~~(4) The terms of the nine voting members first appointed to the board of directors shall be as follows: Four years for members appointed by the governor, three years for members appointed by the speaker of the house of representatives and the president of the senate and two years for members appointed by the minority leader of the house of representatives and the minority leader of the senate. Members of the first board shall be appointed by September 1, 2008. Subsequent terms of all voting members appointed to the board shall be for four years.~~

~~(3) (A) Except as provided by paragraph (B) for members first appointed to the commission, voting members shall be appointed for terms of four years and until a successor is appointed and qualified.~~

~~(B) The terms of the voting members first appointed to the commission shall expire as follows: The terms of members appointed by the governor shall expire on June 30, 2012; the terms of members appointed by the president and minority leader of the senate shall expire on June 30, 2011; and the terms of members appointed by the speaker and minority leader of the house of representatives shall expire on June 30, 2010.~~

~~(5) (4) The other three members of the board of directors commission shall serve ex officio: The secretary of commerce, the secretary of agriculture and the president of Kansas, Inc. Each ex officio member of the commission may designate an officer or employee of the state agency or organization of the ex officio member to serve on the commission in place of the ex officio member. The ex officio members of the commission, or their designees, shall be nonvoting members of the commission and shall provide information and advice to the commission.~~

~~(c) The Kansas commission on rural policy board of directors commission shall elect annually from among its voting members a chairperson, vice-chairperson and secretary. Five voting members of the board commission shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the board commission. No vacancy in the membership of the board commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the board commission.~~

~~(d) Members of the commission attending any meeting of the commission or any subcommittee meeting authorized by the commission shall be paid amounts as provided in K.S.A. 75-3223, and amendments thereto.~~

~~(e) All resolutions and orders of the Kansas commission on rural policy board of directors commission shall be recorded and authenticated by the signature of the secretary or a person designated by the secretary. The book of resolutions, orders, minutes of open meetings, annual reports and annual financial statements of the commission shall be public records as defined by K.S.A. 45-215 et seq., and amendments thereto. All public records shall be subject to regular audit as provided in K.S.A. 46-1106, and amendments thereto.~~

~~(f) The commission is hereby authorized to engage legal counsel, expert advisers or executive staff to carry out the duties of the commission. Compensation for such counsel, advisers or staff shall be determined by the commission within the limits of available funds.~~

~~(g) The commission is hereby authorized to accept grants, gifts, bequests and other financial or in-kind contributions.~~

~~(h) To facilitate the organization and start-up of the commission, the department of commerce shall provide administrative assistance until~~

such time as the commission has resources to provide staffing on its own. In no event shall such assistance continue beyond September 1, 2010.

Sec. 5. K.S.A. 2008 Supp. 74-99e03 is hereby amended to read as follows: 74-99e03. (a) The Kansas commission on rural policy shall develop recommendations for community-based programming and funding in the following key areas: Fostering leadership; encouraging wealth retention and generation; developing entrepreneurship through the coordination of existing programs; and retaining youth in rural communities. The commission shall not compete with, duplicate or assume the responsibilities or functions of existing federal or state funded programs and organizations, in delivering services related to the above key areas, but will design, collaborate with and optimize the activities of such other agencies in a comprehensive effort.

(b) Prior to July 1, ~~2009~~ 2010, the commission shall perform the following:

(1) Develop a comprehensive plan for fulfillment of the commission's duties, including an evaluation of the current efforts being utilized to fulfill the commission's objectives, and report on the best practices currently being conducted and on the commission's activities to the legislature during the ~~2009~~ 2010 legislative session;

(2) develop partnerships with other organizations to offer technical assistance to rural communities seeking programming assistance; and

(3) develop partnerships with private organizations and institutions engaged in rural development strategies to identify best practices and make those resources available to rural communities through a centralized point of contact.

(c) In addition to the duties set forth in subsection (b), the commission, once appointed and confirmed, shall perform the following:

(1) Develop on-the-ground resources for rural communities utilizing existing resources and partnerships or by developing new efforts and strategies;

(2) act in concert with contracting organizations to develop fundamental capacity building resources to assist communities in achieving growth using the key areas set forth in subsection (a);

(3) review rural development programs in other state agencies and provide strategic recommendations to such agencies *including, but not limited to, programs that promote new homestead opportunities for individuals, new incentives for businesses to expand or relocate and general business development*;

(4) serve as a convener of organizations engaged in activities focused on the key areas set forth in subsection (a) to develop unified recommendations for rural development efforts across the state;

(5) develop and recommend to the secretary of commerce a strategic mission for the office of rural opportunity;

(6) report annually to the legislature with each annual report to include a report on the activities of the commission, recommendations by the commission and suggestions for legislation.

Sec. 6. K.S.A. 2008 Supp. 74-99e04 is hereby amended to read as follows: 74-99e04. The provisions of K.S.A. 2008 Supp. 74-99e01 through 74-99e04, and amendments thereto, shall expire on July 1, ~~2011~~ 2012.

Sec. 7. K.S.A. 22-4607 and K.S.A. 2008 Supp. 74-99e02, 74-99e03, 74-99e04, 75-712 and 75-4315d are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

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

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

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

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

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

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

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

APPROVED \_\_\_\_\_

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