

SENATE BILL No. 427

By Committee on Judiciary

1-29

1 AN ACT concerning the senate committee on confirmation oversight;
2 clarifying that the chairperson and vice chairperson shall have access to
3 review tax information and Kansas bureau of investigation background
4 checks on persons appointed to office who are subject to senate
5 confirmation; amending K.S.A. 2025 Supp. 22-4714, 75-712 and 75-
6 4315d and repealing the existing sections.
7

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

9 Section 1. K.S.A. 2025 Supp. 22-4714 is hereby amended to read as
10 follows: 22-4714. (a) A governmental agency other than a criminal justice
11 agency as defined in K.S.A. 22-4701, and amendments thereto, identified
12 in subsection (b) may require a person to be fingerprinted and shall submit
13 such fingerprints to the Kansas bureau of investigation and the federal
14 bureau of investigation for a search of the state and federal database.
15 Fingerprints provided pursuant to this section may be used to identify a
16 person and to determine whether such person has a record of criminal
17 history in this state or in another jurisdiction. An agency identified in
18 subsection (b) may use the information obtained from the criminal history
19 record check for the purposes of verifying the identification of a person
20 and in the official determination of the qualifications and fitness of such
21 person to be issued or maintain employment, licensure, registration,
22 certification or a permit, act as an agent of a licensee, hold ownership of a
23 licensee or serve as a director or officer of a licensee.

24 (b) (1) The Kansas bureau of investigation shall release criminal
25 history record information related to adult convictions, adult non-
26 convictions, adult diversions, adult expunged records, juvenile
27 adjudications, juvenile non-adjudications, juvenile diversions and juvenile
28 expunged records to:

29 (A) The Kansas department for children and families or the Kansas
30 department for aging and disability services for initial or continuing
31 employment or participation in any program administered for the
32 placement, safety, protection or treatment of vulnerable children or adults
33 as described in K.S.A. 75-53,105, and amendments thereto;

34 (B) the attorney general for applicants as defined in K.S.A. 75-7b01,
35 and amendments thereto, in connection with such application as described
36 in K.S.A. 75-7b04 and 75-7b17, and amendments thereto;

1 (C) the attorney general for applicants as defined in K.S.A. 75-7c02,
2 and amendments thereto, in connection with such application as described
3 in K.S.A. 75-7c05, and amendments thereto;

4 (D) the attorney general for applicants as defined in K.S.A. 75-7b01,
5 and amendments thereto, in connection with such application for
6 certification as described in K.S.A. 75-7b21, and amendments thereto; and

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

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

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

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

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

25 (A) The emergency medical services board for applicants as defined
26 in K.S.A. 65-6129, and amendments thereto, in connection with such
27 application as described in K.S.A. 65-6129, and amendments thereto;

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

32 (C) the state gaming agency for candidates for employees and
33 licensees as defined in K.S.A. 74-9802, and amendments thereto, in
34 connection with such employment or license as described in K.S.A. 74-
35 9805, and amendments thereto.

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

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

43 (B) the commission on peace officers' standards and training for

1 applicants for certification under the Kansas law enforcement training act
2 as described in K.S.A. 74-5607, and amendments thereto.

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

6 (A) The athletic commission within the Kansas department of
7 commerce for a candidate for boxing commission as defined in K.S.A. 74-
8 50,182, and amendments thereto, in connection with such appointment as
9 described in K.S.A. 74-50,184, and amendments thereto;

10 (B) the secretary of health and environment for employees at a child
11 care facility as defined in K.S.A. 65-503, and amendments thereto, in
12 connection with such employment as described in K.S.A. 65-516, and
13 amendments thereto;

14 (C) the secretary of commerce for final applicants for a sensitive
15 position or employees in a sensitive position as defined in K.S.A. 2025
16 Supp. 74-5005a, and amendments thereto, in connection with such
17 employment as described in K.S.A. 2025 Supp. 74-5005a, and
18 amendments thereto;

19 (D) the secretary of labor for employees as defined in K.S.A. 75-
20 5702, and amendments thereto, in connection with such employment as
21 described in K.S.A. 75-5702, and amendments thereto; and

22 (E) the state bank commissioner for any officer, partner, member,
23 owner, principal or director of an applicant or registrant in connection with
24 such application or registration as described in K.S.A. 2025 Supp. 9-2411,
25 and amendments thereto.

26 (6) The Kansas bureau of investigation shall release criminal history
27 record information related to adult convictions and juvenile adjudications
28 to:

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

32 (B) the Kansas department for aging and disability services for
33 applicants as defined in K.S.A. 39-2009, and amendments thereto, in
34 connection with such application as described in K.S.A. 39-2009, and
35 amendments thereto; and

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

39 (7) The Kansas bureau of investigation shall release criminal history
40 record information related to adult convictions and adult non-convictions
41 to:

42 (A) The division of motor vehicles within the department of revenue
43 for applicants for reinstatement of a license to drive a commercial motor

1 vehicle as described in K.S.A. 8-2,142, and amendments thereto;

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

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

10 (D) the state board of healing arts for applicants or licensees as
11 defined in K.S.A. 65-2802, and amendments thereto, in connection with
12 such application or an investigation as described in K.S.A. 65-28,129, and
13 amendments thereto;

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

18 (F) the board of nursing for applicants as defined in K.S.A. 74-1112,
19 and amendments thereto, in connection with such application as described
20 in K.S.A. 74-1112, and amendments thereto;

21 (G) the behavioral sciences regulatory board for licensees as defined
22 in K.S.A. 74-7511, and amendments thereto, in connection with such
23 application or license as described in K.S.A. 74-7511, and amendments
24 thereto;

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

28 (I) the attorney general for appointees of the governor to positions
29 subject to confirmation by the senate and judicial appointees as described
30 in K.S.A. 75-712, and amendments thereto;

31 (J) appointing authorities as defined in K.S.A. 75-4315d, and
32 amendments thereto, for nongubernatorial appointees *to positions subject*
33 *to confirmation by the senate as described in K.S.A. 75-712, and*
34 *amendments thereto, and* as described in K.S.A. 75-4315d, and
35 amendments thereto;

36 (K) the Kansas real estate commission for applicants as defined in
37 K.S.A. 58-3035, and amendments thereto, or for licensees as defined in
38 K.S.A. 58-3035, and amendments thereto, in connection with an
39 investigation as described in K.S.A. 58-3039, and amendments thereto;

40 (L) the insurance commissioner for applicants for licensure as an
41 insurance agent as defined in K.S.A. 40-4902, and amendments thereto, in
42 connection with such application as described in K.S.A. 40-4905, and
43 amendments thereto;

1 (M) the insurance commissioner for applicants as defined in K.S.A.
2 40-5501, and amendments thereto, in connection with such application as
3 described in K.S.A. 40-5505, and amendments thereto; and

4 (N) the state bank commissioner for applicants in control of a
5 licensee, licensees or key individuals as defined in K.S.A. 2025 Supp. 9-
6 555, and amendments thereto, in connection with such application as
7 described in K.S.A. 2025 Supp. 9-565, and amendments thereto.

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

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

13 (B) the department of agriculture for applicants for licensure as a
14 hemp producer as defined in K.S.A. 2-3901, and amendments thereto, in
15 connection with such application as described in K.S.A. 2-3906, and
16 amendments thereto;

17 (C) the office of state fire marshal for applicants for registration as a
18 hemp processor as defined in K.S.A. 2-3901, and amendments thereto, in
19 connection with such application as described in K.S.A. 2-3907, and
20 amendments thereto;

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

24 (E) the bank commissioner for any applicant as defined in K.S.A. 9-
25 508, and amendments thereto, in connection with such application as
26 described in K.S.A. 9-509, and amendments thereto;

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

30 (G) the bank commissioner for any applicant as defined in K.S.A. 9-
31 1719, and amendments thereto, in connection with such application as
32 described in K.S.A. 9-1722, and amendments thereto;

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

37 (I) the state banking board for any officer, director or organizer of a
38 proposed fiduciary financial institution as defined in K.S.A. 9-2301, and
39 amendments thereto, in connection with such role as described in K.S.A.
40 9-2302, and amendments thereto;

41 (J) municipalities for applicants for merchant or security police as
42 described in K.S.A. 12-1679, and amendments thereto;

43 (K) the bank commissioner for applicants as defined in K.S.A. 16a-6-

1 104, and amendments thereto, in connection with such application as
2 described in K.S.A. 16a-6-104, and amendments thereto;

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

7 (M) the division of alcoholic beverage control within the department
8 of revenue for applicants as defined in K.S.A. 41-102, and amendments
9 thereto, in connection with such application as described in K.S.A. 41-
10 311b, and amendments thereto;

11 (N) the division of post audit for employees as defined in K.S.A. 46-
12 1103, and amendments thereto, in connection with such employment as
13 described in K.S.A. 46-1103, and amendments thereto;

14 (O) the bank commissioner for licensees as defined in K.S.A. 50-
15 1126, and amendments thereto, in connection with such license as
16 described in K.S.A. 50-1128, and amendments thereto;

17 (P) the real estate appraisal board for licensees as defined in K.S.A.
18 58-4102, and amendments thereto, in connection with an application or
19 investigation as described in K.S.A. 58-4127, and amendments thereto;

20 (Q) the real estate appraisal board for applicants as defined in K.S.A.
21 58-4703, and amendments thereto, in connection with such application as
22 described in K.S.A. 58-4709, and amendments thereto;

23 (R) the department of health and environment for an employee as
24 defined in K.S.A. 65-2401, and amendments thereto, in connection with
25 such employment as described in K.S.A. 65-2402, and amendments
26 thereto;

27 (S) the Kansas office of veterans services for candidates as defined in
28 K.S.A. 73-1210a, and amendments thereto, in connection with an
29 application as described in K.S.A. 73-1210a, and amendments thereto;

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

33 (U) the department of revenue for employees as defined in K.S.A. 75-
34 5133c, and amendments thereto, in connection with such employment as
35 described in K.S.A. 75-5133c, and amendments thereto;

36 (V) the division of motor vehicles within the department of revenue
37 for employees as defined in K.S.A. 75-5156, and amendments thereto, in
38 connection with such employment as described in K.S.A. 75-5156, and
39 amendments thereto;

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

1 (X) the Kansas commission for the deaf and hard of hearing for
2 employees as defined in K.S.A. 75-5397f, and amendments thereto, in
3 connection with such employment as described in K.S.A. 75-5393c, and
4 amendments thereto;

5 (Y) the department of health and environment for employees as
6 defined in K.S.A. 75-5609a, and amendments thereto, in connection with
7 such employment as described in K.S.A. 75-5609a, and amendments
8 thereto; and

9 (Z) an executive branch agency head for employees as defined in
10 K.S.A. 75-7241, and amendments thereto, in connection with such
11 employment as described in K.S.A. 75-7241, and amendments thereto.

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

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

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

20 (f) (1) Fingerprints and criminal history record information received
21 pursuant to this section shall be confidential and shall not be subject to the
22 provisions of the Kansas open records act, K.S.A. 45-215 et seq., and
23 amendments thereto. The provisions of this paragraph shall expire on July
24 1, 2029, unless the legislature reviews and reenacts this provision pursuant
25 to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

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

30 Sec. 2. K.S.A. 2025 Supp. 75-712 is hereby amended to read as
31 follows: 75-712. (a) It is the duty of the members of the bureau to make
32 full and complete investigations at the direction of the attorney general.
33 Each member of the bureau shall possess all powers and privileges ~~which~~
34 *that* are now or may be hereafter given to the sheriffs of Kansas.

35 (b) (1) The bureau shall acquire, collect, classify and preserve
36 criminal identification and other crime records; and may exchange such
37 criminal identification records with the duly authorized officials of
38 governmental agencies, of states, cities and penal institutions.

39 (2) The bureau shall make available to the governor's domestic
40 violence fatality review board crime record information related to
41 domestic violence, including, but not limited to, type of offense, type of
42 victim and victim relationship to offender, as found on the Kansas standard
43 offense report. Such crime record information shall be made available only

1 in a manner that does not identify individual offenders or victims.

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

7 (d) (1) The bureau shall conduct background investigations of:

8 (A) Appointees to positions ~~which~~ *that* are subject to confirmation by
9 the senate of the state of Kansas; and

10 (B) at the direction of the governor, all judicial appointments.

11 (2) The bureau shall require the appointee to be fingerprinted in
12 accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto. If
13 the appointing authority is the governor, information received pursuant to
14 this subsection also may be disclosed to the governor's staff as necessary
15 to determine the appointee's qualifications. *For appointments that are*
16 *subject to confirmation by the senate, information received pursuant to*
17 *this subsection also may be disclosed in accordance with K.S.A. 75-4315d,*
18 *and amendments thereto, to the chairperson and vice chairperson of the*
19 *senate committee on confirmation oversight as established by K.S.A. 46-*
20 *2601, and amendments thereto, as necessary to determine an appointee's*
21 *qualification.*

22 (3) *Any information received pursuant to this subsection, other than*
23 *conviction data, shall be confidential. Except as provided by section 22 of*
24 *article 2 of the Kansas constitution and this subsection, such confidential*
25 *information shall not be disclosed to any other person. ~~Any other~~*
26 *~~intentional disclosure of such confidential information is a class A~~*
27 *~~nonperson misdemeanor. Any person who intentionally or unintentionally~~*
28 *~~discloses confidential information in violation of this section may be~~*
29 *~~removed from office or employment.~~*

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

32 Sec. 3. K.S.A. 2025 Supp. 75-4315d is hereby amended to read as
33 follows: 75-4315d. (a) As used in this section:

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

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

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

43 (4) "Vice chairperson" means the vice chairperson of the

1 *confirmations oversight committee.*

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

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

6 (b) No person may be appointed to an office unless such person has
7 completed and submitted a nomination form as required by the rules of the
8 committee. *Such form shall be accompanied by the release of a tax*
9 *certification, and such person shall consent to a background investigation*
10 *as required by subsection (c).* No person may be appointed to an office
11 unless such person has filed a statement of substantial interest as required
12 by K.S.A. 46-247, and amendments thereto. A copy of the nomination
13 form and the statement of substantial interest shall be kept on file in the
14 office of the ~~director~~ *appointing authority* and shall be subject to
15 disclosure under the Kansas open records act.

16 (c) No person may be appointed to an office unless such person has
17 consented to a background investigation conducted by the Kansas bureau
18 of investigation *in accordance with K.S.A. 22-4714, and amendments*
19 *thereto.* No person may be appointed to an office unless such person is
20 current in the payment of taxes and consents to the release of a tax
21 certification by the Kansas department of revenue ~~which that states~~
22 whether such person is, or is not, current in the payment of taxes.

23 (d) Any appointing authority who desires to appoint a person to an
24 office shall forward to the chairperson a completed copy of the nomination
25 form, ~~the statement of substantial interest, the consent to the release of the~~
26 ~~tax certification and a written request that a background investigation be~~
27 ~~conducted on the person nominated for appointment to an office. Upon~~
28 ~~receipt of such information, the chairperson shall forward such~~
29 ~~information and a written direction to the director to request the Kansas~~
30 ~~bureau of investigation to conduct a background investigation of such~~
31 ~~nominee in accordance with K.S.A. 2024 Supp. 22-4714, and amendments~~
32 ~~thereto, and to request the Kansas department of revenue to release the tax~~
33 ~~certification for such person.~~

34 (e) Any information received by the ~~director~~ *appointing authority*
35 pursuant to this section from the Kansas department of revenue or the
36 Kansas bureau of investigation shall be kept on file in the office of the
37 ~~director~~ *appointing authority* or in a secure location under the control of
38 the ~~director~~ *within the Kansas legislative research department appointing*
39 *authority.* After receipt of information, ~~the director if the appointing~~
40 ~~authority chooses to proceed with the nomination of the person, the~~
41 ~~appointing authority shall notify the appointing authority who nominated~~
42 ~~the person for appointment to an office and the nominee chairperson and~~
43 ~~vice chairperson that the information is available for review in the office~~

1 of the ~~director~~ *appointing authority*. Upon the written request of such
2 ~~appointing authority chairperson, vice chairperson~~ or the nominee, the
3 ~~director appointing authority~~ shall allow such ~~appointing authority and~~
4 ***chairperson, vice chairperson or*** the nominee to review the information.
5 Such information shall not be removed from the office of the ~~director~~
6 *appointing authority* and shall not be duplicated or copied in any manner.
7 ~~If the appointing authority chooses to proceed with the nomination of the~~
8 ~~person for appointment to an office, the director shall notify the~~
9 ~~chairperson and the vice chairperson of the committee that such~~
10 ~~information is available for review by either legislator, or both, upon the~~
11 ~~written request of either legislator, or both.~~

12 (f) Any information received by the ~~director~~ *appointing authority*
13 pursuant to this section ~~which that~~ relates to a person whose nomination
14 for appointment to an office is confirmed by the senate as provided by
15 K.S.A. 75-4315b, and amendments thereto, may be disposed of in the
16 manner provided by K.S.A. 75-3501 et seq., and amendments thereto. Any
17 information received by the ~~director~~ *appointing authority* pursuant to this
18 section ~~which that~~ relates to a person whose nomination is withdrawn or
19 whose appointment is not confirmed by the senate as provided by K.S.A.
20 75-4315b, and amendments thereto, shall be destroyed by the ~~director~~
21 *appointing authority*. The destruction of such records shall occur ~~no~~ *not*
22 sooner than one year, ~~and no~~ *but not* later than two years; following the
23 withdrawal of the nomination of the appointment or the failure of the
24 senate to confirm the appointment of such person.

25 Sec. 4. K.S.A. 2025 Supp. 22-4714, 75-712 and 75-4315d are hereby
26 repealed.

27 Sec. 5. This act shall take effect and be in force from and after its
28 publication in the statute book.