

AN ACT

ENTITLED, An Act to authorize criminal background checks for certain executive branch employees and state contractors and subcontractors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 3-6C be amended by adding a NEW SECTION to read:

Each current or new executive branch employee, whose duties include access to confidential information obtained from the United States Internal Revenue Service or from an authorized secondary source, shall submit to and successfully pass a state and federal criminal background investigation. The employee shall submit to a fingerprint check by the Division of Criminal Investigation and the Federal Bureau of Investigation before being granted access to any confidential information. The appointing authority shall submit the completed fingerprint card to the Division of Criminal Investigation. In addition to the initial criminal background investigation, each employee shall submit to a criminal background investigation every ten years thereafter. The human resources commissioner may promulgate rules, pursuant to chapter 1-26, to establish policies for exempt employees concerning the procedure for submitting fingerprints and completing the criminal background investigation. The commission may promulgate rules, pursuant to chapter 1-26, to establish policies for civil service employees concerning the procedure for submitting fingerprints and completing the criminal background investigation.

The appointing authority may pay any fee charged for the cost of fingerprinting or the criminal background investigation for any person whose employment is subject to the requirements of this section.

Section 2. That the code be amended by adding a NEW SECTION to read:

The state shall notify each current or prospective contractor or subcontractor that the awarding of a contract with the state has granted or will grant access to confidential information obtained from

the United States Internal Revenue Service or an authorized secondary source. Each person who is granted access to the confidential information as a result of entering into a contract with the state shall submit to and successfully pass a state and federal criminal background investigation. The contractor or subcontractor shall submit to a fingerprint check by the Division of Criminal Investigation and the Federal Bureau of Investigation before being granted access to any confidential information. The appointing authority shall submit the completed fingerprint card to the Division of Criminal Investigation.

Each contract entered into by the state where access to confidential information obtained from the United States Internal Revenue Service or from an authorized secondary source is granted to a contractor or a subcontractor shall include terms regarding which party is responsible for payment of any fee charged for the cost of fingerprinting or the criminal background investigation and regarding the potential event that a disqualifying record is discovered through the background investigation process.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1033

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1033
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State