

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2009

By Legislative Post Audit Committee

12-30

1 AN ACT concerning the division of post audit; relating to background  
2 checks; amending K.S.A. 2014 Supp. 46-1103 and repealing the  
3 existing section.  
4

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

6 Section 1. K.S.A. 2014 Supp. 46-1103 is hereby amended to read as  
7 follows: 46-1103. (a) There is hereby established the division of post audit  
8 within the legislative branch of the government. The division of post audit  
9 shall be under the direct supervision of the post auditor in accordance with  
10 policies adopted by the legislative post audit committee.

11 (b) (1) Employees in the division of post audit shall be in the  
12 unclassified service, shall receive such compensation as is provided under  
13 this act and shall be covered by the state group health plan and Kansas  
14 public employees retirement system to the same extent as other state  
15 employees.

16 (2) Employees of the division of post audit shall receive travel  
17 expenses and subsistence expenses and allowances as provided for other  
18 state employees.

19 (3) Employees in the division of post audit shall be employed by and  
20 be responsible to the post auditor who shall fix the compensation of each  
21 such employee subject to approval of the legislative post audit committee  
22 and within budget and appropriations therefor.

23 (c) (1) The post auditor may require employees of the division of  
24 post audit, ~~contractors, and other persons who~~ **contract to work with or**  
25 ~~work under the direction of the post auditor, including temporary workers,~~  
26 to be fingerprinted and submit to a state and national criminal history  
27 record check. The fingerprints shall be used to identify the employee and  
28 to determine whether the employee has a record of criminal history in this  
29 state or another jurisdiction. The post auditor shall submit the fingerprints  
30 to the Kansas bureau of investigation and the federal bureau of  
31 investigation for a state and national criminal history record check. Local  
32 and state law enforcement officers and agencies shall assist the post  
33 auditor in the taking and processing of fingerprints of employees, ~~-~~  
34 ~~contractors or other such persons.~~ **Local law enforcement officers and**  
35 **agencies may charge a fee as reimbursement for expenses incurred in**  
36 **taking and processing fingerprints under this section.** The post auditor

1 may use the information obtained from fingerprinting and the criminal  
2 history for purposes of verifying the identification of the employee;  
3 ~~contractor or other such person~~ and in the official determination of the  
4 qualifications and fitness of the employee ~~to be employed by, contractor~~  
5 ~~or other such person to work with~~ the division of post audit in any  
6 capacity.

7 (2) ~~If any person offered a position of employment in the division of~~  
8 ~~post audit, including a temporary worker, or any person who contracts to~~  
9 ~~work with the division of post audit is~~ subject to a criminal history records  
10 check, ~~such person~~ shall be given a written notice that a criminal history  
11 records check is required. The post auditor may require such ~~applicant~~  
12 ~~person~~ to be fingerprinted and submit to a state and national criminal  
13 history record check. The fingerprints shall be used to identify the  
14 ~~applicant person~~ and to determine whether the ~~applicant person~~ has a  
15 record of criminal history in this state or another jurisdiction. The post  
16 auditor shall submit the fingerprints to the Kansas bureau of investigation  
17 and the federal bureau of investigation for a state and national criminal  
18 history record check. Local and state law enforcement officers and  
19 agencies shall assist the post auditor in the taking and processing of  
20 fingerprints of ~~applicants~~ *each such person*. **Local law enforcement**  
21 **officers and agencies may charge a fee as reimbursement for expenses**  
22 **incurred in taking and processing fingerprints under this section.** The  
23 post auditor may use the information obtained from fingerprinting and the  
24 criminal history for purposes of verifying the identification of the  
25 ~~applicant person~~ and in the official determination of the eligibility of the  
26 ~~applicant person~~ to perform *appropriate tasks within* for the division of  
27 post audit. If the criminal history record information is used to disqualify  
28 ~~an applicant, the applicant~~ *a person from employment, temporary work or*  
29 *a contract offer, such person* shall be informed in writing of that decision.

30 (d) The annual budget request of the division shall be prepared by the  
31 post auditor and the post auditor shall present it to the legislative post audit  
32 committee. The committee shall make any changes it desires in said  
33 budget request and then shall transmit it to the legislative coordinating  
34 council. Such council shall make any changes it desires in such budget  
35 request and upon approval of the budget request by the council, the post  
36 auditor shall submit it to the director of the budget as other budget requests  
37 are submitted.

38 Sec. 2. K.S.A. 2014 Supp. 46-1103 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its  
40 publication in the statute book.