# 2020 South Dakota Legislature

# House Bill 1040

*Introduced by: The Committee on Commerce and Energy at the request of the Bureau of Human Resources*

**An Act to increase the frequency of background investigations for certain state employees.**

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

**Section 1.** That § 3-6C-26 be AMENDED:

**3-6C-26. Executive branch employees--Access to confidential information--Criminal background checks--Promulgation of rules.**

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~~ five 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.