



2020 South Dakota Legislature

House Bill 1040

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

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

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

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

5 **3-6C-26. Executive branch employees--Access to confidential information--**
 6 **Criminal background checks--Promulgation of rules.**

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

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