

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

400Y0223

HOUSE STATE AFFAIRS  
ENGROSSED NO. **HB 1033** - 1/13/2017

Introduced by: The Committee on State Affairs at the request of the Bureau of Human Resources

1 FOR AN ACT ENTITLED, An Act to authorize criminal background checks for certain  
2 executive branch employees and state contractors and subcontractors.

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

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

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



1 and completing the criminal background investigation. The commission may promulgate rules,  
2 pursuant to chapter 1-26, to establish policies for civil service employees concerning the  
3 procedure for submitting fingerprints and completing the criminal background investigation.

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

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

8 The state shall notify each current or prospective contractor or subcontractor that the  
9 awarding of a contract with the state has granted or will grant access to confidential information  
10 obtained from the United States Internal Revenue Service or an authorized secondary source.  
11 Each person who is granted access to the confidential information as a result of entering into a  
12 contract with the state shall submit to and successfully pass a state and federal criminal  
13 background investigation. The contractor or subcontractor shall submit to a fingerprint check  
14 by the Division of Criminal Investigation and the Federal Bureau of Investigation before being  
15 granted access to any confidential information. The appointing authority shall submit the  
16 completed fingerprint card to the Division of Criminal Investigation.

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