

## Substitute for SENATE BILL No. 198

By Committee on Assessment and Taxation

4-6

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1 AN ACT concerning the department of revenue; relating to persons with  
2 access to federal tax information, fingerprinting; driver's license  
3 examiners, unclassified service; amending K.S.A. 2016 Supp. 74-2015  
4 and repealing the existing section.

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

7 New Section 1. (a) The secretary of revenue may require, as a  
8 qualification for initial or continuing employment or contracting with the  
9 department of revenue, all persons having access to federal tax information  
10 received directly from the internal revenue service to be fingerprinted and  
11 submit to a state and national criminal history record check. The  
12 fingerprints shall be used to identify the person and to determine whether  
13 the person has a record of criminal arrests and convictions in this state or  
14 other jurisdictions. The secretary is authorized to submit the fingerprints to  
15 the Kansas bureau of investigation and the federal bureau of investigation  
16 for a state and national criminal history record check. Local and state law  
17 enforcement officers and agencies shall assist the secretary in the taking  
18 and processing of fingerprints of such persons and shall release all records  
19 of a person's arrests and convictions to the secretary.

20 (b) The secretary may use the information obtained from  
21 fingerprinting and a person's criminal history only for the purposes of  
22 verifying the identification of such person and in the official determination  
23 of the fitness of such person's qualification for initial or continuing  
24 employment. Disclosure or use of any information received by the  
25 secretary or a designee of the secretary for any purpose other than the  
26 purpose provided for in this section shall be a class A nonperson  
27 misdemeanor and shall constitute grounds for removal from office or  
28 termination of employment. Nothing in this section shall prevent  
29 disclosure of any information received by the secretary pursuant to this  
30 section to the post auditor in accordance with the provisions of the  
31 legislative post audit act.

32 (c) Whenever the secretary requires fingerprinting, any associated  
33 costs shall be paid by the agency or contractor.

34 Sec. 2. K.S.A. 2016 Supp. 74-2015 is hereby amended to read as  
35 follows: 74-2015. Within the division of vehicles, there shall be a  
36 supervisor of driver's license examiners and such driver's license

1 examiners as may be needed. ~~Said~~ The supervisor and all such driver's  
2 license examiners shall be within the classified service under the Kansas  
3 civil service act, *except as otherwise provided by the provisions of K.S.A.*  
4 *75-2935(1)(x) or (1)(cc), and amendments thereto.* Any person employed  
5 by a third party who has entered into a contract with the department of  
6 revenue pursuant to K.S.A. 8-129, and amendments thereto, to provide  
7 services of a driver's license examiner shall not be required to be within  
8 the classified service under the Kansas civil service act. Such driver's  
9 license examiners shall make and conduct all examinations of applicants  
10 for operator's and chauffeur's licenses required by law, and shall exercise  
11 and enforce the licensing provisions of the operator's and chauffeur's  
12 licensing act, and shall perform such other duties as may be prescribed by  
13 law or by the director of vehicles. All such driver's license examiners are  
14 hereby vested with the power and authority of peace and police officers in  
15 the execution of the duties imposed upon them by this act and by the  
16 director of vehicles. The director of vehicles shall determine what, if any,  
17 vehicles, equipment and supplies, and insignia of office are needed by  
18 driver's license examiners. The property so determined to be needed shall  
19 be furnished without expense to such examiners. All property so furnished  
20 shall remain the property of the state and be strictly accounted for by each  
21 driver's license examiner. The secretary of revenue may adopt rules and  
22 regulations for the conduct and duties of driver's license examiners.

23 Sec. 3. K.S.A. 2016 Supp. 74-2015 is hereby repealed.

24 Sec. 4. This act shall take effect and be in force from and after its  
25 publication in the statute book.