

CORRECTED
As Amended by Senate Committee

Session of 2012

SENATE BILL No. 249

By Legislative Post Audit Committee

11-16

1 AN ACT concerning the division of post audit; relating to employees;
2 criminal history record check; amending K.S.A. 46-1103 and repealing
3 the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 46-1103 is hereby amended to read as follows: 46-
7 1103. **(a)** There is hereby established the division of post audit within the
8 legislative branch of the government. The division of post audit shall be
9 under the direct supervision of the post auditor in accordance with policies
10 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 expenses
17 and subsistence expenses and allowances as provided for other state
18 employees.

19 **(3)** Employees in the division of post audit shall be employed by and be
20 responsible to the post auditor who shall fix the compensation of each such
21 employee subject to approval of the legislative post audit committee and
22 within budget and appropriations therefor. ~~The post auditor may require a~~
23 ~~person to be fingerprinted and submit to a state and national criminal~~
24 ~~history record check. The fingerprints shall be used to identify the person~~
25 ~~and to determine whether the person has a record of criminal history in~~
26 ~~this state or other jurisdiction. The post auditor is authorized to submit the~~
27 ~~fingerprints to the Kansas bureau of investigation and the federal bureau~~
28 ~~of investigation for a state and national criminal history record check. The~~
29 ~~post auditor may use the information obtained from fingerprinting and the~~
30 ~~criminal history for purposes of verifying the identification of the person~~
31 ~~and in the official determination of the qualifications and fitness of the~~
32 ~~person to be employed by the division of post audit.~~

33 **(c) (1)** ~~The post auditor may require employees of the division of post~~
34 ~~audit to be fingerprinted and submit to a state and national criminal~~
35 ~~history record check. The fingerprints shall be used to identify the~~

1 *employee and to determine whether the employee has a record of*
2 *criminal history in this state or another jurisdiction. The post auditor*
3 *shall submit the fingerprints to the Kansas bureau of investigation and*
4 *the federal bureau of investigation for a state and national criminal*
5 *history record check. Local and state law enforcement officers and*
6 *agencies shall assist the post auditor in the taking and processing of*
7 *fingerprints of employees. The post auditor may use the information*
8 *obtained from fingerprinting and the criminal history for purposes of*
9 *verifying the identification of the employee and in the official*
10 *determination of the qualifications and fitness of the employee to be*
11 *employed by the division of post audit.*

12 *(2) Any person offered a position of employment in the division of*
13 *post audit, subject to a criminal history records check, shall be given a*
14 *written notice that a criminal history records check is required. The post*
15 *auditor may require such applicant to be fingerprinted and submit to a*
16 *state and national criminal history record check. The fingerprints shall*
17 *be used to identify the applicant and to determine whether the applicant*
18 *has a record of criminal history in this state or another jurisdiction. The*
19 *post auditor shall submit the fingerprints to the Kansas bureau of*
20 *investigation and the federal bureau of investigation for a state and*
21 *national criminal history record check. Local and state law enforcement*
22 *officers and agencies shall assist the post auditor in the taking and*
23 *processing of fingerprints of applicants. The post auditor may use the*
24 *information obtained from fingerprinting and the criminal history for*
25 *purposes of verifying the identification of the applicant and in the*
26 *official determination of the eligibility of the applicant to perform tasks*
27 *within the division of post audit. If the criminal history record*
28 *information is used to disqualify an applicant, the applicant shall be*
29 *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. 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.