



**Kansas Association of
Chiefs of Police**

PO Box 780603
Wichita, KS 67278
(316)733-7301



**Kansas Sheriffs
Association**

PO Box 1122
Pittsburg, KS 66762
(620)230-0864



**Kansas Peace Officers
Association**

PO Box 2592
Wichita, KS 67201
(316)722-8433

**Testimony to the Senate Federal and State Affairs Committee
Regarding SB6
January 29, 2015**

Chairman Ostmeyer and Committee Members,

Our associations are neutral on the core policy decision being debated in HB2009. However, we recommend consideration be given to a minor amendment regarding the fingerprinting provision.

Section 1, subsection (c)(1), on page 1, lines 31-34, and subsection (c)(2), on page 2, lines 15-17 requires local law enforcement to “. . . assist. . . in the taking and processing of fingerprints. . .” relating to this proposal as well as the existing employees already required to be fingerprinted. The current language creates an unfunded mandate on local law enforcement and we recommend an amendment to alleviate that problem.

This can be remedied by adding “Local law enforcement officers and agencies may charge a fee to be reimbursed for expenses incurred in taking and processing the fingerprints under this section.” after the word “persons” on page 1 line 34 and on page 2 line 17. This is the same language added by various committees in recent years to bills requiring fingerprinting for background checks to clarify our ability to recover costs for these services.

Most of our agencies no longer require fingerprint equipment at our agency facilities as fingerprints are now taken electronically at the jails. For obvious reasons having employment applicants going into the secure areas of the jails for applicant fingerprinting is not desirable. As a result, we have to maintain paper and ink fingerprinting equipment and supplies for these applicant prints. We only want to be able to cover our supply, equipment and personnel costs for taking these prints.

I have attached a copy of the balloon amendment prepared by the revisor’s office for HB2009.

Thank you for your consideration.

Ed Klumpp
E-mail: eklumpp@cox.net
Cell: (785) 640-1102

HOUSE BILL No. 2009

By Legislative Post Audit Committee

12-30

1 AN ACT concerning the division of post audit; relating to background
2 checks; amending K.S.A. 2014 Supp. 46-1103 and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 46-1103 is hereby amended to read as
7 follows: 46-1103. (a) There is hereby established the division of post audit
8 within the legislative branch of the government. The division of post audit
9 shall be under the direct supervision of the post auditor in accordance with
10 policies 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
17 expenses and subsistence expenses and allowances as provided for other
18 state employees.

19 (3) Employees in the division of post audit shall be employed by and
20 be responsible to the post auditor who shall fix the compensation of each
21 such employee subject to approval of the legislative post audit committee
22 and within budget and appropriations therefor.

23 (c) (1) The post auditor may require employees of the division of
24 post audit, *contractors, and other persons who work under the direction of*
25 *the post auditor, including temporary workers*, to be fingerprinted and
26 submit to a state and national criminal history record check. The
27 fingerprints shall be used to identify the employee and to determine
28 whether the employee has a record of criminal history in this state or
29 another jurisdiction. The post auditor shall submit the fingerprints to the
30 Kansas bureau of investigation and the federal bureau of investigation for
31 a state and national criminal history record check. Local and state law
32 enforcement officers and agencies shall assist the post auditor in the taking
33 and processing of fingerprints of employees, *contractors or other such*
34 *persons*. The post auditor may use the information obtained from
35 fingerprinting and the criminal history for purposes of verifying the
36 identification of the employee, *contractor or other such person* and in the

Proposed Amendment to 2015 ~~HB-2009~~ SB 6

For: KS Assoc. of Chiefs of Police;

KS Sheriffs Assoc. & KS Peace Officers Assoc.

Prepared by: Katherine Goyette, Office of Revisor of Statutes
Committee on Judiciary

January 21, 2015

Local law enforcement officers and agencies may charge
a fee as reimbursement for expenses incurred in taking
and processing fingerprints under this section.

1 official determination of the qualifications and fitness of the employee ~~to~~
2 ~~be employed by, contractor or other such person to work with the division~~
3 ~~of post audit in any capacity.~~

4 (2) If any person offered a position of employment in the division of
5 post audit, *including a temporary worker, or any person who contracts to*
6 *work with the division of post audit* is subject to a criminal history records
7 check, *such person* shall be given a written notice that a criminal history
8 records check is required. The post auditor may require such ~~applicant~~
9 ~~person~~ to be fingerprinted and submit to a state and national criminal
10 history record check. The fingerprints shall be used to identify the
11 ~~applicant person~~ and to determine whether the ~~applicant person~~ has a
12 record of criminal history in this state or another jurisdiction. The post
13 auditor shall submit the fingerprints to the Kansas bureau of investigation
14 and the federal bureau of investigation for a state and national criminal
15 history record check. Local and state law enforcement officers and
16 agencies shall assist the post auditor in the taking and processing of
17 fingerprints of ~~applicants each such person~~. The post auditor may use the
18 information obtained from fingerprinting and the criminal history for
19 purposes of verifying the identification of the ~~applicant person~~ and in the
20 official determination of the eligibility of the ~~applicant person~~ to perform
21 ~~appropriate tasks within~~ for the division of post audit. If the criminal
22 history record information is used to disqualify ~~an applicant, the applicant~~
23 ~~a person from employment, temporary work or a contract offer, such~~
24 ~~person~~ shall be informed in writing of that decision.

25 (d) The annual budget request of the division shall be prepared by the
26 post auditor and the post auditor shall present it to the legislative post audit
27 committee. The committee shall make any changes it desires in said
28 budget request and then shall transmit it to the legislative coordinating
29 council. Such council shall make any changes it desires in such budget
30 request and upon approval of the budget request by the council, the post
31 auditor shall submit it to the director of the budget as other budget requests
32 are submitted.

33 Sec. 2. K.S.A. 2014 Supp. 46-1103 is hereby repealed.

34 Sec. 3. This act shall take effect and be in force from and after its
35 publication in the statute book.

Local law enforcement officers and agencies may charge
a fee as reimbursement for expenses incurred in taking
and processing fingerprints under this section.