

SESSION OF 2017

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 96**

As Agreed to June 9, 2017

Brief*

SB 96 would amend law related to the Kansas Department of Revenue (KDOR) fingerprinting of employees, and driver's license examiners.

Fingerprinting of Employees

The bill would authorize the Secretary of Revenue (Secretary) to require, as a condition of initial or continued employment, the fingerprinting of contractors and employees having access to federal tax information received directly from the Internal Revenue Service (IRS). Such persons also would be subject to state and national criminal history record checks. The Secretary would be authorized to submit the fingerprints to the Kansas Bureau of Investigation and the Federal Bureau of Investigation. Local and state law enforcement agencies would be required to assist the Secretary in the taking and processing of fingerprints and to release all records of arrests and convictions to the Secretary.

The Secretary could use information obtained under the bill only to verify the identification of persons and to determine their fitness for employment. Any other use or disclosure of the information would be deemed a class A nonperson misdemeanor and constitute grounds for removal from office, with the exception of certain information that could be shared

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with the Post Auditor in accordance with the provisions of the Legislative Post Audit Act.

The bill would require all costs be paid by KDOR or its contractors.

Driver's License Examiners

The bill also would allow driver's license examiners within KDOR to have the choice to move from classified to unclassified service.

Conference Committee Action

The Conference Committee agreed to replace the previous contents dealing with the Master Settlement Agreement and the taxation of electronic cigarettes with the contents of Sub. for SB 198 as that measure was approved by the Senate Committee of the Whole.

Background

SB 96 previously addressed the Master Settlement Agreement and the taxation of electronic cigarettes. Those provisions were included in the Conference Committee report for HB 2230.

The Conference Committee report contains the provisions of Sub. for SB 198. The original subject matter of SB 198 was fingerprinting of certain KDOR employees, and Sub. for SB 198 was created in the Senate Committee on Assessment and Taxation upon the suggestion of the revisor when the Senate Committee voted to include the provisions of SB 135 (driver's license examiners). Sub. for SB 198 subsequently was approved by the Senate Committee of the Whole on a vote of 35-3 on June 6. The House Committee of the Whole passed identical fingerprinting provisions in HB

2408 on a vote of 124-1 on April 5. The background for each of the Senate bills incorporated into Sub. for SB 198 and this Conference Committee report is provided below.

SB 198—Fingerprinting

SB 198 was introduced by the Senate Committee on Assessment and Taxation. At the Senate Committee hearing, a representative of KDOR testified, indicating that failure to pass the bill could imperil KDOR's access to federal tax data supplied by the IRS. No other testimony was provided.

The Senate Committee amended the bill to limit the applicability of the bill to the employees and contractors of KDOR and to provide that KDOR or its contractor would be required to pay any fees for the fingerprinting. The Senate Committee also added the contents of SB 135 and placed the amended contents into a substitute bill.

SB 135—Driver's License Examiners

SB 135 was introduced by the Senate Committee on Federal and State Affairs. In the Senate Committee hearing, a representative of the Division of Vehicles, KDOR, testified in favor of the bill, stating driver's license examiners were overlooked when a bill was passed in 2016 to allow other KDOR employees to move from classified to unclassified service.

The fiscal note prepared by the Division of the Budget states enactment of the bill would have no fiscal effect on KDOR operations.

Department of Revenue; fingerprinting; driver's license examiners

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