

SENATE BILL No. 155

By Committee on Judiciary

2-2

9 AN ACT concerning the secretary of health and environment; relating
10 to powers and duties; fingerprinting and criminal history records
11 checks for certain employees; amending K.S.A. 65-2402 and repealing
12 the existing section.
13

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

15 Section 1. K.S.A. 65-2402 is hereby amended to read as follows: 65-
16 2402. The secretary shall: (a) (1) Establish within the division of health
17 suitable offices properly equipped for the preservation of official records.
18 (2) Maintain a complete cross-index on all records filed under the pro-
19 visions of this act. (3) Install a statewide system of vital statistics. (4) Make
20 and may amend, after notice and hearing, necessary regulations, give in-
21 structions and prescribe forms for collection, transcribing, compiling and
22 preserving vital statistics. (5) Enforce this act and the regulations made
23 pursuant thereto.

24 (b) *Upon the selection of a top candidate for a position in the center*
25 *for health and environmental statistics, the top candidate shall be given*
26 *a written notice that a criminal history records check is required. The*
27 *secretary shall require such candidates to be fingerprinted and submit to*
28 *a state and national criminal history record check. The fingerprints shall*
29 *be used to identify the candidate and to determine whether the candidate*
30 *has a record of criminal history in this state or another jurisdiction. The*
31 *secretary shall submit the fingerprints to the Kansas bureau of investi-*
32 *gation and the federal bureau of investigation for a state and national*
33 *criminal history record check. Local and state law enforcement officers*
34 *and agencies shall assist the secretary in taking and processing of finger-*
35 *prints of candidates. If the criminal history record information reveals*
36 *any conviction of felony crimes or misdemeanor crimes against the public*
37 *trust, such conviction may be used to disqualify a candidate for any po-*
38 *sition within the center for health and environmental statistics. If the*
39 *criminal history record information is used to disqualify a candidate, the*
40 *candidate shall be informed in writing of that decision. Probationary ap-*
41 *pointments may be made, but permanent appointments shall be dependent*
42 *upon the results of the criminal history record check.*

43 (c) *Except as provided in subsection (d), all persons employed by the*

1 center for health and environmental statistics shall be fingerprinted and
2 submit to a state and national criminal history record check. The finger-
3 prints shall be used to identify the employee and to determine whether
4 the employee has a record of criminal history in this state or another
5 jurisdiction. The secretary shall submit the fingerprints to the Kansas
6 bureau of investigation and federal bureau of investigation for a state and
7 national criminal history record check. Local and state law enforcement
8 officers and agencies shall assist the center for health and environmental
9 statistics in taking and processing of fingerprints of employees. If the
10 criminal history record information reveals any conviction of felony
11 crimes or misdemeanor crimes of dishonesty, identity theft or fraud, such
12 conviction may be used to terminate an employee in any position within
13 the center for health and environmental statistics. If the criminal history
14 record information is used to terminate an employee, the employee shall
15 be informed in writing of that decision. Except as provided in subsection
16 (d), a criminal history record check may be repeated on any person em-
17 ployed by the center for health and environmental statistics at the discre-
18 tion of the secretary.

19 (d) No person who has been employed by the center for health and
20 environmental statistics for five consecutive years immediately prior to
21 the effective date of this act shall be subject to the provisions of subsection
22 (c) while employed by the center for health and environmental statistics.

23 Sec. 2. K.S.A. 65-2402 is hereby repealed.

24 Sec. 3. This act shall take effect and be in force from and after its
25 publication in the Kansas register.