



State of Wisconsin
2017 - 2018 LEGISLATURE

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2017 ASSEMBLY BILL 718

December 5, 2017 - Introduced by Representatives KOOYENGA, KATSMA, KREMER, MACCO, ROHRKASTE, SPIROS, TUSLER and MURSAU, cosponsored by Senators MARKLEIN and WANGGAARD. Referred to Committee on State Affairs.

1 **AN ACT to create** 16.705 (1s), 66.05015, 230.06 (1) (n) and 230.06 (1m) of the
2 **relating to:** fingerprinting and conducting background
3 investigations of employees in the state civil service or of a political subdivision,
4 and of individuals performing contractual services for the state, who have
5 access to federal tax information.

Analysis by the Legislative Reference Bureau

Under the bill, before appointing an individual to a position in the state civil service or with a political subdivision, the duties of which require the individual to have access to federal tax information, the appointing authority for the position must conduct a background check on the individual, which may include fingerprinting. The bill also allows the appointing authority or a political subdivision to conduct additional background checks on an individual who is appointed to such a position. The bill requires the same background checks to be completed for individuals who perform services under a contract with the state if the contract requires the individual to have access to federal tax information.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 718**SECTION 1**

1 **SECTION 1.** 16.705 (1s) of the statutes is created to read:

2 16.705 (1s) If contractual services are purchased by the department or its agent
3 that would require an individual performing the services to have access to federal tax
4 information received directly from the federal Internal Revenue Service or from a
5 source that is authorized by the federal Internal Revenue Service, a background
6 check shall be performed on each individual performing the services. The
7 background investigation may include requiring the individual to be fingerprinted
8 on 2 fingerprint cards each bearing a complete set of the individual's fingerprints, or
9 by other technologies approved by law enforcement agencies. The department of
10 justice shall submit any such fingerprint cards to the federal bureau of investigation
11 for the purposes of verifying the identity of the individual fingerprinted and
12 obtaining records of his or her criminal arrests and convictions.

13 **SECTION 2.** 66.05015 of the statutes is created to read:

14 **66.05015 Background investigation.** (1) In this section, "political
15 subdivision" means a city, village, town, or county.

16 (2) (a) 1. Notwithstanding ss. 111.321, 111.322, and 111.335 and with the
17 assistance of the department of justice, a political subdivision shall conduct a
18 background investigation of any person selected to fill a position with the political
19 subdivision and, who, in fulfilling the duties of the position, will have access to
20 federal tax information received directly from the federal Internal Revenue Service
21 or from a source that is authorized by the federal Internal Revenue Service.

22 2. Notwithstanding ss. 111.321, 111.322, and 111.335, at any interval
23 determined appropriate by the political subdivision, a political subdivision may
24 conduct additional background investigations of any person for whom an initial
25 background investigation has been conducted under subd. 1. and background

ASSEMBLY BILL 718

1 investigations of any other person employed by the political subdivision who, in
2 fulfilling the duties of his or her position, has access to federal tax information
3 received directly from the federal Internal Revenue Service or from a source that is
4 authorized by the federal Internal Revenue Service.

5 (b) A background investigation under this section may include requiring the
6 person to be fingerprinted on 2 fingerprint cards each bearing a complete set of the
7 person's fingerprints, or by other technologies approved by law enforcement
8 agencies. The department of justice shall submit any such fingerprint cards to the
9 federal bureau of investigation for the purposes of verifying the identity of the person
10 fingerprinted and obtaining records of his or her criminal arrests and convictions.

11 **SECTION 3.** 230.06 (1) (n) of the statutes is created to read:

12 230.06 (1) (n) Notwithstanding ss. 111.321, 111.322, and 111.335 and with the
13 assistance of the department of justice, conduct a background investigation of any
14 person selected to fill a position in the civil service, who, in fulfilling the duties of the
15 position, will have access to federal tax information received directly from the federal
16 Internal Revenue Service or from a source that is authorized by the federal Internal
17 Revenue Service. The background investigation may include requiring the person
18 to be fingerprinted on 2 fingerprint cards each bearing a complete set of the person's
19 fingerprints, or by other technologies approved by law enforcement agencies. The
20 department of justice shall submit any such fingerprint cards to the federal bureau
21 of investigation for the purposes of verifying the identity of the person fingerprinted
22 and obtaining records of his or her criminal arrests and convictions.

23 **SECTION 4.** 230.06 (1m) of the statutes is created to read:

24 230.06 (1m) Notwithstanding ss. 111.321, 111.322, and 111.335, at any interval
25 determined appropriate by the director, an appointing authority may conduct, in the

ASSEMBLY BILL 718**SECTION 4**

1 manner specified in sub. (1) (n), additional background investigations of any person
2 for whom an initial background investigation has been conducted under sub. (1) (n)
3 and background investigations of any other person employed by the appointing
4 authority who, in fulfilling the duties of his or her position, has access to federal tax
5 information received directly from the federal Internal Revenue Service or from a
6 source that is authorized by the federal Internal Revenue Service.

7 **SECTION 5. Initial applicability.**

8 (1) The treatment of section 16.705 (1s) of the statutes first applies to a contract
9 that is entered into, renewed, or modified on the effective date of this subsection.

10 (2) The treatment of sections 66.05015 (2) (a) 1. and 230.06 (1) (n) of the statutes
11 first applies to a person selected to fill a position in the civil service or with a political
12 subdivision on the effective date of this subsection.

13 (END)