

2017 Senate Bill 604 (LRB -4805)

An Act to create 16.705 (1s), 66.05015, 230.06 (1) (n) and 230.06 (1m) of the statutes; relating to: fingerprinting and conducting background investigations of employees in the state civil service or of a political subdivision, and of individuals performing contractual services for the state, who have access to federal tax information. (FE)

2017

11-30.	S.	Introduced by Senators Marklein and Wanggaard ; cosponsored by Representatives Kooyenga , Katsma , Kremer , Macco , Rohrkaste , Spiros , Tusler and Mursau	583
11-30.	S.	Read first time and referred to Committee on Labor and Regulatory Reform	583
12-07.	S.	Fiscal estimate received	
12-07.	S.	Senate Amendment 1 offered by Senator Marklein (LRB a1626)	593
12-18.	S.	Senate Amendment 2 offered by Senator Marklein (LRB a1685)	605
12-18.	S.	Fiscal estimate received	

2018

01-04.	S.	Public hearing held	
01-17.	S.	Fiscal estimate received	
01-10.	S.	Executive action taken	
01-17.	S.	Report adoption of Senate Amendment 2 recommended by Committee on Labor and Regulatory Reform, Ayes 4, Noes 0	640
01-17.	S.	Report passage as amended recommended by Committee on Labor and Regulatory Reform, Ayes 4, Noes 0	640
01-17.	S.	Available for scheduling	
01-19.	S.	Placed on calendar 1-23-2018 pursuant to Senate Rule 18(1)	652
01-23.	S.	Read a second time	664
01-23.	S.	Senate Amendment 2 adopted	664
01-23.	S.	Ordered to a third reading	664
01-23.	S.	Rules suspended	664
01-23.	S.	Read a third time and passed	664
01-23.	S.	Ordered immediately messaged	665
01-23.	A.	Received from Senate	659
02-07.	A.	Read first time and referred to committee on Rules	714
02-08.	A.	Placed on calendar 2-13-2018 by Committee on Rules	
02-13.	A.	Rules suspended to withdraw from calendar and take up	
02-13.	A.	Read a second time	
02-13.	A.	Ordered to a third reading	
02-13.	A.	Rules suspended	
02-13.	A.	Read a third time and concurred in	
02-13.	A.	Ordered immediately messaged	
02-14.	S.	Received from Assembly concurred in	

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2017 ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

17 -4805, 1

Amendments: None or Listed below.

SA - 2

Corrections: None or Listed by date below.

2/15/18

Topic: Same as relating clause or other, indicated below.

2/14/18

Clare J

Date

Enrolling Drafter



State of Wisconsin
2017-2018 LEGISLATURE

CORRECTIONS IN:

2017 SENATE BILL 604

Prepared by the Legislative Reference Bureau
(February 16, 2018)

In enrolling, the following corrections were made:

1. Page 3, line 11: on lines 11 and 12, delete "(n)" and substitute "(o)".

****NOTE: 2017 Wisconsin Act 111 created s. 230.06 (1) (n).

2. Page 4, line 1: on lines 1, 2 and 10, delete "(n)" and substitute "(o)".

(END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4805/1
FFK/CMH/EVM:jld&emw

2017 SENATE BILL 604

November 30, 2017 - Introduced by Senators MARKLEIN and WANGGAARD, cosponsored by Representatives KOOYENGA, KATSMA, KREMER, MACCO, ROHRKASTE, SPIROS, TUSLER and MURSAU. Referred to Committee on Labor and Regulatory Reform.

1 **AN ACT** *to create* 16.705 (1s), 66.05015, 230.06 (1) (n) and 230.06 (1m) of the
2 statutes; **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:

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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 ^{INS SA2-1.} 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 ^{INS SA2-2.} for whom an initial
25 background investigation has been conducted under subd. 1. and background

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IN 5
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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

ccc 1.
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SECTION 4

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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) (0)
 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.

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) (0) 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.

ccc 2.

13

(END)

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State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1685/1
EVM:amn

SENATE AMENDMENT 2,
TO SENATE BILL 604

December 18, 2017 - Offered by Senator MARKLEIN.

1 At the locations indicated, amend the bill as follows:

INS
SA 2
1.

2 **1.** Page 2, line 18: after "person" insert ", including a person appointed under
3 a civil service system competitive examination procedure established under s. 59.52
4 (8) or ch. 63,".

5 **2.** Page 2, line 24: after "person" insert ", including a person appointed under
6 a civil service system competitive examination procedure established under s. 59.52
7 (8) or ch. 63,".

INS
SA 2
2.

8 **3.** Page 3, line 1: after "person" insert ", including a person appointed under
9 a civil service system competitive examination procedure established under s. 59.52
10 (8) or ch. 63,".

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11 **4.** Page 4, line 12: after that line insert:

12 "SECTION 5m. Effective date.

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4.

1 (1) This act takes effect on the first day of the 7th month beginning after
2 publication".

3 (END)

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SA 2
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