

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0573-05
Bill No.: SCS for HCS for HB 260
Subject: Children and Minors; Children's Division; Family Law; Social Services
Department; Victims of Crime
Type: Original
Date: May 1, 2017

Bill Summary: This proposal modifies provisions relating to the protection of certain vulnerable persons.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Criminal Records	Unknown	Unknown	Unknown
Total Estimated Net Effect on <u>Other</u> State Funds	Unknown	Unknown	Unknown

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§210.025 - Criminal background checks

Officials from the **Department of Social Services (DSS), Children's Division (CD)** and **Division of Legal Services (DLS)** state this legislation is federally mandated by Public Law 113-186.

Section 210.025.1 language has changed to exclude some providers of child care from the requirement of background checks, limiting the provisions to **only those providers who are receiving state or federal funds**. Public Law 113-186 requires all providers to receive background checks.

The **CD** states this section does not bring the Children's Division into full compliance with the federal requirement and could result in the loss of 5% or \$5,123,181 of the Child Care and Development Block Grant (CCDBG) funding for any fiscal year that the state fails to comply.

Oversight obtained additional information from the Children's Division. Per CD officials, Missouri is currently **not** in compliance with Public Law 113-186 (approved November 19, 2014) but has asked for, and received, an exception each year from the U.S. Department of Health and Human Services (HHS), Administration for Children and Families (ACF). Although there is no guarantee that Missouri will continue to receive an exception, Oversight assumes the CD will receive another exception and the proposal will not result in a loss of CCDBG funds.

Officials from the **Department of Public Safety (DPS), Missouri State Highway Patrol (MHP)** states section 210.025 requires that all child care providers be fingerprinted to receive state and/or federal funds. Currently, the Missouri State Highway Patrol Criminal Justice Information Services (CJIS) Division processes all state and federal fingerprint background checks. CJIS does not know how many individuals this legislation will affect, however, the fees assessed for these background checks are as follows:

State fee:	\$20.00
FBI fee:	\$12.00
Applicant fingerprinting vendor fee:	<u>\$8.30</u>
Total fee per applicant:	\$40.30

Of these amounts, the state retains the \$20 state fee and \$2 of the federal charge of \$12 for a pass thru fee (\$22 total retained by the state). The \$8.30 charge is paid directly to the vendor at the time of application.

ASSUMPTION (continued)

§210.110 - Sex trafficking

DSS, CD and DLS officials state section 210.110 is amended to change the definition of abuse and neglect to include victims of sex trafficking. No fiscal impact is anticipated.

§589.644 - Participant address confidentiality program

DSS, CD and DLS officials state this version adds section 589.664 which requires that if a person is a participant in the address confidentiality program, no person or entity may be compelled to disclose the person's actual address through discovery without specified court findings. However, parents are entitled to receive information about their own children pursuant to Section 210.150 and Supreme Court Rule 123.08.

As written, the provisions of this proposal have no fiscal impact, but DSS has the potential to lose federal funding due to lack of full compliance with federal requirements.

Bill as a whole

Officials from the **Department of Health and Senior Services** and the **Office of State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

<u>FISCAL IMPACT - State Government</u>	FY 2018	FY 2019	FY 2020
---	---------	---------	---------

CRIMINAL RECORDS FUND

Income - DPS (\$210.025)

Increase in background check fees	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
-----------------------------------	----------------	----------------	----------------

**ESTIMATED NET EFFECT ON THE
CRIMINAL RECORDS FUND**

<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
----------------	----------------	----------------

<u>FISCAL IMPACT - Local Government</u>	FY 2018	FY 2019	FY 2020
---	---------	---------	---------

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
------------	------------	------------

FISCAL IMPACT - Small Business

This proposal will have a direct negative fiscal impact on small business child care providers because they, their employees and/or volunteers, and family members age 17 and older if the applicant has child care in the home, will be required to have background checks completed.

FISCAL DESCRIPTION

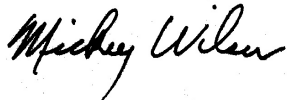
Under this act, applicant child care providers, persons employed by such applicants, individuals or volunteers working with such applicants, or individuals residing in an applicant's family child care home who are 17 years old or older shall be required to submit to a criminal background check in order for the applicant to qualify to receive state or federal funds for the provision of child care services. This act also removes the language that allowed registration with the Family Care Safety Registry to satisfy the background check requirement. (Section 210.025)

The proposal has an emergency clause.

This legislation is federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Health and Senior Services
Department of Public Safety -
 Missouri State Highway Patrol
Department of Social Services -
 Children's Division
 Division of Legal Services
Office of State Courts Administrator
Office of Secretary of State



Mickey Wilson, CPA
Director
May 1, 2017

Ross Strobe
Assistant Director
May 1, 2017