

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2360-04
Bill No.: Perfected HCS for HB 1135
Subject: Vital Statistics; Domestic Relations; Crimes and Punishment; Victims of Crime
Type: #Updated
Date: April 26, 2019

To show additional information from the Department of Health and Senior Services, local public health agency responses and updated local government impact- on pages 5-7.

Bill Summary: This proposal allows modifies provisions relating to vital records.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	Could exceed (\$147,214 to \$190,135)	Could exceed (\$158,690 to \$210,195)	Could exceed (\$159,869 to \$211,374)
Total Estimated Net Effect on General Revenue	Could exceed (\$147,214 to \$190,135)	Could exceed (\$158,690 to \$210,195)	Could exceed (\$159,869 to \$211,374)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
MOPHS (0298)	\$0 to Could exceed (\$42,921)	\$0 to Could exceed (\$51,505)	\$0 to Could exceed (\$51,505)
Endowed Care Cemetery Audit (0562)	Could exceed (\$8,584)	Could exceed (\$10,301)	Could exceed (\$10,301)
Children's Trust (0694)	Could exceed (\$42,921)	Could exceed (\$51,505)	Could exceed (\$51,505)
Total Estimated Net Effect on <u>Other</u> State Funds	Could exceed (\$51,505 to \$94,426)	Could exceed (\$61,806 to \$113,311)	Could exceed (\$61,806 to \$113,311)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 11 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	Could exceed 2 FTE	Could exceed 2 FTE	Could exceed 2 FTE
Total Estimated Net Effect on FTE	Could exceed 2 FTE	Could exceed 2 FTE	Could exceed 2 FTE

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 2020	FY 2021	FY 2022
# Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

§193.265 - Free birth certificate for certain victims of domestic violence or abuse or homeless child/youth

Officials from the **Department of Health and Senior Services (DHSS)** state §193.265.3 of the proposed legislation states no fee shall be required for a birth certificate if the request is made by a victim of domestic violence or abuse and the victim provides documentation that is signed by an employee, agent, or volunteer of a victim service provider; an attorney or a health care or mental health professional that the victim has sought assistance from for the domestic violence or abuse. A birth certificate fee shall also be waived for a parent or guardian of a homeless child or youth or an unaccompanied youth. Per §193.265, RSMo, DHSS receives a fee of \$15 for each certified birth certificate statement issued. The fees are distributed into General Revenue (\$4), the Children's Trust Fund (\$5), the Endowed Care Cemetery Audit Fund (\$1) and the Missouri Public Health Services (MOPHS) Fund (\$5).

Per the Missouri Coalition against Domestic and Sexual Violence (MCADS) 2017 statistical data, 42,698 victims of domestic and sexual violence received services and 28,182 victims requested services but the requests were unmet, for a total of 70,880 victims that sought services. According to the United States Interagency Council on Homelessness, as of January 2017, Missouri had an estimated youth and children homeless population of 32,133, of which 3,944 were unaccompanied homeless students. For fiscal note purposes it is estimated that 10 percent of the above populations would request a birth certificate resulting in approximately 10,301 ($70,880 + 32,133 = 103,013 * 10\% = 10,301$) certificates issued. If 100 percent of these populations requested certificates, approximately 103,013 could be issued. The combined loss of fees for requests at 10 percent and 100 percent issuance of the identified populations for FY 2020, FY 2021, and FY 2022 are listed in the table below.

	FY2020 (10 mos) 10% Issuance	FY2020 (10 mos) 100% Issuance	FY2021 & FY2022 10% Issuance	FY2021 & FY2022 100% Issuance
Domestic Violence Requests	\$88,600	\$886,000	\$106,320	\$1,063,200
Homeless Youth Requests	\$40,163	\$401,663	\$48,195	\$481,995
Totals	\$128,763	\$1,287,663	\$154,515	\$1,545,195

The fees that are collected on certified copies are deposited into the MOPHS fund (\$5 per certificate) and are allocated to the Bureau of Vital Records for program operations. The loss of funds to MOPHS is estimated at the range of \$42,921 ($10,301 * \$5 = \$51,505 * 10/12$) to \$429,221 ($103,013 * \$5 = \$515,065 * 10/12$) in FY 2020, and \$51,505 to \$515,065 FY 2021 and FY 2022. MOPHS revenue supports the maintenance of Missouri's electronic birth and death

ASSUMPTION (continued)

registration system (MoEVR), staff to process all requests, and specialized print paper. The maintenance of the MoEVR system is critical for the accurate and timely processing of Missouri birth records. The revenue lost from issuing these additional certificates necessitates the need to seek general revenue funds to supplant the loss.

The additional certificate requests would require two to eight FTE of a Public Health Data Technician (\$28,527) to process certificates within a timely manner. Processing entails reviewing the application and making a determination on whether the applicant has provided sufficient information to identify the record, and either reject the application or issue the certified copy.

The salary listed for this position reflects the average annual salary of staff in these positions within the Division of Community and Public Health as of December 1, 2018.

DHSS officials estimate personal service costs, fringe benefits, and equipment and expense of approximately \$164,040 to \$913,691 to the General Revenue (GR) Fund for FY 2020 and \$179,128 to \$1,025,559 for FY 2021 and FY 2022.

Potential loss of funds from birth certificate fees:

Fund Name	FY2020 (10 mos)	FY2021	FY2022
General Revenue (\$4) (10,301 to 103,013 Certificates)	(\$34,337) to (\$343,377)	(\$41,204) to (\$412,052)	(\$41,204) to (\$412,052)
Children's Trust Fund (\$5) (10,301 to 103,013 Certificates)	(\$42,921) to (\$429,221)	(\$51,505) to (\$515,065)	(\$51,505) to (\$515,065)
Endowed Care Cemetery Fund (\$1) (10,301 to 103,013 Certificates)	(\$8,584) to (\$85,844)	(\$10,301) to (\$103,013)	(\$10,301) to (\$103,013)
MOPHS (\$5) (10,301 to 103,013 Certificates)	(\$42,921) to (\$429,221)	(\$51,505) to (\$515,065)	(\$51,505) to (\$515,065)
Total Loss of Fee Collections	(\$128,763) to (\$1,287,663)	(\$154,515) to (\$1,545,195)	(\$154,515) to (\$1,545,195)

ASSUMPTION (continued)

Oversight does not have any information to the contrary. Oversight assumes it is possible for 10% or more of victims and parents of homeless or unaccompanied youth to request a free birth certificate annually but does not assume 100% of victims will request a free birth certificate annually as provisions of the proposal provide that a victim may be eligible one time for a fee waiver. Therefore, Oversight assumes costs could exceed the lower limits of DHSS' estimate and will present costs and the loss of certificate fees as (Could exceed) the lower estimate provided by DHSS for fiscal note purposes.

In addition, language in the proposal does not provide for replacement of funds to the MOPHS Fund for a reduction in revenues received as a result of the issuance of free birth certificates. **Oversight** assumes funds may be replaced and will range replacement of funds as \$0 to could exceed the lower limit of funds lost to the MOPHS Fund from the General Revenue Fund.

Oversight notes DHSS assumes it will need between two and eight new FTE as a result of the provisions of this proposal. Oversight assumes, however, it is more likely DHSS will require only two additional FTE and assumes that the FTE could be accommodated in a current DHSS location. However, if multiple proposals pass during the legislative session requiring additional FTE, cumulatively the effect of all proposals passed may result in the DHSS needing additional rental space.

Addendum (Oversight submitted request for additional information from the Department of Health and Senior Services) and responses from local public health agencies

#Officials from the **DHSS** provided information on how many birth certificates DHSS issues versus local public health agencies (LPHAs) as provided below:

	FY 2016	FY 2017	FY 2018
DHSS - BVR	46,776	40,632	41,907
LPHAs	267,641	277,964	282,698

#DHSS states both LPHAs and DHSS, Bureau of Vital Records (BVR) issue birth certificates. The cost of a birth certificate is set in statute and is \$15, so both DHSS, BVR and LPHAs charge the same amount. The department feels the way the legislation is written, the parent or guardian of homeless child/youth or unaccompanied youth would apply to just DHSS, BVR, but the victim of domestic violence and abuse would apply to both DHSS, BVR and LPHAs.

ASSUMPTION (continued)

#Officials from the **Adair County Health Department** state this proposal will result in a decrease in revenues. **Oversight** notes no estimate of the potential decrease was provided by the health department. Therefore, Oversight will present the decrease in revenues as (Unknown).

#Officials from the **Columbia/Boone County Department of Public Health and Human Services (DPHHS)** state this proposal would result in a loss of revenue. §193.265.3 of the proposed legislation states no fee shall be required for a birth certificate if the request is made by a victim of domestic violence or abuse and the victim provides documentation that is signed by an employee, agent, or volunteer of a victim service provider; an attorney or a health care or mental health professional that the victim has sought assistance from for the domestic violence or abuse. A birth certificate fee shall also be waived for a parent or guardian of a homeless child or youth or an unaccompanied youth. Per §193.265, RSMo, DPHHS receives a fee of \$15 for each certified birth certificate statement issued.

#According to the Missouri Uniform Crime Reporting Program, there were 128 cases of rape or attempted rape in Boone County in 2017. DPHHS is not able to determine the number of domestic violence cases in Boone County in the time allotted to complete this fiscal note, so actual costs will be higher than the minimums calculated below. Also, it is estimated there are a minimum of 25 homeless children in Boone County. For fiscal note purposes, DPHHS estimated that 10 percent of the above populations would request a birth certificate resulting in approximately 15 ($125 + 25 = 153 * 10\% = 15$) certificates issued. If 100 percent of these populations requested certificates, approximately 153 could be issued (actual numbers could be higher depending on the actual number of homeless children). The combined loss of fees for requests at 10 percent and 100 percent issuance of the identified populations for FY 2020, FY 2021, and FY 2022 are provided below:

	FY 2020 (10 months) 10% issuance	FY 2020 (10 months) 100% issuance	FY 2021 and FY 2022 10% issuance	FY 2021 and FY 2022 100% issuance
Domestic violence and homeless youth requests	\$187.50 to Unknown	\$1,912.50 to Unknown	\$225 to unknown for each year	\$2,295 to unknown for each year

#**Oversight** does not have any information to the contrary. Oversight assumes it is possible for 10% or more of victims and parents of homeless or unaccompanied youth to request a free birth certificate annually but does not assume 100% of victims will request a free birth certificate annually as provisions of the proposal provide that a victim may be eligible one time for a fee waiver. Therefore, Oversight assumes costs could exceed the lower limits of DPHSS' estimate and will present costs and the loss of certificate fees as (Unknown) for fiscal note purposes.

ASSUMPTION (continued)

#Officials from the **Franklin County Health Department (FCHD)** state FCHD is a non-tax based health department. The health department uses the revenue generated to pay the salary of the clerk that works vital records. If the FCHD is required to print copies, pay for ink and the state is charging the FCHD to provide birth certificates, this proposal is going to create additional costs. **Oversight** notes the FCHD did not provide an estimate of the additional costs that would be incurred.

#Officials from the **Mississippi County Health Department (MCHD)** state the fiscal impact of this proposal would depend on whether a parent or guardian of a homeless child or homeless youth could come directly into the local public health agency to receive the birth certificate and what documentation they would need to have in order to prove that they are homeless. The current reading of this proposal does not clearly state how they would be getting the birth certificate. Currently, all requests for these certificates go to the Department of Health and Senior Services (DHSS) through the requesting agency (may be another state department) and not at the local level. This allows DHSS to be able to track the number of issuances. This would apply for domestic violence victims. The number that would be issued at the local level would indicate how local revenues would be affected and at the present time, the amount is unknown. If birth certificates are requested directly from DHSS, no local revenue impact would occur.

#If the DHSS provides birth certificates for the homeless children and youth and domestic violence victims, the cost to MCHD would be \$0. If DHSS does not provide the birth certificates and the local public health agency is required to do so, there would be additional costs incurred for staff time needed to verify documentation and to enter the information into vital records. Total costs are unknown since MCHD does not know how many homeless individuals or domestic violence victims in Mississippi County would be seeking a birth certificate.

#**Oversight** notes Mississippi County Health Department officials did not provide an estimate of lost revenues or additional costs that would be incurred and will present lost revenue and additional costs as (Unknown) for fiscal note purposes.

#Officials from the **Ripley County Health Center** state this measure will create a loss of funds for local health departments. It will also create more tasks to be completed by these organizations. **Oversight** notes Ripley County Health Center officials did not provide an estimate of lost revenues or additional costs that would be incurred and will present lost revenue and additional costs as (Unknown) for fiscal note purposes.

#Officials from the **St. Louis County Department of Public Health** state revenues may decrease if the health department has more requests than normally anticipated. Per the department's estimation, it should only be a minor reduction in overall revenue received because the department does not currently charge a fee for these types of requests. **Oversight** will present the decrease in revenues as (Unknown).

ASSUMPTION (continued)

#**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other local public health agencies were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE FUND			
<u>Transfer-out</u> - DHSS (§193.265) Transfer to MOPHS for maintenance of MoEVR to replace fees lost due to free birth certificates	Could exceed... \$0 to (\$42,921)	Could exceed... \$0 to (\$51,505)	Could exceed... \$0 to (\$51,505)
<u>Costs</u> - DHSS (§193.265)	Could exceed...	Could exceed...	Could exceed...
Personal service	(\$47,545)	(\$57,625)	(\$58,201)
Fringe benefits	(\$35,507)	(\$42,782)	(\$42,958)
Equipment and expense	(\$29,825)	(\$17,079)	(\$17,506)
Total <u>Costs</u> - DHSS	<u>Could exceed</u> <u>(\$112,877)</u>	<u>Could exceed</u> <u>(\$117,486)</u>	<u>Could exceed</u> <u>(\$118,665)</u>
FTE Change - DHSS	Could exceed 2 FTE	Could exceed 2 FTE	Could exceed 2 FTE
<u>Loss</u> - DHSS (§193.265) Reduction in birth certificate fee revenue	Could exceed... <u>(\$34,337)</u>	Could exceed... <u>(\$41,204)</u>	Could exceed... <u>(\$41,204)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>Could exceed</u> <u>(\$147,214 to</u> <u>\$190,135)</u>	<u>Could exceed</u> <u>(\$158,690 to</u> <u>\$210,195)</u>	<u>Could exceed</u> <u>(\$159,869 to</u> <u>\$211,374)</u>
Estimated Net FTE Change on the General Revenue Fund	Could exceed 2 FTE	Could exceed 2 FTE	Could exceed 2 FTE

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
MISSOURI PUBLIC HEALTH SERVICE FUND (#0298)			
<u>Transfer-in - DHSS</u> (§193.265)	Could exceed...	Could exceed...	Could exceed...
Transfer-in from General Revenue for maintenance of MoEVR to replace fees lost due to free birth certificates	\$0 to \$42,921	\$0 to \$51,505	\$0 to \$51,505
<u>Loss - DHSS</u> (§193.265)	Could exceed...	Could exceed...	Could exceed...
Reduction in birth certificate fee revenue	<u>\$0 to (\$42,921)</u>	<u>\$0 to (\$51,505)</u>	<u>\$0 to (\$51,505)</u>
ESTIMATED NET EFFECT ON THE MISSOURI PUBLIC HEALTH SERVICES FUND	<u>\$0 to Could exceed (\$42,921)</u>	<u>\$0 to Could exceed (\$51,505)</u>	<u>\$0 to Could exceed (\$51,505)</u>
ENDOWED CARE CEMETERY AUDIT FUND (#0562)			
<u>Loss - DHSS</u> (§193.265)	Could exceed ...	Could exceed ...	Could exceed ...
Reduction in birth certificate fee revenue	<u>(\$8,584)</u>	<u>(\$10,301)</u>	<u>(\$10,301)</u>
ESTIMATED NET EFFECT ON THE ENDOWED CARE CEMETERY AUDIT FUND	<u>Could exceed (\$8,584)</u>	<u>Could exceed (\$10,301)</u>	<u>Could exceed (\$10,301)</u>
CHILDREN'S TRUST FUND (#0694)			
<u>Loss - DHSS</u> (§193.265)	Could exceed ...	Could exceed ...	Could exceed ...
Reduction in birth certificate fee revenue	<u>(\$42,921)</u>	<u>(\$51,505)</u>	<u>(\$51,505)</u>
ESTIMATED NET EFFECT ON THE CHILDREN'S TRUST FUND	<u>Could exceed (\$42,921)</u>	<u>Could exceed (\$51,505)</u>	<u>Could exceed (\$51,505)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
#LOCAL GOVERNMENTS - LOCAL PUBLIC HEALTH AGENCIES			
<u>#Costs</u> - LPHAs (§193.265)			
Increase in staff time and supplies	(Unknown)	(Unknown)	(Unknown)
<u>#Loss</u> - LPHAs (§193.265)			
Reduction in birth certificate fees	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
#ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS - LOCAL PUBLIC HEALTH AGENCIES			
	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill provides a victim of domestic violence or abuse that provides documentation that is signed by an employee, agent, or volunteer of a victim service provider; an attorney or a health care or mental health professional that the victim has sought assistance from for the domestic violence or abuse may receive a free birth certificate. These victims may be eligible for a one-time fee waiver for obtaining a copy of a birth certificate. In addition, the birth certificate fee shall also be waived for a parent or guardian of a homeless child or youth or an unaccompanied youth. (§193.265)

This legislation is not 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
Adair County Health Department
Columbia/Boone County Department of Public Health and Human Services
Franklin County Health Department
Mississippi County Health Department
Ripley County Health Center
St. Louis County Department of Public Health



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