

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2639

As Amended by Senate Committee on Public
Health and Welfare

Brief*

HB 2639, as amended, would require local and state law enforcement officers and agencies to assist the Secretary of Health and Environment (Secretary) in taking and processing fingerprints of persons residing, working, or regularly volunteering in a child care facility and to release all records of adult convictions and nonconvictions and adult convictions or adjudications of another state or country to the Kansas Department of Health and Environment (KDHE). KDHE would be required to adopt rules and regulations, by January 1, 2019, to fix a fee for fingerprinting such persons as required to reimburse KDHE for the cost of fingerprinting. The bill would create the Child Care Criminal Background and Fingerprinting Fund (Fund) in the State Treasury to be administered by the Secretary. All fingerprinting fees collected would be deposited in the Fund for use in paying local and state law enforcement officers and agencies for the processing of fingerprints and criminal history background checks for KDHE.

The bill also would update the list of sex-related crimes that would prohibit a person from residing, working, or regularly volunteering in a child care facility to include the crimes of commercial sexual exploitation of a child and the unlawful use of electronic means to commit human trafficking, commercial sexual exploitation of a child, and similar offenses.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The bill was introduced by the House Committee on Children and Seniors at the request of KDHE. In the House Committee hearing, a representative of KDHE testified in support of the bill, stating current law authorizes the Secretary to conduct criminal history and child abuse and neglect registry checks. The KDHE representative indicated the changes proposed by the bill are necessary to comply with new requirements for states found in the Child Care and Development Block Grant Act of 2014 (Public Law 113-186; also referred to as Reauthorization) by authorizing the Secretary to collect a fee for the fingerprinting of individuals residing, working, or regularly volunteering in a child care facility. Written proponent testimony was provided by a private citizen and representatives of Kansas Action for Children (KAC), Child Care Aware of Kansas, and the Department for Children and Families (DCF).

No opponent or neutral testimony was provided.

In the Senate Committee on Public Health and Welfare hearing, proponent testimony was provided by representatives from KAC and KDHE. Written-only proponent testimony was provided by representatives from Child Care Aware of Kansas and DCF. No other testimony was provided.

The Senate Committee amended the bill to require KDHE adopt rules and regulations by January 1, 2019.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Association of Counties and the League of Kansas Municipalities indicate enactment of the bill would increase the workload of local law enforcement agencies and officers, but any increased expenditures would be reimbursed from fees in the bill.

The Kansas Bureau of Investigation (KBI) indicates enactment of the bill would have no fiscal effect on agency operations.

The DCF indicates enactment of the bill would not have a direct fiscal effect on agency operations. However, DCF currently transfers federal funds to KDHE for the Licensure Program. DCF notes revenue generated by KDHE as a result of fees charged for fingerprinting and background checks could affect the amount of federal moneys transferred from DCF to KDHE. DCF cannot estimate how transfers to KDHE would be affected by enactment of the bill.