

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2639

As Recommended by House Committee on
Children and Seniors

Brief*

HB 2639 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 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 would also update the list of sexually 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, Child Care Aware of Kansas, and the Department for Children and Families (DCF).

No opponent or neutral testimony was provided.

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 that 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.

KDHE estimates enactment of the bill would increase agency expenditures by \$12,560 in FY 2018 and \$35,360 in FY 2019, all from federal funds. Included in the estimate are salaries and wages for 1.00 FTE temporary position to manually record, batch, deposit, and process related payments to the KBI for costs relating to fingerprinting and background checks. For FY 2018, the agency expenditure estimates would be for salaries and wages and for equipment and set-up costs. For FY 2019, the agency's estimate is entirely for salaries and wages. The agency estimates expenditures for FY 2018 and FY 2019 to be one-time expenditures that would not become part of the agency's base budget. By FY 2020, the agency estimates all processes would be automated, reducing salary and wage expenditures by removing the additional 1.00 FTE temporary position. Any increased revenues realized by assessing fees would be used to cover the costs related to administering fingerprinting and background checks.

Any fiscal effect associated with enactment of the bill is not included in *The FY 2019 Governor's Budget Report*.