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INTRODUCED BY Kattel, House BILL NO. 435

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN APPLICANT FOR LICENSURE OF A DAY-CARE CENTER OR A YOUTH CARE FACILITY TO BE FINGERPRINTED; REQUIRING AN APPLICANT FOR REGISTRATION OF A DAY-CARE HOME TO BE FINGERPRINTED; REQUIRING AN EMPLOYEE OF A DAY-CARE CENTER, A DAY-CARE HOME, A YOUTH CARE FACILITY, A COMMUNITY HOME, OR A LONG-TERM CARE FACILITY TO BE FINGERPRINTED; REQUIRING A VOLUNTEER AT A DAY-CARE CENTER OR A DAY-CARE HOME TO BE FINGERPRINTED; PROVIDING STATUTORY APPROPRIATIONS; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because [sections 5, 9, 12, and 15] grant rulemaking authority to the department of justice for the implementation of fingerprinting and background checks for certain employees, volunteers, and applicants for licensure or registration of certain facilities. At a minimum, the rules must address:

(1) a fee schedule commensurate with the actual costs associated with the fingerprinting and the background check; and

(2) the specific crimes that are relevant to a person's fitness for licensure, registration, or employment. The rules may provide for some differentiation among the specific crimes, depending upon the crime's relevance to a person's responsibility for the safety and well-being of children, the developmentally disabled, and the elderly.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Definition -- fingerprinting -- affidavit -- right to challenge -- fee. (1)

As used in [section 3] and this section, "applicant" means a person, a group of persons, or a corporation seeking:

(a) licensure for a day-care center; or

1 (b) registration for a family day-care home or a group day-care home.

2 (2) An applicant or the officers of the applicant must be fingerprinted and a background search
3 must be made of local, state, and national criminal history records to disclose a criminal record. A
4 fingerprint card and an affidavit, as provided in subsection (3), must be submitted to the department at the
5 time of application for licensure or registration.

6 (3)(a) On a form provided by the department and notarized, an applicant shall certify whether the
7 applicant is charged with or has ever been convicted or adjudicated of a crime involving arson, harm to
8 children, or physical or sexual violence against a person in this state or in another state.

9 (b) If the background check reveals that an applicant is charged with or has been convicted or
10 adjudicated of a crime listed in subsection (3)(a), the department shall consider the results of the
11 background check in evaluating the fitness of the applicant for licensure or registration.

12 (4) An applicant who is a resident of the state and who has had a set of fingerprints made within
13 the last year may submit those fingerprints to the department.

14 (5) An applicant may obtain a copy of the applicant's criminal history record and may challenge
15 the accuracy and completeness of the information contained in the record in accordance with 44-5-215.

16 (6) The applicant is responsible for all costs associated with the background check. The
17 department of justice may set a fee by rule for conducting the background check. The fee may not exceed
18 the actual cost of the background check.

19
20 **NEW SECTION. Section 2. Definitions -- fingerprinting -- affidavit -- right to challenge -- fee.** (1)

21 As used in [section 16] and this section, "employee" means a person employed by a day-care center, a
22 group day-care home, or a family day-care home. The term also includes a person who volunteers at a
23 day-care center, a group day-care home, or a family day-care home.

24 (2) An employee must be fingerprinted and a background check must be made of local, state, and
25 national criminal history records to disclose any criminal record. A fingerprint card and an affidavit, as
26 provided in subsection (3), must be submitted to the employer within 20 days of the first day of
27 employment.

28 (3)(a) On a form provided by the department and notarized, an employee shall certify whether the
29 employee is charged with or has ever been convicted or adjudicated of a crime involving arson or physical
30 or sexual violence against a person in this state or in another state.

1 (b) If the background check reveals that the employee is charged with or has been convicted or
2 adjudicated of a crime listed in subsection (3)(a), the employer shall consider the results of the background
3 check in evaluating the fitness of the employee.

4 (4) An employee who is a resident of the state and who has had a set of fingerprints made within
5 the last year may submit that set of fingerprints to the employer.

6 (5) An employee may obtain a copy of the employee's criminal history record and may challenge
7 the accuracy and completeness of the information contained in the record in accordance with 44-5-215.

8 (6) The employee is responsible for all costs associated with the background check. The
9 department of justice may set a fee by rule for conducting the background check. The fee may not exceed
10 the actual cost of the background check.

11
12 **NEW SECTION. Section 3. Department of justice to conduct background check -- release of**
13 **information.** (1) The department of justice shall conduct the background check in compliance with Public
14 Law 92-544. The department of justice shall make a reasonable effort to respond to the request for the
15 background check within 15 business days. If the criminal history record is incomplete, the department
16 of justice shall make a reasonable effort to conduct research in order to complete the record.

17 (2) The department of justice shall notify the department of family services of the results of the
18 background check. Information regarding a conviction or a pending indictment for a crime involving arson
19 or physical or sexual violence against a person in this state or in another state must be forwarded to the
20 department of family services. An applicant's full criminal history record may not be released to the
21 department of family services.

22
23 **NEW SECTION. Section 4. Special revenue account.** There is an account in the state special
24 revenue fund to the credit of the department of justice. The fees collected in [sections 1 and 2] must be
25 deposited into the account. The money in the account is statutorily appropriated, as provided in 17-7-502,
26 and must be used by the department of justice for the administration of [sections 1 through 5 and 16].

27
28 **NEW SECTION. Section 5. Rulemaking authority.** The department of justice shall adopt rules
29 implementing the provisions of [sections 1 through 5 and 16].

1 **NEW SECTION. Section 6. Definition -- fingerprinting -- affidavit -- right to challenge -- fee.** (1)

2 As used in [section 3] and this section, "applicant" means a person, a group of persons, or a corporation
3 seeking licensure for a youth care facility.

4 (2) An applicant or the officers of the applicant must be fingerprinted and a background search
5 must be made of local, state, and national criminal history records to disclose a criminal record. A
6 fingerprint card and an affidavit, as provided in subsection (3), must be submitted to the department at the
7 time of application for licensure.

8 (3)(a) On a form provided by the department and notarized, an applicant shall certify whether the
9 applicant is charged with or has ever been convicted or adjudicated of a crime involving arson, harm to
10 children, or physical or sexual violence against a person in this state or in another state.

11 (b) If the background check reveals that an applicant is charged with or has been convicted or
12 adjudicated of a crime listed in subsection (3)(a), the department shall consider the results of the
13 background check in evaluating the fitness of the applicant for licensure.

14 (4) An applicant who is a resident of the state and who has had a set of fingerprints made within
15 the last year may submit those fingerprints to the department.

16 (5) An applicant may obtain a copy of the applicant's criminal history record and may challenge
17 the accuracy and completeness of the information contained in the record in accordance with 44-5-215.

18 (6) The applicant is responsible for all costs associated with the background check. The department
19 of justice may set a fee by rule for conducting the background check. The fee may not exceed the actual
20 cost of the background check.

21
22 **NEW SECTION. Section 7. Definition -- fingerprinting -- affidavit -- right to challenge -- fee.** (1)

23 As used in [section 16] and this section, "employee" means a person employed at a youth care facility.

24 (2) An employee must be fingerprinted and a background check must be made of local, state, and
25 national criminal history records to disclose any criminal record. A fingerprint card and an affidavit, as
26 provided in subsection (3), must be submitted to the employer within 20 days of the first day of
27 employment.

28 (3)(a) On a form provided by the department and notarized, an employee shall certify whether the
29 employee is charged with or has ever been convicted or adjudicated of a crime involving arson or physical
30 or sexual violence against a person in this state or in another state.

1 (b) If the background check reveals that the employee is charged with or has been convicted or
2 adjudicated of a crime listed in subsection (3)(a), the employer shall consider the results of the background
3 check in evaluating the fitness of the employee.

4 (4) An employee who is a resident of the state and who has had a set of fingerprints made within
5 the last year may submit that set of fingerprints to the employer.

6 (5) An employee may obtain a copy of the employee's criminal history record and may challenge
7 the accuracy and completeness of the information contained in the record in accordance with 44-5-215.

8 (6) The employee is responsible for all costs associated with the background check. The
9 department of justice may set a fee by rule for conducting the background check. The fee may not exceed
10 the actual cost of the background check.

11
12 **NEW SECTION. Section 8. Special revenue account.** There is an account in the state special
13 revenue fund to the credit of the department of justice. The fees collected in [sections 6 and 7] must be
14 deposited into the account. The money in the account is statutorily appropriated, as provided in 17-7-502,
15 and must be used by the department of justice for the administration of [sections 3, 6 through 9, and 16].

16
17 **NEW SECTION. Section 9. Rulemaking authority.** The department of justice shall adopt rules
18 implementing the provisions of [sections 3, 6 through 9, and 16].

19
20 **NEW SECTION. Section 10. Definition -- fingerprinting -- affidavit -- right to challenge -- fee.** (1)
21 As used in [section 16] and this section, "employee" means a person employed by a long-term care facility.

22 (2) An employee must be fingerprinted and a background check must be made of local, state, and
23 national criminal history records to disclose any criminal record. A fingerprint card and an affidavit, as
24 provided in subsection (3), must be submitted to the employer within 20 days of the first day of
25 employment.

26 (3)(a) On a form provided by the department and notarized, an employee shall certify whether the
27 employee is charged with or has ever been convicted or adjudicated of a crime involving arson or physical
28 or sexual violence against a person in this state or in another state.

29 (b) If the background check reveals that the employee is charged with or has been convicted or
30 adjudicated of a crime listed in subsection (3)(a), the employer shall consider the results of the background

1 check in evaluating the fitness of the employee.

2 (4) An employee who is a resident of the state and who has had a set of fingerprints made within
3 the last year may submit that set of fingerprints to the employer.

4 (5) An employee may obtain a copy of the employee's criminal history record and may challenge
5 the accuracy and completeness of the information contained in the record in accordance with 44-5-215.

6 (6) The employee is responsible for all costs associated with the background check. The
7 department of justice may set a fee by rule for conducting the background check. The fee may not exceed
8 the actual cost of the background check.

9

10 **NEW SECTION. Section 11. Special revenue account.** There is an account in the state special
11 revenue fund to the credit of the department of justice. The fees collected in [section 10] must be
12 deposited into the account. The money in the account is statutorily appropriated, as provided in 17-7-502,
13 and must be used by the department of justice for the administration of [sections 10 through 12 and 16].

14

15 **NEW SECTION. Section 12. Rulemaking authority.** The department of justice shall adopt rules
16 implementing the provisions of [sections 10 through 12 and 16].

17

18 **NEW SECTION. Section 13. Definition -- fingerprinting -- affidavit -- right to challenge -- fee.** (1)
19 As used in [section 16] and this section, "employee" means a person employed by a community home, as
20 defined in 53-20-302.

21 (2) An employee must be fingerprinted and a background check must be made of local, state, and
22 national criminal history records to disclose any criminal record. A fingerprint card and an affidavit, as
23 provided in subsection (3), must be submitted to the employer within 20 days of the first day of
24 employment.

25 (3)(a) On a form provided by the department of family services and notarized, an employee shall
26 certify whether the employee is charged with or has ever been convicted or adjudicated of a crime involving
27 arson or physical or sexual violence against a person in this state or in another state.

28 (b) If the background check reveals that the employee is charged with or has been convicted or
29 adjudicated of a crime listed in subsection (3)(a), the employer shall consider the results of the background
30 check in evaluating the fitness of the employee.

1 (4) An employee who is a resident of the state and who has had a set of fingerprints made within
2 the last year may submit that set of fingerprints to the employer.

3 (5) An employee may obtain a copy of the employee's criminal history record and may challenge
4 the accuracy and completeness of the information contained in the record in accordance with 44-5-215.

5 (6) The employee is responsible for all costs associated with the background check. The
6 department of justice may set a fee by rule for conducting the background check. The fee may not exceed
7 the actual cost of the background check.

8
9 **NEW SECTION. Section 14. Special revenue account.** There is an account in the state special
10 revenue fund to the credit of the department of justice. The fees collected in [section 13] must be
11 deposited into the account. The money in the account is statutorily appropriated, as provided in 17-7-502,
12 and must be used by the department of justice for the administration of [sections 13 through 16].

13
14 **NEW SECTION. Section 15. Rulemaking authority.** The department of justice shall adopt rules
15 implementing the provisions of [sections 13 through 16].

16
17 **NEW SECTION. Section 16. Department of justice to conduct background check -- release of**
18 **information.** (1) The department of justice shall conduct the background check in compliance with Public
19 Law 92-544. The department of justice shall make a reasonable effort to respond to the request for the
20 background check within 15 business days. If the criminal history record is incomplete, the department
21 of justice shall make a reasonable effort to conduct research in order to complete the record.

22 (2) The department of justice shall notify the employer of the results of the background check.
23 Information regarding a conviction or a pending indictment for a crime involving arson or physical or sexual
24 violence against a person in this state or in another state must be forwarded to the employer. An
25 employee's full criminal history record may not be released to the employer.

26
27 **Section 17.** Section 17-7-502, MCA, is amended to read:

28 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
29 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
30 without the need for a biennial legislative appropriation or budget amendment.

1 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
2 with both of the following provisions:

3 (a) The law containing the statutory authority must be listed in subsection (3).

4 (b) The law or portion of the law making a statutory appropriation must specifically state that a
5 statutory appropriation is made as provided in this section.

6 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
7 2-18-812; 3-5-901; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706;
8 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410;
9 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201; 17-6-409;
10 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512; 19-18-513;
11 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111; 20-9-361; 20-26-1403; 20-26-1503;
12 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402;
13 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321; 39-71-2504; [section
14 8]; 44-12-206; 44-13-102; 50-5-232; [section 11]; 50-40-206; [section 4]; 53-6-150; [section 14];
15 53-24-206; 60-2-220; 61-2-107; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123;
16 77-1-808; 80-2-103; 80-2-222; 80-4-416; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220;
17 85-20-402; 90-3-301; 90-4-215; 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

18 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
19 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
20 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
21 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
22 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
23 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec.
24 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
25 supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates
26 July 1, 1995.)"

27
28 **NEW SECTION. Section 18. Codification instruction.** (1) [Sections 3, 6 through 9, and 16] are
29 intended to be codified as an integral part of Title 41, chapter 3, part 11, and the provisions of Title 41,
30 chapter 3, part 11, apply to [sections 3, 6 through 9, and 16].

1 (2) [Sections 1 through 5 and 16] are intended to be codified as an integral part of Title 52, chapter
2 2, part 7, and the provisions of Title 52, chapter 2, part 7, apply to [sections 1 through 5 and 16].

3 (3) [Sections 10 through 12 and 16] are intended to be codified as an integral part of Title 50,
4 chapter 5, part 2, and the provisions of Title 50, chapter 5, part 2, apply to [sections 10 through 12 and
5 16].

6 (4) [Sections 13 through 16] are intended to be codified as an integral part of Title 53, chapter 20,
7 part 3, and the provisions of Title 53, chapter 20, part 3, apply to [sections 13 through 16].

8
9 **NEW SECTION. Section 19. Effective date.** [This act] is effective on passage and approval.

10
11 **NEW SECTION. Section 20. Applicability.** [This act] applies to licenses or registrations issued on
12 or after January 1, 1996, and to persons hired on or after January 1, 1996.

13 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0435, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill requiring an applicant for licensure of a day-care center or a youth-care facility or an applicant for registration of a day-care home to be fingerprinted; requiring an employee or a volunteer of a day-care center or a day-care home to be fingerprinted; requiring an employee of a youth care facility, a community home, or a long-term care facility to be fingerprinted; and providing statutory appropriations.

ASSUMPTIONS:

Department of Justice:

1. The bill applies to licenses or registrations issued on or after January 1, 1996, and to persons hired on or after January 1, 1996. Therefore, the applicability for FY96 is for six months only.
2. It is estimated that a minimum of 20,000 people per year will need to be fingerprinted and have background checks performed. This is based on the estimates from the Department of Health and Environmental Sciences for nursing homes (7,648), from the Department of Family Services for registered foster-care and day-care centers (9,100) and the approximate number of facilities not registered (1,640), and from the Department of Social and Rehabilitation Services for developmental disability group homes (700). The actual number of volunteers and other facilities not listed above is not subject to reasonable estimates. It is estimated that the turnover rate in these centers is 50-80% per year; therefore, the minimum 20,000 per year is considered conservative. The bill is not clear as to the length of time that a background check is valid. It is assumed that these checks will be repeated on an annual basis. Each will need to be fingerprinted by a law enforcement agency in the employee's area and background checks processed through the Automated Fingerprint Identification System (AFIS) and the Federal Bureau of Identification (FBI) system. The background checks must be sent to the Identification Bureau in the Department of Justice for processing and forwarded to the FBI.
3. It is estimated that 84% of the background checks will result in a finding of no criminal history record. A "no record" background check takes approximately 10 minutes to conduct. Processing 16,800 (20,000 x 84%) background checks under this assumption will take approximately 2,800 hours.
4. It is estimated that 16% of the background checks will result in a potential "hit" on a criminal history record due to similarity of names, birth dates, etc. To completely verify the "hit" as correct will take an average of two hours. Processing 3,200 (20,000 x 16%) background checks under this assumption will require approximately 6,400 hours.
5. As stated in assumption 2, fingerprints can be taken at the local law enforcement agency. In Helena, the local police department will not perform this service since the Identification Bureau in the Department of Justice performs this function. Therefore, it is assumed that the Helena-area employees affected by HB435 will be fingerprinted by the Identification Bureau. It is estimated that 1,000 people (5% x 20,000) will be fingerprinted annually in the Helena area. Each fingerprint processing takes approximately 15 minutes. Annually, this would require 250 hours.
6. It is estimated that one staff person can completely process 50 fingerprint cards each day through the AFIS and the administrative process of the Identification Bureau; approximately 10 minutes per fingerprint. Processing 20,000 fingerprint cards under this assumption will take approximately 3,333 hours [(20,000 x 10)/60].

(continued on page 2)

 2-11-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

DEB KOTTEL, PRIMARY SPONSOR DATE

Fiscal Note for HB0435, as introduced

HB 435

Department of Justice (continued):

7. It is estimated that 6.00 FTE would be needed in the Identification Bureau to process the fingerprinting and background checks (2,800 hours for "no background" checks + 6,400 hours for background check "hits" + 250 hours for Helena-area fingerprinting + 3,333 hours for fingerprint processing = 12,783/2,080 hours in a year = 6.14 FTE). It is estimated that 4.50 FTE would be grade 8 at a cost of \$10,114 per FTE in FY96 and \$20,296 per FTE in FY97. The other 1.50 FTE would be grade 11 a cost of \$12,509 per FTE in FY96 and \$25,108 per FTE in FY97. The FTE and associated operating and equipment expenses will be funded from the new state special revenue account to the extent revenue is sufficient; otherwise funding will be from the general fund.
8. Operating expenses, including rent, postage for mailing background and fingerprint checks, supplies, and telephone, for the additional 6.00 FTE are estimated at \$10,028 in FY96 and \$18,599 in FY97. Computer programming to make the Criminal Justice Information Network background check system more efficient will cost approximately \$17,000 in FY96 only.
9. One-time-only equipment costs of \$17,400 (6.00 FTE x 2,900 each) would be incurred in FY96 for desks, personal computers, chairs, and calculators. New computer equipment also would be necessary for AFIS at a cost of \$40,000. The department would lease this equipment over four years at \$833 per month. There would be a cost of \$5,000 to ship and install the equipment (FY96 only). In addition, maintenance costs would be \$4,400 per month (11% of the cost). There would also be a capacity upgrade of approximately \$2,500 per month. The total monthly costs would be \$7,733 (833+4,400+2,500) which amount to \$46,398 in FY96 and \$92,796 in FY97.
10. The department will adopt rules to implement the bill. Current charges are \$5 for fingerprints taken by the Identification Bureau, \$8 for background checks on AFIS, and \$24 for background checks through the FBI. Note that \$22 of the \$24 FBI fee is just pass-through money to the FBI. The department keeps \$2 of this fee. Under HB435, a new state special revenue account will be established. It is estimated that there will be \$105,000 in revenues in FY96 [(5 x 1,000) + (8 x 10,000) + (2 x 10,000)] and \$205,000 in FY97 [(5 x 1,000) + (8 x 20,000) + (2 x 20,000)].

Department of Family Services (DFS):

11. The bill requires DFS to consider the results of background checks on applicants and employees of programs and facilities that DFS licenses or registers.
12. DFS estimates that there are currently 9,100 applicants or employees of applicants in the programs that DFS licenses or registers. Of these, about 5,500 applicants and 1,800 employees (7,300 total) will require annual background checks. This assumes a 50% employee turnover per year.
13. DFS cannot estimate how many volunteers will need background checks.
14. The background checks will be performed by the Department of Justice and forwarded to DFS. DFS will distribute the background checks to the licensing staff.
15. In order to collect, distribute, and file the background checks, DFS will need 1.00 FTE grade 8 beginning January 1, 1996, and operating expenses for mailing (3,600 per year) and copying (1,400 per year). Equipment costs will be incurred in FY96 for a desk, chair and file cabinet.
16. The funding split for the FTE will be at the current estimated federal recovery for the Management Support Program of 15.9%.

Department of Corrections and Human Services:

17. This bill applies to employees hired on or after January 1, 1996.
18. This bill would impact long-term care facility employees at the Center for the Aged, Montana Development Center, Montana Veterans Home, Eastmont Human Services Center, and the Geriatric Unit at Montana State Hospital.
19. The employee is responsible for all costs associated with the background check. The current cost is \$37 each. The bill will have no fiscal impact on the department.

Department of Social and Rehabilitation Services:

20. There is no measurable fiscal impact to the department.

FISCAL IMPACT:

Expenditures:

	<u>FY96</u>	<u>FY97</u>
<u>Department of Justice:</u>	<u>Difference</u>	<u>Difference</u>
FTE	3.00	6.00
Personal Services	64,277	128,988
Operating Expenses	27,028	18,599
Equipment	<u>68,798</u>	<u>92,796</u>
Total	160,103	240,383

Funding:

General Fund (01)	55,103	35,383
State Special Revenue (02)	<u>105,000</u>	<u>205,000</u>
Total	160,103	240,383

Department of Family Services:

FTE	0.50	1.00
Personal Services	10,114	20,296
Operating Expenses	5,000	5,000
Equipment	<u>750</u>	<u>0</u>
Total	15,864	25,296

Funding:

General Fund (01)	13,342	21,274
Federal Special Revenue (03)	<u>2,522</u>	<u>4,022</u>
Total	15,864	25,296

Revenues:

State Special - fingerprinting & background check fees (02)	105,000	205,000
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Net Impact:

General Fund cost (01)	68,445	56,657
State Special Revenue (02)	0	0
Federal Special Revenue cost (03)	2,522	4,022

TECHNICAL NOTES:

HB435 states that a background check should be made within 15 business days. The Identification Bureau in the Department of Justice can meet this timeline but the FBI takes four to six weeks to process fingerprints.

The scope of the bill may be unclear as to its application to all employees of a combined hospital/long-term care facility and personal and home health care services. The numbers estimated in the fiscal note do not include estimates for those categories of employees and providers.

(continued on page 4)

(continued)

DEDICATION OF REVENUE:

- a) Are there persons or entities that benefit from this dedicated revenue that do not pay? (Please explain)

There may be some benefit to clients and consumers that do not pay the fees directly in terms of increased criminal history information about licensees and employees of service providers.

- b) What special information or other advantages exist as a result of using a state special revenue fund that could not be obtained if the revenue were allocated to the general fund?

None

- c) Is the source of revenue relevant to current use of the funds and adequate to fund the program/activity that is intended? Yes No (if no, explain)

The source of revenue is inadequate to fund the new activity. It is relevant to the use of the funds.

- d) Does the need for this state special revenue provision still exist? Yes No (Explain)

This is a new state special revenue account.

- e) Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending? (Please explain)

No

- f) Does the dedicated revenue fulfill a continuing, legislatively recognized need? (Please explain)

Unknown.

- g) How does the dedicated revenue provision result in accounting/auditing efficiencies or inefficiencies in your agency? (Please explain. Also, if the program/activity were general funded, could you adequately account for the program/activity?)

The activity could be accounted for in the general fund with a separate revenue estimate, statutory appropriation, and responsibility center.