

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4183-04
Bill No.: Perfected SCS for SB 448
Subject: Health Dept.; Children and Minors
Type: Original
Date: April 18, 2012

Bill Summary: Establishes “Sam Pratt’s Law” and “Nathan’s Law” and modifies provisions relating to child care providers.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration (OA) - Administrative Hearing Commission, Office of State Courts Administrator, Department of Mental Health, Department of Corrections and Department of Public Safety - Division of Fire Safety** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Office of Attorney General** assume any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Department of Elementary and Secondary Education (DESE)** state there is no anticipated state cost to the foundation formula associated with this proposal. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to school districts increases the deduction in the foundation formula the following year. Therefore, the affected districts will see an equal decrease in the amount of funding received through the formula the following year unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

Officials from the **Department of Social Services (DSS)** state subsection 3 is added to Section 210.211. It requires any child care facility exempt from licensure to disclose the licensure exempt status of the facility to the parents or guardians of children for which the facility provides care. The proposal does not specify who is responsible for enforcement; nor does it specify any penalty for violation. However, since the Department of Health and Senior Services is responsible for child care licensing, there is unlikely to be any fiscal impact to the DSS.

Currently violation of the state's child care licensing statute is an infraction for the first offense and a class A misdemeanor for subsequent offenses. This proposal adds a fine of \$200 per day, not to exceed \$10,000, for subsequent offenses. This part of the proposal involves a criminal violation. There is no fiscal impact to DSS.

New section 544.456 allows any court that is considering releasing an individual on bail to impose, as a condition of release, a prohibition that prevents the individual from providing child care services for compensation when the defendant's crime involves abuse, neglect, or death of a child. There is no fiscal impact to DSS.

ASSUMPTION (continued)

Officials from the **Department of Health and Senior Services (DHSS)** provide the following assumptions:

Section 210.245.1

The proposed legislation imposes a fine of two hundred dollars per day, not to exceed a total of ten thousand dollars for any person that violates the child care licensure provisions set forth in sections 210.201 to 210.245 for a second or subsequent time. The department assumes an unknown increase in General Revenue as a result of the imposition of increased fines.

Oversight assumes any increase or decrease in fine or penalty revenues generated cannot be determined. Therefore, the fiscal note does not reflect any fine or penalty revenues for the local school districts.

Oversight notes that due to time constraints, responses from the following agencies are from the previous version of this proposal:

Officials from the **Department of Public Safety - Missouri State Highway Patrol** assumed the proposal will have no fiscal impact on their organization.

Officials from the **Office of Administration - Division of Budget and Planning (BAP)** stated the proposed legislation should not result in additional costs or savings to the BAP. However, the additional penalty provision in section 210.245, RSMo, will impact total state revenue, but not the Article X, Section 18(e) cap, by an unknown amount.

Officials from the **Office of Prosecution Services (OPS)** assumed the proposal will have no measurable fiscal impact on the OPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

Oversight assumes the potential responsibilities imposed on county prosecutors as a result of this proposal, will be absorbable within current funding and staffing levels.

For the purposes of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with new crimes.

ASSUMPTION (continued)

Passage of bills increasing penalties on existing crimes, or creating new crimes, requires the SPD system to further extend resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific proposal, the SPD will continue to request sufficient appropriations to provide competent and effective representation for all its cases.

Oversight assumes the SPD could absorb the costs of the proposed legislation within existing resources. **Oversight** assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Sections 210.211 and 210.245

Small business child care providers that violate the provisions of these sections could be fined \$200, not to exceed \$10,000 for second and subsequent violations of the provisions.

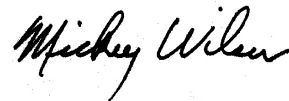
FISCAL DESCRIPTION

The proposal appears to have no fiscal impact.

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

SOURCES OF INFORMATION

Office of Attorney General
Office of Administration -
 Administrative Hearing Commission
 Division of Budget and Planning
Office of State Courts Administrator
Department of Elementary and Secondary Education
Department of Mental Health
Department of Corrections
Department of Health and Senior Services
Department of Social Services
Department of Public Safety -
 Division of Fire Safety
 Missouri State Highway Patrol
Office of Prosecution Services
Office of State Public Defender



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