

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4581-04
Bill No.: SCS for HCS for HB 1599
Subject: Adoption; Vital Statistics; Children and Minors; Family Law
Type: Original
Date: April 22, 2016

Bill Summary: This proposal establishes procedures for an adopted person to obtain a copy of his or her original birth certificate.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(Up to \$49,226)	(Up to \$51,476)	(Up to \$52,012)
Total Estimated Net Effect on General Revenue	(Up to \$49,226)	(Up to \$51,476)	(Up to \$52,012)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
MOPHS	Up to \$15,750	Up to \$18,900	Up to \$18,900
Children's Trust	Up to \$15,750	Up to \$18,900	Up to \$18,900
Endowed Cemetery	Up to \$3,150	Up to \$3,780	Up to \$3,780
Total Estimated Net Effect on Other State Funds	Up to \$34,650	Up to \$41,580	Up to \$41,580

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	1	1	1
Total Estimated Net Effect on FTE	1	1	1

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 2017	FY 2018	FY 2019
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services (DHSS)** state this proposal may duplicate another program in that the Department of Social Services maintains an Adoption Registry pursuant to section 453.121, RSMo. DHSS provides the following assumptions regarding this proposal:

Section 193.128 - Missouri Adoptee Rights Act

Based on current workload, inquiries and requests for copies of original birth certificates are expected increase by approximately 3,780 requests annually (15 requests X 21-day average working days/ month X 12 months/year = 3,780 requests). There is currently one Senior Office Support Assistant-Keyboarding (SOSA) working on adoptions. Two additional SOSA positions (\$25,824 annually) would be needed to handle the additional requests, mail the contact preference and medical history forms, process completed forms by searching for the original birth record, file completed forms in sealed envelopes, file sealed envelopes for permanent retention at the State Records Center, and redact information from medical history forms and/or original birth certificates.

These positions would assist internal and external customers through written correspondence, in person, and over the telephone, primarily regarding adoptions, vital events and related matters. The staff person would travel to the State Records Center in Jefferson City to retrieve sealed envelopes. The staff would perform moderate to difficult clerical and technical functions involving a significant amount of public contact. Duties include processing documents related to births, including adoption decrees (domestic and foreign); legitimation affidavits; amending or creating new certificates as instructed by affidavit or court order; processing delayed applications; performing manual and computer searches; updating the system mainframe; and issuing uncertified copies in accordance with statutes. Standard expense and equipment costs are included for two clerical FTE. In addition, approximately \$1,852 would be needed for postage (3,780 requests times \$0.49/envelope).

The legislation also requires the State Registrar to develop a contact preference form and a medical history form to provide to the birth parent (s) for completion. The forms would be printed at an estimated cost of \$1,200 (30,000 copies of each form (2 forms X \$0.02 each)).

DHSS notes per Section 193.265, RSMo, the cost per birth certificate statement is \$15 to be distributed as follows: Children's Trust Fund - \$5; General Revenue (GR) - \$4; Endowed Cemetery Fund - \$1; and Missouri Public Health Services (MOPHS) - \$5. The increase in annual revenue is estimated at 3,780 requests X \$15 per request for a total of \$56,700 annually

ASSUMPTION (continued)

(\$47,250 for 10 months in FY 2017). Per section 193.265, RSMo, this revenue will be split between four funds (GR - \$12,600; Children's Trust Fund - \$15,750; Endowed Cemetery Fund - \$3,150; and MOPHS - \$15,750 for FY 2017).

Oversight assumes, because the potential significant increase in the workload is speculative, that the DHSS could perform the additional duties with one FTE. If significant increases in the workload were experienced, additional FTE could be requested through future budget requests. In addition, since the potential increase in the workload is considered speculative, Oversight is presenting the revenues that could be received as a result of the increase in requests for birth certificates as "Up to" the amount provided by DHSS. Oversight assumes the DHSS does not need additional rental space for one FTE.

In response to the previous version of this proposal, officials from the **Office of the Secretary of State (SOS)** stated many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Joint Committee on Administrative Rules (JCAR)** state the legislation is not anticipated to cause a fiscal impact to JCAR beyond its current appropriation.

Officials from the **Department of Social Services, Children's Division** and the **Division of Legal Services** the **Office of State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
GENERAL REVENUE FUND			
<u>Income</u> - DHSS (§193.128)			
Birth certificate fees	Up to \$12,600	Up to \$15,120	Up to \$15,120
<u>Costs</u> - DHSS (§193.128)			
Personal service	(\$21,520)	(\$26,082)	(\$26,343)
Fringe benefits	(\$14,290)	(\$17,218)	(\$17,289)
Equipment and expense	<u>(\$13,416)</u>	<u>(\$8,176)</u>	<u>(\$8,380)</u>
Total <u>Costs</u> - DHSS	<u>(\$49,226)</u>	<u>(\$51,476)</u>	<u>(\$52,012)</u>
FTE Change - DHSS	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND			
	<u>(Up to \$49,226)</u>	<u>(Up to \$51,476)</u>	<u>(Up to \$52,012)</u>
Estimated Net FTE Change on the General Revenue Fund			
	1 FTE	1 FTE	1 FTE
MOPHS FUND			
<u>Income</u> - DHSS (§193.128)			
Birth certificate fees	<u>Up to \$15,750</u>	<u>Up to \$18,900</u>	<u>Up to \$18,900</u>
ESTIMATED NET EFFECT ON THE MOPHS FUND			
	<u>Up to \$15,750</u>	<u>Up to \$18,900</u>	<u>Up to \$18,900</u>
CHILDREN'S TRUST FUND			
<u>Income</u> - DHSS (§193.128)			
Birth certificate fees	<u>Up to \$15,750</u>	<u>Up to \$18,900</u>	<u>Up to \$18,900</u>
ESTIMATED NET EFFECT ON THE CHILDREN'S TRUST FUND			
	<u>Up to \$15,750</u>	<u>Up to \$18,900</u>	<u>Up to \$18,900</u>
ENDOWED CEMETERY FUND			
<u>Income</u> - DHSS (§193.128)			
Birth certificate fees	<u>Up to \$3,150</u>	<u>Up to \$3,780</u>	<u>Up to \$3,780</u>
ESTIMATED NET EFFECT ON THE ENDOWED CEMETERY FUND			
	<u>Up to \$3,150</u>	<u>Up to \$3,780</u>	<u>Up to \$3,780</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</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 specifies that an adopted individual, his or her attorney, or descendants may apply for an original copy of his or her birth certificate. The applicant must be at least 18 years of age; was born in this state; and provide appropriate proof of identification to the state registrar.

The state registrar may impose a waiting period and fee that are identical to the fees and waiting period for a non-adopted birth certificate request. The uncertified copy of the original birth must have the following statement printed on it: "For genealogical purposes only - not to be used for establishing identity".

A birth parent may, at any time, request from the state registrar a contact preference form that shall accompany the original birth certificate. If either parent/both parents indicate on the contact preference form that they prefer not to be contacted, proof that the parent(s) that wished not to be contacted is deceased is required to obtain a birth certificate with identifying information. While the parent(s) that wish not to be contacted are living, identifying information will be redacted from a copy of the original birth certificate if the adopted person requests a copy of his/her birth certificate. This form may be updated at any time.

A birth parent may, at any time, request a medical history form from the state registrar and the state registrar shall provide a medical history form to any birth parent who requests a contact preference form. A medical history form may be updated at any time upon request of the birth parent.

A contact preference form or a medical history form received by the state registrar shall be placed in a sealed envelope upon receipt from the birth parent and shall be considered confidential communication from the birth parent to the adopted person and shall only be released to the adopted person requesting his/her original birth certificate. If the birth parent indicates on the contact preference form that he/she would prefer not to be contacted, the adopted person shall

FISCAL DESCRIPTION (continued)

have access to a copy of the medical history form with identifying information of the birth parent redacted. Upon proof that an adopted person is deceased, his/her descendants have the right to obtain a copy of the adopted person's original birth certificate and contact preference form and medical history form. The cost of the contact preference form shall not exceed the cost of obtaining an original birth certificate. There will be no charge for a medical history form.

Beginning August 28, 2016, there shall be a public notification period to allow time for birth parents to file a contact preference form. Beginning May 1, 2017, original birth certificates shall be issued under the provisions of the proposal. An adopted person born prior to 1941 shall be given access to his/her original birth certificate beginning August 28, 2016.

This legislation is not federally mandated but may duplicate another program. The legislation would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Health and Senior Services
Department of Social Services -
 Children's Division
 Division of Legal Services
Joint Committee on Administrative Rules
Office of State Courts Administrator
Office of Secretary of State



Mickey Wilson, CPA
Director
April 22, 2016

Ross Strope
Assistant Director
April 22, 2016