

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0114S.06C  
Bill No.: SCS for HB 81  
Subject: Education, Elementary and Secondary; Department of Elementary and Secondary Education,; Highway Patrol; Department of Health And Senior Services; Health Care; Drugs and Controlled Substances; Children and Minors; Department of Social Services; Children's Division; Crimes and Punishment  
Type: Original  
Date: May 1, 2023

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Bill Summary: This proposal modifies provisions relating to duties of the Department of Public Safety.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>Fully Implemented (FY 2031)</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2031)
Criminal Record System (0671)*	Less than \$165,000	Less than \$198,000	Less than \$198,000	Less than \$198,000
Highway Patrol Traffic Records Fund (0758)**	\$0 to \$250	\$0 to \$25,250	\$0 to \$30,250	\$0 to \$120,250
<b>Total Estimated Net Effect on Other State Funds</b>	<b>Up to \$165,250</b>	<b>Up to \$223,250</b>	<b>Up to \$228,250</b>	<b>Up to \$318,250</b>

\*Oversight assumes the fiscal impact to the Criminal Records System Fund would not reach the \$250,000 threshold.

\*\*Because this proposal is permissive, revenue is ranged from \$0 (no increase in fees) to the estimate of \$120,250 (fee not to exceed \$10).

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
<b>Total Estimated Net Effect on All Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

**Oversight** was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note.

### §43.253 - Fees paid to the Missouri State Highway Patrol

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume this legislation would add language to §43.253 to allow the MHP to charge a minimum fee of \$6 to disseminate records requests. The proposal does not mandate a minimum \$6 fee be imposed; it simply allows for such. Allowing a minimum \$6 fee for duplication of records disseminated upon request would authorize the Patrol to raise the crash report fee from the current price of \$5.99 to \$6.00. The Superintendent of the Missouri State Highway Patrol would be allowed to increase the minimum fee described in this section by not more than one dollar every other year following this section's effective date, up to a maximum of ten dollars. The Patrol Records Division disseminates approximately 30,000 crash reports per year. Fees for this service are collected and deposited into the Traffic Records Fund (0758).

Any funding increase realized by the Traffic Records Fund will be reinvested in an electronic report dissemination software. This enhancement will allow individuals to request, purchase, and receive records requests through an electronic portal.

**Oversight** notes the increased revenue could be realized if fees are increased to their maximum allowable amount (every other year):

FY24 Based on 10/12 rule  
Traffic Crash Reports  
(30,000 x .08333 =) 25,000 traffic crash reports x \$.01 fee increase (**fee at \$6**) = \$250

FY25 Based on 10/12 rule  
Traffic Crash Reports  
(30,000 x .08333 =) 25,000 traffic crash reports x \$1 increase (**fee at \$7**) = \$25,000

FY26 Traffic Crash Reports  
30,000 x \$1 increase (**fee at \$7**) = \$5,000 [Full year (\$30,000 - \$25,000)]

FY27 Traffic Crash Reports  
30,000 x \$1 increase (**fee at \$8**) = \$30,000

FY29 Traffic Crash Reports  
30,000 x \$1 increase (**fee at \$9**) = \$30,000

FY31 Traffic Crash Reports  
30,000 x \$1 increase (**fee at \$10**) = \$30,000

**Oversight** notes the increase in fees will result in the revenue from these fees compounding over the years from FY24 through FY31 as shown below:

\$250 (FY24) + \$25,000 (FY25) + \$5,000 (FY26) + 30,000 (FY27) + \$30,000 (FY29)  
+ \$30,000 (FY31) = \$120,250 (Traffic Fund)

Oversight also notes the revenue presented for FY31 was determined under the assumption that the MHP will increase the minimum fee as outlined in this proposal (additional \$1 every other year).

However, because this proposal is permissive, Oversight will range the revenue from \$0 (no increase in fees) to the estimate of \$120,250 (fee not to exceed \$10) to the Highway Patrol Traffic Records Fund for fiscal note purposes.

§§43.539 and 43.540 - Missouri Rap Back Program

In response to a similar proposal from 2023 (HB 669), officials from the **Office of Administration**, the **Kansas City Police Department** and the **St. Joseph Police Department** assumed these sections of the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from 2023 (SB 264), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section of the proposal.

Officials from the **DPS, Missouri Highway Patrol** stated the impact to the Criminal Record System fund is unknown.

**Oversight** will show a range of impact to the Criminal Record System fund from this amendment of \$0 to an unknown loss from foregone fees for criminal record reviews. Oversight is uncertain how many criminal record reviews are completed due to the six year requirement; however, Oversight does not anticipate the impact to exceed the \$250,000 threshold.

§171.097 - Background check for Any Person 18 Years of Age or Older

In response to a similar proposal (SB 40), officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated open records may be obtained by a name based or fingerprint based criminal record check. The fiscal impact is unclear as it cannot be determined which type of criminal record check would be conducted. Name-based criminal record checks are \$14.00 and fingerprint-based criminal record checks are \$20.00.

The estimated number of individuals seeking enrollment that would require an open records criminal records check is not known to the Patrol. The Patrol will rely on DESE to provide the projected number of individuals seeking enrollment that would require an open records criminal records check and what type of records check. Depending on what the individual school districts decide, the fiscal impact may be incurred by the district or the cost may be incurred by the individual, at the request of the district.

In response to a similar proposal from 2020 (HB 1483), officials from the **MHP** stated:

The Department of Elementary and Secondary Education anticipates that this legislation would impact a relatively low number of individuals totaling approximately 100 applicants per year equaling \$2,200 deposited in the Criminal Record System Fund annually.

100 applicants x \$22.00 = \$2,200 deposited in the Criminal Record System Fund annually.

The cost for a state and federal fingerprint based criminal record check is **\$33.25**, per request. The state portion of the record check fee is \$20.00 and the federal portion is \$13.25. If the submitting agency chooses to utilize the state fingerprint services vendor, then an additional \$8.50 is charged by the vendor for this service. Thus, the fee breakdown per request is as follows:

State Fee: \$20.00

Federal Fee: \$13.25

**Total (state and federal Fee) \$33.25**

Total (state, federal and vendor fee): \$41.75

The total amount retained in the Criminal Record System Fund after paying the FBI is \$22.00 per request. This equals \$20.00 for the state fee, pursuant to Section 43.530, and \$2.00 of the federal fee, pursuant to 28 CFR 20.31(e) (2) and the current fee schedule as posted in the Federal Register.

In response to a similar proposal from 2019, HB 836 (2019), **Springfield Public School** officials assumed this proposal would cost \$5,000 for process management.

In response to a similar proposal, HB 836 (2019), **Francis Howell School District** officials assumed their district does not have any program in which an adult student, as defined in the proposed legislation, attends classes with “regular” K-12 students.

**Oversight** assumes if school districts must perform background checks on adult students not counted for purposes of average daily attendance, income to the Criminal Record System Fund (0671) would increase \$2,200 (using the 2020 estimate given by the MHP) and school districts cost would increase \$4,175 (100 x \$41.75). Oversight does not consider these amounts material; therefore, Oversight will not show a fiscal impact to the MHP or to school districts from this section of the proposal

§195.817 - Background checks related to marijuana facilities

**DPS, MHP** states the fiscal impact is unclear as the Patrol cannot determine how many more criminal record checks would be conducted based on the requirements of §195.817. For reference, fingerprint based criminal record checks are \$20. Deposits from these records checks are placed in the Criminal Records System Fund (0671).

**Oversight** obtained additional information from the MHP regarding background check fees. Current background check fees cost \$41.75 each, broken out at follows:

\$20.00	State fee
\$13.25	Federal Fee
<u>\$ 8.50</u>	Vendor fee
\$41.75	Total

In addition to the State fee of \$20, the state receives \$2 as a pass-through fee from federal government. Therefore, for each background check conducted, \$22 will be deposited into the Criminal Record System Fund (0671).

In response to a similar proposal from the current session (HCS for SS No. 3 for SB 22), **Oversight** also obtained additional information from the DHSS projecting the number of ID applications they anticipate receiving as a result of the passage of Amendment 3. DHSS said they anticipate receiving 9,000 agent ID applications for each FY2024 and FY2025 and don't expect agent applications to increase significantly past the numbers projected for FY 2025. Currently, DHSS started issuing agent licenses in April 2020 and the licenses are valid for three years, therefore, DHSS estimates renewals occurring starting in 2023. DHSS projects the same average beyond the period of the fiscal note and doesn't anticipate tapering off of applications.

Since the actual number of applications is unknown, Oversight assumes the impact to the Criminal Records System Fund could be up to \$198,000 annually (\$22 \* 9,000 applications).

In response to a similar proposal (SCS for SB 40), officials from the **Office of Administration** assumed this section of the proposal would have no fiscal impact on their organization.

§210.493 - Background checks required of certain individuals

In response to a previous version, officials from the **Office of Administration (OA)**, the **Office of the State Courts Administrator**, the **Kansas City Police Department** and the **St. Joseph Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for this section.

§320.210 – Qualifications for fire protection employees

In response to a similar proposal from the current session (SB 206), officials from the **Office of Administration** and the **Department of Public Safety- Fire Safety** and **Office of the Director** assumed this section of the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

§§590.033, 590.040, and 590.080 – Peace officer standards

In response to a similar proposal from the current session (SCS for SB 38), officials from the **Office of Administration** assumed the proposal will have no fiscal impact on their organization.

In response to a similar proposal from 2023 (SB 38), officials from the **Kansas City Police Department** and the **St. Joseph Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these sections for these agencies.

In response to a similar proposal from the current session (SCS for SB 38), officials from the **Oronogo Police Department** indicated this proposal would have a fiscal impact on their organization. However, **Oversight** notes they provided no information explaining the potential fiscal impact this proposal would have on their organization. Therefore, for fiscal note purposes, Oversight assumes any fiscal impact incurred by this police department would be absorbable within current funding levels.

§610.021 - Closure of certain public safety records

In response to a similar proposal from the current session (SB 630), officials from the **Office of Prosecution Services**, the **Office of Administration (Budget and Planning)**, the **Office of the State Courts Administrator** and the **Office of the State Public Defender** each assumed the proposal will have no fiscal impact on their respective organizations.

**Oversight** notes that the above mentioned agencies have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for this section.

Responses regarding the proposed legislation as a whole

Officials from the **University of Missouri System (UM)** state a significant annual fiscal cost is not projected as a result of this proposal. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

Officials from the **Attorney General's Office**, the **Department of Commerce and Insurance**, the **Department of Corrections**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Higher Education and Workforce Development**, the **Department of Labor and Industrial Relations**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Public Safety (Office of the Director, Alcohol & Tobacco Control, Capitol Police, Fire Safety, Missouri Gaming Commission, Missouri Veterans Commission and the State Emergency Management Agency)**, the **Department of Revenue**, the **Department of Social Services**, the **Joint Committee on Education**, the **Joint Committee on Public Employee Retirement**, **Legislative Research (LR)**, the **LR, Oversight Division**, the **Missouri Consolidated Health Care Plan**, the **Missouri Department of Agriculture**, the **Missouri Department of Conservation**, the **Missouri Department of Transportation**, the **Missouri Ethics Commission**, the **Missouri House of Representatives**, the **Missouri Lottery Commission**, the **Missouri National Guard**, the **Missouri Senate**, the **MoDOT & Patrol Employees' Retirement System**, the **Missouri State Employees Retirement System**, the **Office of Administration - Administrative Hearing Commission**, the **Office of the Governor**, the **Office of the State Auditor**, the **Branson Police Department**, the **Phelps County Sheriff's Department**, and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other sheriffs and police departments, nursing homes, schools and hospitals were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** noted 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 \$5,000. 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 its 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.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2031)
<b>CRIMINAL RECORD SYSTEM FUND (#0671)</b>				
<u>Income</u> – MHP (§195.817) Increase in background checks p. 6-7	Up to \$165,000	Up to \$198,000	Up to \$198,000	Up to \$198,000
<u>Loss</u> – (\$43.539) From foregone fees for criminal reviews p. 4	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
<b>ESTIMATED NET EFFECT ON THE CRIMINAL RECORD SYSTEM FUND</b>	<b><u>Less than \$165,000</u></b>	<b><u>Less than \$198,000</u></b>	<b><u>Less than \$198,000</u></b>	<b><u>Less than \$198,000</u></b>
<b>HIGHWAY PATROL TRAFFIC RECORDS FUND (#0758)</b>				
<u>Revenue</u> – MHP (§43.253) Fees from records request p. 3-4	<u>\$0 to \$250</u>	<u>\$0 to \$25,250</u>	<u>\$0 to \$30,250</u>	<u>\$0 to \$120,250</u>
<b>ESTIMATED NET EFFECT ON THE HIGHWAY PATROL TRAFFIC RECORDS FUND</b>	<b><u>\$0 to \$250</u></b>	<b><u>\$0 to \$25,250</u></b>	<b><u>\$0 to \$30,250</u></b>	<b><u>\$0 to \$120,250</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

Small businesses may be impacted by this proposal if they pay the background check fees of employees. (§195.817)

Small medical marijuana businesses could be impacted by this proposal. (§210.493)

FISCAL DESCRIPTION

Currently, qualified entities receive Rap Back notifications for individuals as long as the individual has had a Missouri and national criminal record review completed within the previous six years. This bill eliminates the six-year limitation such that a qualified entity will continue to receive Rap Back notifications for individuals as long as the individuals have at some point had a Missouri and national criminal record review completed (§§43.539 and 43.540).

Under this act, school districts shall ensure that a state criminal history background check consisting of open records is conducted on any person who is 18 years old or older who is not counted in the school district's average daily attendance when such person requests enrollment in a course that will take place on school property at a time when K-12 students are present. Such background check shall be processed through the Missouri State Highway Patrol, and the person seeking admission shall pay the fees for such background checks as provided in current law. A person found to have been convicted of a crime or offense for which a certificate of license to teach would be revoked or not issued shall be prohibited from enrolling in the course (§171.097).

Under this act, the Department of Health and Senior Services shall require all employees, contractors, owners, and volunteers of marijuana facilities to submit fingerprints to the Highway Patrol for a state and federal criminal background check. The Highway Patrol shall notify the Department of any criminal history record information or lack thereof discovered on the individual. All such records shall be accessible and available to the Department (§195.817).

Finally, this act modifies provisions of current law relating to background checks of individuals in connection with licensed residential care facilities and licensed child placing agencies. Current law requires officers, managers, and support staff to undergo background checks and this act repeals that provision. This act requires the background check to include a state background check and repeals the requirement to check the National Crime Information Center's National Sex Offender Registry (§210.493).

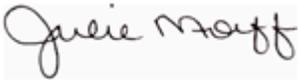
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Attorney General's Office  
Department of Commerce and Insurance  
Department of Corrections  
Department of Economic Development  
Department of Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Higher Education and Workforce Development  
Department of Labor and Industrial Relations  
Department of Mental Health  
Department of Natural Resources  
Department of Public Safety  
    Office of the Director  
    Alcohol & Tobacco Control  
    Capitol Police  
    Fire Safety  
    Missouri Highway Patrol  
    Missouri Gaming Commission  
    Missouri Veterans Commission  
    State Emergency Management Agency  
Department of Revenue  
Department of Social Services  
Joint Committee on Administrative Rules  
Joint Committee on Education  
Joint Committee on Public Employee Retirement  
Legislative Research  
    Oversight Division  
Missouri Consolidated Health Care Plan  
Missouri Department of Agriculture  
Missouri Department of Conservation  
Missouri Department of Transportation  
Missouri Lottery Commission  
Missouri National Guard  
Missouri Office of Prosecution Services  
Missouri Senate  
MoDOT & Patrol Employees' Retirement System  
Missouri State Employees Retirement System  
Office of Administration  
    Administrative Hearing Commission  
    Budget & Planning

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Office of the Secretary of State  
Office of State Auditor  
Office of the Governor  
Office of the State Courts Administrator  
Office of the State Public Defender  
State Tax Commission  
Kansas City Police Department  
Branson Police Department  
Phelps County Sheriff's Department  
St. Joseph Police Department  
St. Louis County Police Department



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