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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>HJC</u>	<b>LAST UPDATED</b> _____
	<b>ORIGINAL DATE</b> <u>3/8/23</u>
<b>SHORT TITLE</b> <u>Early Childhood Dept. Background Checks</u>	<b>BILL NUMBER</b> <u>CS/House Bill 337/HJCS</u>
	<b>ANALYST</b> <u>Klundt</u>

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal			

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent version of this legislation.

### Sources of Information

LFC Files

#### Responses Received From

Because of the short timeframe between the substitution of this bill and its hearing, LFC has yet to receive analysis from state, education, or judicial agencies. This analysis could be updated if that analysis is received.

## SUMMARY

### Synopsis of HJC Substitute for House Bill 337

The House Judiciary Committee (HJC) substitute for House Bill 337 (HB337) provides language to the Early Childhood Education and Care Department (ECECD) for background check authorization. The bill provides several definitions and clarifies that staff members and volunteers of department-contracted providers are included as individuals on who the department will be authorized to collect background check information.

## FISCAL IMPLICATIONS

The executive did not report fiscal implications on the original bill, it is unlikely, but possible, the committee substitute would have a significant fiscal impact. Because of the short timeframe of substitution of this bill and the hearing, no responses were received. If a fiscal impact is reported, this analysis could be updated.

## SIGNIFICANT ISSUES

On previous version of this bill ECECD reported the bill amends language in statute requested by the U.S. Federal Bureau of Investigation (FBI) to comply with federal requirements in order for ECECD access to the federal criminal records databases.

ECECD stated, “The FBI notified ECECD that the current background check authorizing statute was insufficient to meet the FBI’s requirements, which if not corrected would prohibit access to the federal background check system and preclude ECECD from performing the statutorily required background checks. Also, adding “staff members and volunteers of department contracted providers” as persons the department will be authorized to collect background check information on will allow ECECD to collect the federal background check information on those individuals, allowing the department to comply with its background check obligations.”

The Department of Public Safety (DPS) previously reported, “No administrative implications to DPS. DPS supports in theory what has been proposed however, the Federal Bureau of Investigations (FBI) has the final say regarding any approval of an Originating Agency Identifier (ORI) to extend background checks for staff members and volunteers of department-contracted providers during the application process for licensure or registration as a child care facility or child care home program or for employment or volunteering at a licensed child care facility or child care home program.”

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