

Multiple Agency Fiscal Note Summary

Bill Number: 1620 E HB	Title: Background checks/local gov.
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Estimated Cash Receipts

Agency Name	2017-19		2019-21		2021-23	
	GF- State	Total	GF- State	Total	GF- State	Total
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Total \$	0	0	0	0	0	0

Estimated Expenditures

Agency Name	2017-19			2019-21			2021-23		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total	0.0	\$0	\$0	0.0	\$0	\$0	0.0	\$0	\$0

Local Gov. Courts *									
Loc School dist-SPI									
Local Gov. Other **	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Impact

NONE

Prepared by: Kathy Cody, OFM	Phone: (360) 902-9822	Date Published: Final 3/16/2017
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 48354

FNS029 Multi Agency rollup

Individual State Agency Fiscal Note

Bill Number: 1620 E HB	Title: Background checks/local gov.	Agency: 225-Washington State Patrol
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

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If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

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If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

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Capital budget impact, complete Part IV.

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Requires new rule making, complete Part V.

Legislative Contact: Bonnie Kim	Phone: 7867316	Date: 03/07/2017
Agency Preparation: Shawn Eckhart	Phone: 360-596-4080	Date: 03/09/2017
Agency Approval: Mary Thygesen	Phone: 360 596-4046	Date: 03/09/2017
OFM Review: Kathy Cody	Phone: (360) 902-9822	Date: 03/09/2017

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

There is nothing in the engrossed version of House Bill 1620 that changes the indeterminate fiscal impact. The change in his legislation adds language that cities, towns, codes cities, counties and park districts bear the cost of investigations conducted under this legislation, including fingerprinting costs. An exception is provided when a unit of government can not absorb the costs in its budget. In that instance, the costs may be passed on to the subject of the investigation.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

At the time of the writing of this fiscal note, there is no estimate of the number of background checks that would be generated by this legislation.

Assuming electronic submissions, the Washington State Patrol (WSP) charges \$32.00 for background checks, of which \$12.00 is the FBI fee (\$10.00 passed to the FBI and \$2.00 retained by the WSP). The balance of the fee (\$20.00) is the WSP's fee, leaving total revenue to the Fingerprint Identification Account of $\$2 + \$20 = \$22$ per background check.

If there is an increase of 1,000 fingerprint-based electronic submissions, the additional revenue to the fingerprint identification account would be $1,000 \times \$22 = \$22,000$.

Alternative fees are:

\$50 if the background checks are submitted on paper via mail (\$12 for the FBI (\$2 retained by the WSP) and \$38 for the WSP, so the sum to the fingerprint account would be $\$38 + \$2 = \$40$)

\$12 if the background checks are electronic name/date of birth

\$16 if the background checks are paper name/date of birth

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

At the time of the writing of this fiscal note, there is no estimate of the number of background checks that would be generated by this legislation.

As a sample impact, if there were 1,000 additional electronic fingerprint-based background checks, it would require about 0.15 FTE (Fingerprint Tech 2.) The cost would be approximately \$16,500 in the first year, including indirect costs, and about \$15,000 annually thereafter, including indirect costs. (The estimated expenditures presented here for 1,000 checks is different from the original fiscal note not because of any changes in the engrossed version, but rather an adjustment to our workload assumptions for 1,000 additional electronic fingerprint-based background checks.)

Part III: Expenditure Detail

Part IV: Capital Budget Impact

This legislation does not impact the WSP's capital budget.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

There are no rule changes for the WSP from this legislation.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1620 E HB	Title: Background checks/local gov.
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: Expands authority for jurisdictions to require a federal or state background check; requires jurisdictions to pay the costs for background checks unless they are unable to absorb the costs.
- ☒ Counties: Same as above
- ☒ Special Districts: Metropolitan park districts - same as above
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☒ Legislation provides local option: Jurisdictions may require the subject of the background check to pay the costs
- ☒ Key variables cannot be estimated with certainty at this time: Number of background checks that will be conducted

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Laura Medrud	Phone: 360/725-5041	Date: 03/15/2017
Leg. Committee Contact: Bonnie Kim	Phone: 7867316	Date: 03/07/2017
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 03/15/2017
OFM Review: Kathy Cody	Phone: (360) 902-9822	Date: 03/16/2017

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

CHANGES BETWEEN THIS AND PREVIOUS BILL VERSION:

Cities, towns, counties, and metropolitan park districts may require by ordinance or resolution the requirements for a state and federal background check of employees, applicants for employment, volunteers, vendors, and independent contractors who, in the course of their work or volunteer activity may have unsupervised access to children. These jurisdictions may require, without an ordinance, a state background investigation and a criminal background investigation conducted through a private organization.

Cities, towns, counties, and metropolitan parks districts must pay for the background checks they require. If the jurisdiction's budget limits their ability to absorb these costs, they may require the subject of the background check to pay the costs.

SUMMARY OF CURRENT VERSION:

This bill pertains to expanding the authority of local government to require criminal history background checks. It amends RCW 35.21.920, 35A.21.370, 36.01.300, and 35.61.130.

Section 1 is amended to state that counties, cities, towns, and metropolitan parks districts may establish by ordinance or resolution the requirement for a state and federal background investigation of employees, applicants for employment, volunteers, vendors and independent contractors who in the course of their duties may have unsupervised access to children, vulnerable adults or persons with developmental disabilities. The background checks may be done through the Washington State Patrol (WSP) and may include a national check from the Federal Bureau of Investigations. Subsection (d) states that jurisdictions may without ordinance require a criminal background investigation conducted through a private organization. Subsection (4) states that the cost of investigations conducted shall be borne by the city or town, unless their budget limits its ability to reasonably absorb such costs. If they cannot absorb the costs, they may require that the individual pay the costs associated with the record check.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

This engrossed substitute bill would have an indeterminate fiscal impact on cities, towns, counties, and metropolitan parks districts by expanding their authority to require background checks.

Under current law, an ordinance is required for state and federal background checks for the purpose of receiving criminal history record information any individual that may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults. The legislation would allow these jurisdictions to require, without an ordinance, a state background criminal investigation or a criminal background investigation conducted through a private organization.

The WSP charges \$32 for full background checks submitted by mail, and \$50 if the background checks are submitted in person. Background checks are \$12 if they are only an electronic name and date of birth verification, and \$16 if the name and date of birth checks are submitted on paper instead of via mail.

Jurisdictions would see costs associated with the costs of background checks unless they were unable to absorb the costs and required that the applicant pay for the costs of the background check. The number of local government jurisdictions that may utilize this option is unknown.

Local governments that elected to amend their ordinances concerning background checks would incur costs to establish the requirements for background checks . Ordinance costs will vary by jurisdiction and level of complexity. The range of ordinance costs are: \$351.51 to \$3,689.08 per jurisdiction.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

This substitute bill has no revenue impact to local government.

SOURCES:

Washington State Patrol

Washington State Patrol fiscal note

LGFN Unit Cost Data