

February 28, 2006

The Honorable Jim Morrison, Chairperson
House Committee on Health and Human Services
Statehouse, Room 143-N
Topeka, Kansas 66612

Dear Representative Morrison:

SUBJECT: Fiscal Note for HB 2853 by House Committee on Federal and State
Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2853 is respectfully submitted to your committee.

HB 2853 would allow the Board of Nursing to require a person applying for a professional or practical nursing license to be fingerprinted and submit to a state and national criminal record check. The fingerprints would be submitted to the Kansas Bureau of Investigation (KBI) and the Federal Bureau of Investigation (FBI). The Board would use the information from the record check to determine whether a person is suitable to practice nursing in this state. HB 2853 would require local and state law enforcement agencies to assist in taking and processing the fingerprints. These agencies would be required to release all records of an applicant's arrests, convictions, expungements, and juvenile records to the Board. Finally, the bill would create the Criminal Background and Fingerprinting Fund in the Board of Nursing. This fund would be used to pay the KBI for the processing of the fingerprints and background checks.

Last year, the Board of Nursing processed 3,225 new applicants for professional nurses and practical nurses. The Board currently processes these applications, and the bill would require the Board to determine whether the applicant is fit to practice in this state based on the record check. The Board states that this bill would increase its operating expenditures; however, the Board estimates it could absorb any additional workload within its existing resources and staff. The Board states that this bill also would increase its revenues to the newly created

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Criminal Background and Fingerprinting Fund. Although it is not specifically provided in the bill, the Board assumes that it can pass on the record check costs in the form of licensing fees. The KBI charges \$54 for all record checks; therefore, the Board would pay the KBI \$174,150 (\$54 per check X 3,225 applications).

As stated above, this bill is estimated to increase the amount of background checks that the KBI would perform. The KBI states that any additional record checks would be absorbed within existing staff and the background check fees that would be collected would be used to process the record checks and to pay the federal government for the federal checks. The KBI currently charges \$54 for record checks. The KBI keeps \$30 to pay for its expenditures and pays \$24 to the FBI. The KBI would receive \$174,150 from the Board (\$54 per check X 3,225 applicants). Of that amount, the KBI would keep \$96,750 (\$30 X 3,225 applications) and pay \$77,400 (\$24 X 3,225 applications) to the FBI.

HB 2853 would require law enforcement agencies to assist in taking and processing fingerprints. The passage of HB 2853 could slightly increase the amount of fingerprints local and state law enforcement agencies would have to take and process. Therefore, the bill could negligibly increase the agencies' expenditures. However, there is no information to estimate the increased cost. No one agency would likely see an increase that could not be absorbed within existing resources because the fingerprints would be taken at different agencies throughout the state. Any fiscal effect associated with enactment of HB 2853 is not accounted for in *The FY 2007 Governor's Budget Report*.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Mary Blubaugh, Board of Nursing
Linda Durand, KBI
Kimberly Winn, League of KS Municipalities
Judy Moler, KS Association of Counties