

# Committee Report

**REGULAR CALENDAR**

**May 28, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Ways and Means to which was referred SB 246-FN,**

**AN ACT relative to licensing of child daycare, residential care, and child-placing agencies. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.**

**Rep. Richard Ames**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	Ways and Means
Bill Number:	SB 246-FN
Title:	relative to licensing of child daycare, residential care, and child-placing agencies.
Date:	May 28, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

### STATEMENT OF INTENT

This bill came to the Ways and Means Committee for second committee review with respect to its proposed establishment of a new nonlapsing Child Care Licensing Fund. The bill provides for the regular deposit into the new fund of certain fees for state registry and criminal record checks collected by the Department of Health and Human Services. The committee agrees that this arrangement is appropriate and necessary to meet certain federal grant requirements and that there are no revenue implications of concern to the committee.

Vote 20-0.

Rep. Richard Ames  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Ways and Means

**SB 246-FN**, relative to licensing of child daycare, residential care, and child-placing agencies.  
**OUGHT TO PASS.**

Rep. Richard Ames for Ways and Means. This bill came to the Ways and Means Committee for second committee review with respect to its proposed establishment of a new nonlapsing Child Care Licensing Fund. The bill provides for the regular deposit into the new fund of certain fees for state registry and criminal record checks collected by the Department of Health and Human Services. The committee agrees that this arrangement is appropriate and necessary to meet certain federal grant requirements and that there are no revenue implications of concern to the committee. **Vote 20-0.**

Original: House Clerk  
Cc: Committee Bill File

## Karen Karwocki

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**From:** Jennifer Foor  
**Sent:** Wednesday, May 29, 2019 1:02 PM  
**To:** Karen Karwocki  
**Subject:** Re: all but 242 and 74 are drafted

SB 246 is all set— got changes approved by Rep. Ames

Sent from my iPhone

On May 29, 2019, at 11:15 AM, Karen Karwocki <[Karen.Karwocki@leg.state.nh.us](mailto:Karen.Karwocki@leg.state.nh.us)> wrote:

## COMMITTEE REPORT



Committee:	Ways and Means
Bill Number:	SB 246-FN
Title:	relative to licensing of child daycare, residential care, and child-placing agencies.
Date:	May 28, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

### STATEMENT OF INTENT

SB 246 came to the ways and means committee for second committee review with respect to its proposed establishment of a new nonlapsing Child Care Licensing Fund. The bill provides for the regular deposit into the new Fund of certain fee state registry and criminal record fee revenue collected by the department. The committee agrees that this arrangement is appropriate and necessary to meet certain federal grant requirements and that there are no revenue implications of concern to the committee.

Vote 20-0.

Rep. Richard Ames  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

COMMITTEE REPORT

*Ames*

COMMITTEE: W+M

BILL NUMBER: SB 246-FN

TITLE: \_\_\_\_\_

DATE: 5/28/2009 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

STATEMENT OF INTENT:

*See Report submitted electronically*

COMMITTEE VOTE: 20-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. *Paul Ames*  
For the Committee

# Voting Sheets



HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on SB 246-FN

**BILL TITLE:** relative to licensing of child daycare, residential care, and child-placing agencies.

**DATE:** May 28, 2019

**LOB ROOM:** 202

**MOTIONS:** OUGHT TO PASS

Moved by Rep. Ames

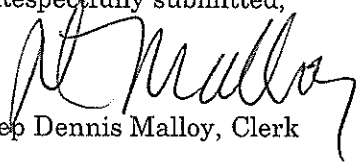
Seconded by Rep. Southworth

Vote: 20-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

  
Rep Dennis Malloy, Clerk





2019 SESSION

Ways and Means

Bill #: SB 246 FN Motion: OTP AM #: \_\_\_\_\_ Exec Session Date: 5/20/2019

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Almy, Susan W. Chairman	20		
Ames, Richard Vice Chairman	1		
Karrick, David B.	2		
Southworth, Thomas L.	3		
Malloy, Dennis J. Clerk	4		
Schamberg, Thomas C.	5		
Tucker, Edith M.	6		
Bunker, Lisa H.	7		
Gomarolo, Jennie R.	8		
Griffith, Willis T.	9		
Loughman, Tom J.	10		
Stringham, Jerry M.	11		
Major, Norman L.	12		
Griffin, Mary E.	13		
Ulery, Jordan G.	14		
Abrami, Patrick F.	15		
Burns, Charles C.S.	16		
Doucette, Fred G.	17		
Edwards, Jess C.	18		
Bershtein, Alan	19		
<b>TOTAL VOTE:</b>	<b>20</b>	<b>0</b>	

HOUSE COMMITTEE ON WAYS AND MEANS

FULL COMMITTEE WORK SESSION on SB 246-FN

BILL TITLE: relative to licensing of child daycare, residential care, and child-placing agencies.

DATE: 5/14/2019

1205 - 12:30

Subcommittee Members: Reps. Almy, Ames, Malloy, Karrick, Southworth, Schamberg, Tucker, Bunker, Gomarolo, Griffith, Loughman, Stringham, Major, M. Griffin, Ulery, Abrami, Burns, Doucette, Edwards and Bershtein

Comments and Recommendations:

Three horizontal lines for writing comments and recommendations.

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ AM Vote: \_\_\_\_\_

Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

\_\_\_\_\_ Amendment Adopted \_\_\_\_\_ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ AM Vote: \_\_\_\_\_

Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

\_\_\_\_\_ Amendment Adopted \_\_\_\_\_ Amendment Failed

Respectfully submitted,

Rep. \_\_\_\_\_ Subcommittee Chairman/Clerk

FCWS

12:05 5/14/2019  
12:30

John William Head of HEALTH AND Human Affairs Agency

Melissa Clement Chief of Licensing and Exam Unit.  
creates a <sup>dedicated</sup> non-licensing account in the goal

An audit finding showed that agency was not keeping records of background checks mess the fee collection + kept <sup>the</sup> fund to maintain the database, FBI requires this database

No new fee in this bill. but sends some of the money into a dedicated fund so we won't be penalized. Fees outside of HHS don't get touched \$515,000 start up costs to put the data base together

in term measure to get to the how this will eventually be figured out.

# Hearing Minutes



# **Fiscal Note**



**SB 246-FN- FISCAL NOTE**  
 AS AMENDED BY THE SENATE (AMENDMENT #2019-0997s)

AN ACT relative to licensing of child daycare, residential care, and child-placing agencies.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General Child Care Licensing Fund	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other -

**METHODOLOGY:**

This bill amends RSA 170-E by clarifying certain processes and language to align criminal background checks for child care programs with federal requirements of the Child Care and Development Fund Program. Specifically, the bill requires background checks be submitted directly to the Department of Health and Human Services prior to being forwarded to the Department of Safety, grants the Department of Health and Human Services the authority to request additional records in certain instances, and allows the Department to suspend an individual's eligibility to work in a child care program if the individual is charged with a disqualifying crime while charges are pending. The Department notes the above changes are necessary to comply with federal requirements and to avoid a 5 percent penalty of federal funds received through the Child Care Development Block Grant, through which the Department received approximately \$10.3 million in FY 2018.

The bill also allows for a prorated fee for an employment eligibility card and establishes the Child Care Licensing Fund to deposit the fees collected from state registry and criminal record checks pursuant to RSA 170-E:7 and RSA 170-E:29-a for administering the program. The Department anticipates general funds will be offset, in part, by revenue collected from fees under the bill.

The Department anticipates registration card fee changes will minimally increase state revenue, stating only 5 replacement cards at a cost of \$15 each were requested since January

2018 and prorated card fees have been requested, but have yet to be implemented. It also states two additional full-time positions would be required to support the increase in workload attributed to the bill. The following salary, benefit and other cost estimates were provided for two Program Assistant I positions at labor grade 12.

2 FTE Program Assistant I	FY 2020	FY 2021	FY 2022	FY 2023
Salary	\$61,000	\$63,000	\$66,000	\$68,000
Benefits	\$50,000	\$53,000	\$56,000	\$58,000
Other	\$12,000	\$5,000	\$5,000	\$5,000
Total	\$123,000	\$121,000	\$127,000	\$131,000

The Department states there would be additional indeterminable expenditures for IT changes which are necessary to maintain databases and comply with federal audit requirements.

The Department of Safety does not anticipate any fiscal impact to expenditures and revenue as a result of the bill.

**AGENCIES CONTACTED:**

Department of Health and Human Services and Department of Safety

Bill as  
Introduced

SB 246-FN - AS AMENDED BY THE HOUSE

03/07/2019 0613s  
03/21/2019 0997s  
8May2019... 1746h

2019 SESSION

19-0977  
05/03

SENATE BILL        **246-FN**

AN ACT            relative to licensing of child daycare, residential care, and child-placing agencies.

SPONSORS:        Sen. Gray, Dist 6; Sen. Bradley, Dist 3; Sen. Fuller Clark, Dist 21

COMMITTEE:      Executive Departments and Administration

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AMENDED ANALYSIS

This bill revises the state registry and criminal records check requirements for employees and others associated with residential child care agencies and child day care providers. The bill also establishes the child care licensing fund in the department of health and human services.

The bill is a request of the department of health and human services.

.....

Explanation:     Matter added to current law appears in *bold italics*.  
                     Matter removed from current law appears ~~[in brackets and struck through.]~~  
                     Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03/07/2019 0613s  
 03/21/2019 0997s  
 8May2019... 1746h

19-0977  
 05/03

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to licensing of child daycare, residential care, and child-placing agencies.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Child Day Care Licensing; State Registry and Criminal Records Check; Revocation of  
 2 Registration and Withholding of State Funds. Amend RSA 170-E:7 to read as follows:

3 170-E:7 State Registry and Criminal Records Check; Revocation of Registration and  
 4 Withholding of State Funds.

5 I. Child day care *agencies and* providers who are required to be licensed or registered  
 6 according to the provisions of this chapter shall [~~prior to the date an individual is responsible for~~  
 7 ~~the care of, or has regular contact with children, and upon adding new household members or other~~  
 8 ~~individuals who will have regular contact with children,~~] submit to the department[~~;~~] the names,  
 9 birth names, *aliases*, birth dates, and *resident* addresses during the preceding 5 years of [~~such~~  
 10 ~~individuals~~] *all owners, board members, household members, and center directors prior to*  
 11 *the issuance of a permit or license*, and [~~other information~~] *subsequent to licensure, for all*  
 12 *individuals as* required by the department [~~as prescribed by~~] *in* rules adopted [~~by the~~  
 13 ~~commissioner~~] *under RSA 541-A and in accordance with federal standards implementing the*  
 14 *Child Care and Development Fund Program.*

15 I.a. The persons described in paragraph I shall *complete a Federal Bureau of*  
 16 *Investigation fingerprint check using the biometric identification system through a*  
 17 *qualified law enforcement agency or an authorized employee of the department of safety*  
 18 *and* submit directly to the department [~~of safety~~] a criminal history [~~records release form~~] *record*  
 19 *information authorization form and any additional required forms*, as provided by the New  
 20 Hampshire division of state police, which [~~authorizes~~] *authorize* the release of the person's  
 21 criminal records, if any, to the department. [~~The person shall complete a Federal Bureau of~~  
 22 ~~Investigation fingerprint check using the Integrated Automated Fingerprint Identification System~~  
 23 ~~through a qualified law enforcement agency or an authorized employee of the department of safety.~~  
 24 ~~The department of safety shall complete the criminal history records check and forward such~~  
 25 ~~record, if any, to the department.~~] In the event that the first set of fingerprints is invalid due to  
 26 insufficient pattern, a second set of fingerprints shall be necessary to complete the criminal history  
 27 records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the  
 28 department may, in lieu of the criminal history records check, accept police clearances from every  
 29 city, town, or county where the person has lived during the past 5 years.

30 II.(a) For every name submitted on an application, in the registration process, and for each

1 individual for whom information is required to be submitted pursuant to paragraph I, the  
2 department shall search for such persons against the New Hampshire sex offender and abuse and  
3 neglect registries, *the National Sex Offender Registry*, and the sex offender [~~and abuse and~~  
4 ~~neglect~~] registries of each state where the individual resided in the past 5 years [~~and the National~~  
5 ~~Sex Offender Registry~~]. *The department shall submit all forms and any payment required*  
6 *and provided by the individual to request from each state a check of the criminal history*  
7 *repository and abuse and neglect registry offices where the individual resided in the past*  
8 *5 years.*

9 (b) The department [~~of safety~~] shall submit the criminal history record information  
10 authorization form to the New Hampshire division of state police, which shall conduct a criminal  
11 history records check through its records and through the Federal Bureau of Investigation,  
12 *including the National Sex Offender Registry file in the National Crime Information*  
13 *Center records.* Upon completion of the background investigation, the division of state police shall  
14 release copies of the criminal conviction records to the department. The department shall maintain  
15 the confidentiality of all criminal history records information received [~~pursuant to this paragraph~~].

16 (c) The costs of criminal history record *and abuse and neglect registry* checks shall  
17 be borne by the child day care *agency or* provider; provided, that the child day care *agency or*  
18 provider may require an applicant to pay the actual costs of the criminal history check *and abuse*  
19 *and neglect registry checks* of the employee.

20 (d) *Any individual who refuses to consent to the criminal background check or*  
21 *knowingly makes a materially false statement in connection with such criminal*  
22 *background checks shall be ineligible for employment.*

23 II-a. An individual shall not be required to submit a request under paragraph I-a if:

24 (a) In the previous 5 years, the individual submitted a state criminal records release  
25 form and fingerprints and completed a criminal records check under this section;

26 (b) The individual is currently employed by a child care provider within the state, or  
27 has been separated from employment from a child care provider within the state for a period of not  
28 more than 180 consecutive days; and

29 (c) The department made a determination that when the individual completed the  
30 criminal records check within the previous 5 years as described in this section, the individual was  
31 eligible for employment as provided in paragraphs III and IV.

32 III. The department shall make a determination regarding the individual's eligibility for  
33 employment no later than 45 days from submission of all required information as described in  
34 paragraphs I and I-a. If any individual whose name has been submitted for a check under this  
35 section is registered or required to be registered on a state sex offender registry or repository, or the  
36 National Sex Offender Registry, or has been convicted of a felony consisting of murder, child abuse  
37 or neglect, an offense involving child sexual abuse images, trafficking, spousal abuse, a crime  
38 involving rape or sexual assault, kidnapping, arson, physical assault or battery, or a drug-related

1 offense committed during the previous 5 years, or any other violent or sexually-related  
2 misdemeanor against a child, including child abuse, child endangerment, sexual assault, or a  
3 misdemeanor involving child sexual abuse images, or of a crime which shows that the person might  
4 be reasonably expected to pose a threat to a child, such as a violent crime or a sexually-related  
5 crime against an adult, the department shall:

6 (a) If the individual is the applicant or owner, revoke or deny the license or permit, or  
7 withhold state funds if the child day care provider is not required to be licensed.

8 (b) ~~[If the individual is a board member, household member, or child day care~~  
9 ~~personnel, or any other individual having regular contact with the enrolled children]~~ *For any*  
10 *other individual*, inform the child day care agency or registered provider that the individual is  
11 ineligible for employment and give the agency or registered provider an opportunity to take  
12 immediate corrective action to remove the individual from the agency, and, in conjunction with the  
13 department, to develop a corrective action plan, approved by the department, which shall ensure  
14 that the individual will not be on the premises of the child day care program and shall have no  
15 contact with children enrolled in the child day care program.

16 (c) Suspend, deny, or revoke the license or permit, and withhold state funding, if the  
17 child day care program refuses to take corrective action as indicated in subparagraph (b), or  
18 subsequently fails to comply with the corrective action plan approved by the department.

19 (d) Upon a finding of criminal activity as described in this paragraph, withhold state  
20 funding to registered child day care providers that are exempt from the licensing requirements of  
21 RSA 170-E:4 if the provider refuses to take corrective action as indicated in subparagraph (b), or  
22 fails to comply with the corrective action plan approved by the department.

23 IV. If any individual whose name has been submitted for this check has been convicted of a  
24 felony offense deemed directly or indirectly harmful to children in child day care, crimes against  
25 minors or adults, except crimes as provided in paragraph III, or is the subject of a founded  
26 complaint of child abuse or neglect, the department may deny, revoke, or suspend a license, permit,  
27 or registration pending the development and implementation of a corrective action plan approved by  
28 the department. In addition, the department may, upon a finding of criminal activity or a founded  
29 complaint of child abuse or neglect as described in this paragraph, withhold state funding to  
30 registered child day care providers that are exempt from the licensing requirements of RSA 170-E:4  
31 pending the development and implementation of a corrective action plan approved by the  
32 department. The department shall conduct an investigation in accordance with rules adopted  
33 under this subdivision to determine whether the individual poses a present threat to the safety of  
34 children. The investigation shall include an opportunity for the individual to present evidence on  
35 his *or her* behalf to show that the individual does not pose a threat to the safety of children.

36 IV-a. After the department has made a determination that an individual required to  
37 complete a criminal record check under paragraph I does not pose a present threat to the safety of  
38 children, the department may issue a child care employment eligibility card, which shall be valid for

1 5 years provided that no disqualifying convictions are subsequently submitted, and the individual  
2 remains eligible as described in subparagraph II-a(b). [~~The state may require additional~~  
3 ~~background checks to be completed based upon conviction information submitted.~~] *The*  
4 *department may require additional background checks to be completed based upon*  
5 *reliable information that the individual received one or more additional convictions*  
6 *subsequent to the previous criminal record check submission. If the department receives*  
7 *confirmation from a law enforcement agency that an individual has been charged with a*  
8 *crime as described in paragraph III or IV, the department shall suspend the individual's*  
9 *child care employment eligibility card and inform the child day care agency or registered*  
10 *provider that the individual is ineligible for employment and give the agency or registered*  
11 *provider an opportunity to take immediate corrective action to remove the individual from*  
12 *the agency, and, in conjunction with the department, to develop a corrective action plan,*  
13 *approved by the department, which shall ensure that the individual shall not be on the*  
14 *premises of the child day care program and shall have no contact with children enrolled*  
15 *in the child day care program while charges are pending.*

16 IV-b. Child day care providers who are required to be licensed or registered according to the  
17 provisions of this chapter shall, for every individual submitted for a check under paragraph I who is  
18 not required to complete the criminal background check pursuant to paragraph II-a, have on file a  
19 signed statement from the individual stating since the day the individual's background check was  
20 completed, that he or she:

21 (a) Has not been convicted of any crimes; and

22 (b) Has not had a finding by the department or any administrative agency in this or any  
23 other state for abuse, neglect, or exploitation.

24 IV-c. Child *day care agencies or providers*, whether registered or licensed, and individuals  
25 as described in paragraph I, shall complete the background check process described in this section  
26 no later than 5 years from the previous background check submission.

27 IV-d. The fee for a child care employment eligibility card issued under paragraph IV-a shall  
28 be \$50 and the card shall be valid for 5 years from the date of issuance, *or a prorated amount of*  
29 *\$10 per year from the most recently completed criminal background check.* A replacement  
30 card may be requested for a \$15 fee.

31 V. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the  
32 confidentiality of information collected under this section and to the release, if any, of such  
33 information.

34 2 State Registry and Criminal Records Check for Child Care Institutions and Child Care  
35 Agencies. Amend RSA 170-E:29-a to read as follows:

36 170-E:29-a State Registry and Criminal Records Check for Child Care Institutions and Child  
37 Care Agencies.

38 I. Child care institutions and child care agencies, with the exception of foster family homes,



1 that are required to be licensed according to the provisions of this chapter shall *submit to the*  
2 *department the names, birth names, aliases, birth dates, and resident addresses during*  
3 *the previous 5 years of all owners, board members, household members, and program*  
4 *directors prior to the issuance of a permit or license and prior to making a final offer of*  
5 *employment, [to a person who will be responsible for the care of, or who will have regular contact*  
6 *with children, and upon adding a new household member, or other persons who will have regular*  
7 *contact with children, submit to the department, the names, birth names, birth dates, and*  
8 *addresses during the preceding 5 years of such persons and other information] for all individuals*  
9 *as required by the department [as prescribed by] in rules adopted [by the commissioner] under RSA*  
10 *541-A and as required by federal standards implementing the Families First Prevention*  
11 *Services Act.*

12 I.a. The persons described in paragraph I shall *complete a Federal Bureau of*  
13 *Investigation fingerprint check using the biometric identification system through a*  
14 *qualified law enforcement agency or an authorized employee of the department of safety*  
15 *and submit directly to the department [of safety] a criminal history record information*  
16 *authorization form and any other required forms, as provided by the New Hampshire division of*  
17 *state police, which authorizes the release of the person's criminal records, if any, to the department.*  
18 ~~[The persons shall complete a Federal Bureau of Investigation fingerprint check using the~~  
19 ~~Integrated Automated Fingerprint Identification System through a qualified law enforcement~~  
20 ~~agency or an authorized employee of the department of safety. The department of safety shall~~  
21 ~~complete the criminal history records check and forward such record, if any, to the department.]~~ In  
22 the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of  
23 fingerprints shall be necessary to complete the criminal history records check. If, after 2 attempts,  
24 a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the  
25 criminal history records check, accept police clearances from every city, town, or county where the  
26 person has lived during the past 5 years.

27 II.(a) For every name submitted on an application and for each person for whom  
28 information is required to be submitted pursuant to paragraph I, the department shall search for  
29 such persons against the New Hampshire sex offender and abuse and neglect registries, the sex  
30 offender and abuse and neglect registries of each state where the individual resided in the past 5  
31 years, and the National Sex Offender Registry. *The department shall submit all forms and*  
32 *any required payments from the individual to request from each state a check of the abuse*  
33 *and neglect registry records where the individual resided in the past 5 years.*

34 (b) The department ~~[of safety]~~ shall submit the criminal history records release form to  
35 the New Hampshire division of state police, which shall conduct a criminal history records check  
36 through its records and through the Federal Bureau of Investigation, *including the National Sex*  
37 *Offender Registry file in the National Crime Information Center records.* Upon completion  
38 of the background investigation, the division of state police shall release copies of the criminal

1 conviction records to the department. The department shall maintain the confidentiality of all  
2 criminal history records information received pursuant to this paragraph.

3 (c) The costs of criminal history record *and abuse and neglect registry* checks shall  
4 be borne by the licensee; provided, that the licensee may require an applicant to pay the actual costs  
5 of the criminal history check *and abuse and neglect registry checks* of the employee.

6 (d) *Any individual who refuses to consent to the criminal background check or*  
7 *knowingly makes a materially false statement in connection with such criminal*  
8 *background checks shall be ineligible for employment.*

9 III. Notwithstanding paragraph I, a licensee may make a final offer of employment and  
10 allow a person to begin working in the program while the results of the state and national criminal  
11 background check is pending provided that, prior to beginning employment, the applicant completes  
12 a statement stating that he or she:

13 (a) Does not have any felony conviction in this or any other state.

14 (b) Has not been convicted of a sexual assault, assault including simple assault, any  
15 other violent crime, abuse, neglect, or any other crime that shows that they may pose a threat to  
16 well-being of children, such as a violent crime or a sexually-related crime against an adult.

17 (c) Has not had a finding by the department or any administrative agency in this or any  
18 other state for abuse, neglect, or exploitation of children.

19 IV. The results of the criminal background check shall be valid for 5 years. Prior to the  
20 expiration of that 5-year period, [~~a person responsible for the care of, or who has regular contact~~  
21 ~~with children in child care institutions or child care agencies, or household members, or other~~  
22 ~~persons who will have regular contact with children,]~~ *the individuals described in paragraph I*  
23 shall undergo a background check pursuant to this section.

24 IV-a. If a person who is or has been employed or volunteered at a child care institution or  
25 child care agency is offered employment or volunteers at another child care institution or child care  
26 agency or a child day care agency, the person shall not be required to undergo the criminal records  
27 check described in paragraph I-a if the previous criminal records check was completed within the  
28 last 5 years *as provided in paragraph IV*, and the person was determined by the department to  
29 be eligible for employment. Before entering employment or volunteering with the new agency, the  
30 person shall complete a statement as set forth in paragraph III.

31 V. The department shall make a determination regarding the individual's eligibility for  
32 employment no later than 45 days from submission of all required information as described in  
33 paragraphs I and I-a. If any person whose name has been submitted for a check under this section  
34 is registered or required to be registered on a state sex offender registry or repository, or the  
35 National Sex Offender Registry, or has been convicted of a felony consisting of murder, child abuse  
36 or neglect, an offense involving child sexual abuse images, trafficking, spousal abuse, a crime  
37 involving rape or sexual assault, kidnapping, arson, physical assault or battery, or a drug-related  
38 offense committed during the previous 5 years, or any other violent or sexually related

1 misdemeanor or against a child, including child abuse, child endangerment, sexual assault, or a  
2 misdemeanor involving child sexual abuse images, or of a crime which shows that the person might  
3 be reasonably expected to pose a threat to a child, such as a violent crime or a sexually-related  
4 crime against an adult, the department shall:

5 (a) If the person is the applicant or owner, revoke or deny the license.

6 (b) If the person is a board member, household member, or child care institution or  
7 child care agency personnel, or any other person having regular contact with the enrolled children  
8 inform the child care institution or child care agency that the person is ineligible for employment  
9 and give the program an opportunity to take immediate corrective action to remove the person from  
10 the program, and, in conjunction with the department, to develop a corrective action plan, approved  
11 by the department, which shall ensure that the person will not be on the premises of the child care  
12 institution or child care agency and shall have no contact with children enrolled in the child care  
13 institution or child care agency.

14 (c) Suspend, deny, or revoke the license or permit if the child care institution or child  
15 care agency refuses to take corrective action as indicated in subparagraph (b), or subsequently fails  
16 to comply with the corrective action plan approved by the department.

17 VI. If any person whose name has been submitted for this check has been convicted of a  
18 felony offense or violent crime deemed directly or indirectly harmful to children in child residential  
19 care, crimes against minors or adults, except crimes as provided in paragraph V, or is the subject of  
20 a founded complaint of child abuse or neglect, the department may deny, revoke, or suspend a  
21 license or permit pending the development and implementation of a corrective action plan approved  
22 by the department. The department shall conduct an investigation in accordance with rules  
23 adopted under this subdivision to determine whether the person is ineligible for employment. The  
24 investigation shall include an opportunity for the person to present evidence on his or her behalf to  
25 show that the person does not pose a threat to the safety of children.

26 VII.(a) Once the department has made a determination that the individual required to  
27 complete a criminal record check under paragraph I-a is eligible for employment, the department  
28 shall issue a ~~[child-care]~~ *residential child care* employment eligibility card, which shall be valid  
29 for 5 years provided that no disqualifying convictions are subsequently submitted, and the  
30 individual remains eligible as described in ~~[RSA 170-E:7, II-a(b)]~~ *paragraph V*. The ~~[state]~~  
31 *department* may require additional background checks to be completed based upon ~~[conviction~~  
32 ~~information-submitted]~~ *reliable information that the individual received one or more*  
33 *additional convictions subsequent to the previous criminal record submission. If the*  
34 *department receives confirmation from a law enforcement agency that an individual has*  
35 *been charged with a crime as described in paragraph III or V, the department shall*  
36 *suspend the individuals residential child care eligibility card and inform the agency that*  
37 *the individual is ineligible for employment and give the agency an opportunity to take*  
38 *immediate corrective action to remove the individual from the agency, and, in conjunction*

1 *with the department, to develop a corrective action plan, approved by the department,*  
2 *which shall ensure that the individual will not be on the premises of the program and*  
3 *shall have no contact with children enrolled in the program while charges are pending.*

4 (b) The fee for a *residential* child care employment eligibility card shall be \$50, and  
5 the card shall be valid for 5 years from the date of issuance, *or a prorated amount of \$10 per*  
6 *year from the most recently completed criminal background check.* The fee for a  
7 replacement card shall be \$15.

8 VIII. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the  
9 confidentiality of information collected under this section and to the release, if any, of such  
10 information.

11 3 New Section; Child Day Care Licensing; State Registry and Criminal Records Check; Child  
12 Care Licensing Fund Established. Amend RSA 170-E by inserting after section 7 the following new  
13 section:

14 170-E:7-a Child Care Licensing Fund Established. There is hereby established a nonlapsing  
15 fund to be known as the child care licensing fund, which shall be administered by the commissioner  
16 of the department of health and human services and which shall be kept distinct and separate from  
17 all other funds. All fees for state registry and criminal records checks collected by the department  
18 pursuant to RSA 170-E:7 and RSA 170-E:29-a shall be deposited in the fund and all moneys in the  
19 fund shall be continually appropriated to the department of health and human services for the  
20 purpose of paying costs associated with administering the provisions of this chapter.

21 4 New Subparagraph; State Treasurer and State Accounts; Application of Receipts. Amend  
22 RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

23 (344) Moneys deposited into the child care licensing fund established in RSA 170-  
24 E:7-a.

25 5 Effective Date. This act shall take effect July 1, 2019.

**SB 246-FN- FISCAL NOTE**  
 AS AMENDED BY THE SENATE (AMENDMENT #2019-0997s)

AN ACT relative to licensing of child daycare, residential care, and child-placing agencies.

FISCAL IMPACT:     State                     County                     Local                     None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Child Care Licensing Fund			

**METHODOLOGY:**

This bill amends RSA 170-E by clarifying certain processes and language to align criminal background checks for child care programs with federal requirements of the Child Care and Development Fund Program. Specifically, the bill requires background checks be submitted directly to the Department of Health and Human Services prior to being forwarded to the Department of Safety, grants the Department of Health and Human Services the authority to request additional records in certain instances, and allows the Department to suspend an individual's eligibility to work in a child care program if the individual is charged with a disqualifying crime while charges are pending. The Department notes the above changes are necessary to comply with federal requirements and to avoid a 5 percent penalty of federal funds received through the Child Care Development Block Grant, through which the Department received approximately \$10.3 million in FY 2018.

The bill also allows for a prorated fee for an employment eligibility card and establishes the Child Care Licensing Fund to deposit the fees collected from state registry and criminal record checks pursuant to RSA 170-E:7 and RSA 170-E:29-a for administering the program. The Department anticipates general funds will be offset, in part, by revenue collected from fees under the bill.

The Department anticipates registration card fee changes will minimally increase state revenue, stating only 5 replacement cards at a cost of \$15 each were requested since January

# Committee Report

**REGULAR CALENDAR**

**April 30, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Children and Family Law to which  
was referred SB 246-FN,**

**AN ACT relative to licensing of child daycare, residential  
care, and child-placing agencies. Having considered the  
same, report the same with the following amendment,  
and the recommendation that the bill OUGHT TO PASS  
WITH AMENDMENT.**

**Rep. Skip Berrien**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	Children and Family Law
Bill Number:	SB 246-FN
Title:	relative to licensing of child daycare, residential care, and child-placing agencies.
Date:	April 30, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2019-1746h

### STATEMENT OF INTENT

This bill brings state registry and criminal records check requirements for residential child care agencies and child day care providers into compliance with federal regulations. This bill creates a child care licensing fund which receives its funding from moneys collected for the background check requirements and expended for associative administration.

Vote 15-1.

Rep. Skip Berrien  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File



## REGULAR CALENDAR

Children and Family Law

**SB 246-FN**, relative to licensing of child daycare, residential care, and child-placing agencies.  
**OUGHT TO PASS WITH AMENDMENT.**

Rep. Skip Berrien for Children and Family Law. This bill brings state registry and criminal records check requirements for residential child care agencies and child day care providers into compliance with federal regulations. This bill creates a child care licensing fund which receives its funding from moneys collected for the background check requirements and expended for associative administration. **Vote 15-1.**

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

R

COMMITTEE:

Children & Family Law

BILL NUMBER:

SB 246

TITLE:

relative to licensing of child daycare, residential care & child placing agencies.

DATE:

4/30/19

CONSENT CALENDAR:

YES

NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

1746h

STATEMENT OF INTENT:

This bill puts state registry and criminal records check requirements for residential child care agencies and child daycare providers in compliance with federal regulations. This bill creates a child care licensing fund which receives its funding from money collected for the above cited background check requirements and expended for associated administration.

BP

COMMITTEE VOTE:

15-1

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep.

Steph Bennet

For the Committee

Rep. Rice, Hills. 37  
April 30, 2019  
2019-1746h  
05/04

Amendment to SB 246-FN

1 Amend RSA 170-E:7, IV-d as inserted by section 1 of the bill by replacing it with the following:

2

3 IV-d. The fee for a child care employment eligibility card issued under paragraph IV-a shall  
4 be \$50 and the card shall be valid for 5 years from the date of issuance, *or a prorated amount of*  
5 *\$10 per year from the most recently completed criminal background check.* A replacement  
6 card may be requested for a \$15 fee.

# Voting Sheets



HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on SB 246-FN

BILL TITLE: relative to licensing of child daycare, residential care, and child-placing agencies.

DATE: 4/30/19

LOB ROOM: 206

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # 1746h  
(if offered)
- Interim Study (2nd year)

Moved by Rep. Rice Seconded by Rep. DeSimone Vote: 15-1

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_  
(if offered)
- Interim Study (2nd year)

Moved by Rep. Berrien Seconded by Rep. Rice Vote: 15-1

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_  
(if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_  
(if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

CONSENT CALENDAR: \_\_\_\_\_ YES  NO

Minority Report?  Yes \_\_\_\_\_ No If yes, author, Rep: Yokota Motion ITC

Respectfully submitted: Erika Connors  
Rep Erika Connors, Clerk



2019 SESSION

Children and Family Law

Bill #: SB 246 Motion: OTP → on the AM #: 1746h Exec Session Date: 4/30/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Long, Patrick T. Chairman	15		
Berrien, Skip Vice Chairman	1		
Mulligan, Mary Jane	2		
Connors, Erika F. Clerk	3		
Coursin, David R.			
Diggs, Francesca G.	4		
French, Elaine H.	5		
Grossman, Gaby	6		
Levesque, Cassandra N.			
Petrigno, Peter	7		
St. John, Michelle	8		
Mazir, Safiya	9		
DeSimone, Debra L.	10		
Rice, Kimberly A.	11		
Morrison, Sean D.			
Amorata, Linda Rea	12		
Dowler, William L.	13		
Curry, Deanna E.	14		
DiStefano, Michael D.			
Okela, Josh S.		1	
<b>TOTAL VOTE:</b>	<b>15</b>	<b>1</b>	



2019 SESSION

Children and Family Law

Bill #: SB 246-FN Motion: OTP/A AM #: 1746h Exec Session Date: 4/30/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Long, Patrick T. Chairman	15		
Berrien, Skip Vice Chairman	1		
Mulligan, Mary Jane	2		
Connors, Erika F. Clerk	3		
Coursin, David R.			
Diggs, Francesca G.	4		
French, Elaine H.	5		
Grossman, Gaby	6		
Levesque, Cassandra N.			
Petrigno, Peter	7		
St. John, Michelle	8		
Wazir, Safiya	9		
DeSimone, Debra L.	10		
Rice, Kimberly A.	11		
Morrison, Sean D.			
Camarota, Linda Rea	12		
Fowler, William L.	13		
Jurius, Deanna E.	14		
Trento, Michael D.			
Yokela, Josh S.		1	
<b>TOTAL VOTE:</b>	<b>15</b>	<b>1</b>	



Rep. Rice, Hills. 37  
April 30, 2019  
2019-1746h  
05/04

Amendment to SB 246-FN

1 Amend RSA 170-E:7, IV-d as inserted by section 1 of the bill by replacing it with the following:

2

3 IV-d. The fee for a child care employment eligibility card issued under paragraph IV-a shall  
4 be \$50 and the card shall be valid for 5 years from the date of issuance, *or a prorated amount of*  
5 *\$10 per year from the most recently completed criminal background check.* A replacement  
6 card may be requested for a \$15 fee.

# Hearing Minutes



Page 2

(continuation of testimony by Melissa Clement and John Williams, Director of Legislative Affairs for Department of Health and Human Services and Child Care Licensing- support

- Does not apply to foster homes. They have their own regulations
- Household members applies to individual ages 10 and up
- Trying to save time by going to Child Care Licensing before Department of Safety
- Employees are required under RSA 541-A as subsequent licensure after agencies and providers are licensed
- Biometric Identification = Finger Prints
- Monies are to support the database. We do not have the current IT capabilities

Respectfully submitted

A handwritten signature in black ink, appearing to read "Erika Connors", written in a cursive style.

Rep. Erika Connors, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON SB 246-FN

BILL TITLE: relative to licensing of child daycare, residential care, and child-placing agencies.

DATE: 4/16/19

ROOM: 206

Time Public Hearing Called to Order: 10:03

Time Adjourned: 10:30

(please circle if present)

Committee Members: Reps. Long, Berrien, Connors, Mulligan, Coursin, Diggs, French, Grossman, Levesque, Petrigno, St. John, Wazir, DeSimone, Rice, Morrison, Camarota, Fowler, Jurius, Trento and Yokela

Bill Sponsors:

Sen. Gray

Sen. Bradley

Sen. Fuller Clark

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

① Sen. Gray - Sponsor

• Request of Dept.

• Change to meet federal changes and keep funding

• 5% penalty for non-compliance by fed. gov't

② Melissa Clement + John Williams - Dir. of Leg Affairs for

Health + Human Serv. + Child Care Licensing

• Designed to protect children

• SB 453 brought initial background checks

• HB 367 additional requirements

• This is the third bill

• Comes from an audit and corrective action plan

• Enhances criminal background checks

- Technical IT changes to safeguard info.
- \* Federal Audit Findings
  - Dedicated non-lapsing account added
  - Updated fiscal note coming.
  - \$515,000 if we did not enact this legislation
  - We license day cares and institutions that provide 24 hr. care
  - Allows us to do out of state background checks
  - Cards started in 2016 and makes background check portable.
  - \$15 replacement fee and \$10 replacement fee can be aligned w/ an amendment. It was an oversight.
  - "Reasonable concern" can be evaluated. We need to check federal law.
  - Does not apply to foster homes. They have their own regulations.
  - Household Members applies to individuals ages 10 and up.
  - Trying to save time by going to Child Care Licensing before Dept. of Safety.
  - Employees are required under RSA 541-A as subsequent licensure after agencies and providers are licensed.
  - Biometric Identification = Finger Prints
  - Monies are to support the database. We do not have the current IT capabilities.



# Testimony



New Hampshire  
2018 Noncriminal Justice Information Technology Security (NCJITS)  
Audit Findings and Response

---

The NCJITS audit resulted in 10 findings of noncompliance for the New Hampshire Department of Health and Human Services, Office of Operations Support, Child Care Licensing. Pursuant to applicable laws, regulations, rules, policies, and procedures, these findings are currently subject to the formal sanctions process.

1. **Contracted Noncriminal Justice Services: Ensure the local agencies request and receive written permission from the State Compact Officer or Chief Administrator prior to executing a contract or agreement that permits a contractor to access national criminal history record information (CHRI).**

The following local agency did not request or receive written permission from the State Compact Officer or Chief Administrator prior to outsourcing noncriminal justice functions that allowed the contractor unescorted access to CHRI:

- New Hampshire Department of Health and Human Services, Office of Operations Support, Child Care Licensing – At the time of audit, the agency was saving CHRI unencrypted to a network file share (R:\ drive). The New Hampshire DoIT maintains the agencies network infrastructure and had unescorted administrative access to the file share and the CHRI stored. DoIT personnel are not authorized to view CHRI unescorted/unencrypted.

Entities which perform administrative functions on behalf of an authorized recipient may not have access to CHRI without either: 1) implementation of the Security and Management Control Outsourcing Standard for Non-Channelers pursuant to Title 28, Code of Federal Regulations, Part 906; 2) implementation of a Management Control Agreement or a Security Addendum pursuant to Title 28, Code of Federal Regulations, Section 20.33 (a) (6) or (7) (only applicable to criminal justice agencies where the entity is performing criminal justice and noncriminal justice functions); or 3) use of a recognized alternate statutory authority which permits access to CHRI by such entities.

It is noted if the State Compact Officer or Chief Administrator does not approve this access, the authorized recipient must discontinue such access and remove all CJI from all unauthorized systems or physical locations listed above within a three year audit cycle.

2. **Standards of Discipline: Ensure the local agencies employ a formal sanctions process for personnel failing to comply with established information security policies and procedures.**
-

New Hampshire  
2018 Noncriminal Justice Information Technology Security (NCJITS)  
Audit Findings and Response

---

The following local agency did not have a written policy for the discipline of *CJIS Security Policy* violators:

- New Hampshire Department of Health and Human Services, Office of Operations Support, Child Care Licensing.
3. **Security Awareness Training**: Ensure the local agencies provide security awareness training to all personnel who have unescorted access to CJI within six months of assignment and at least once every two years.

The CSA and the following local agency did not ensure personnel, who managed or had unescorted access to CJI, received security awareness training:

- New Hampshire Department of Health and Human Services, Office of Operations Support, Child Care Licensing – unescorted custodial personnel (Level 1).
4. **Physical Security**: Ensure local agencies document and implement all physical protection policy requirements.

The following local agency did not have a written physical protection policy:

- New Hampshire Department of Health and Human Services, Office of Operations Support, Child Care Licensing.
5. **Media Disposal**: Ensure the CSA and the local agencies document and implement all media disposal policies.

The CSA and the following local agency did not overwrite at least three times or degauss digital media which stored or processed CJI prior to releasing it from the criminal justice agency:

- New Hampshire Department of Health and Human Services, Office of Operations Support, Child Care Licensing – The agency did not overwrite at least three times, degauss, or encrypt to at least 256 bit National Institute of Standards and Technology (NIST) Federal Information Processing Standard (FIPS) 197 hard drives used to store CJI prior to release to a subcontracted party of DoIT for digital media destruction.

The following local agency did not have a written policy for sanitization and destruction process of physical and digital media:

New Hampshire  
2018 Noncriminal Justice Information Technology Security (NCJITS)  
Audit Findings and Response

---

- New Hampshire Department of Health and Human Services, Office of Operations Support, Child Care Licensing.
6. **Identification/UserID**: Ensure the CSA and the local agencies documents and implements all identification policy requirements.

The New Hampshire Department of Health and Human Services, Office of Operations Support, Child Care Licensing did not have a written policy to document the validation process of system accounts with access to CJJ.

7. **Authentication**: Ensure the CSA and the local agencies' passwords used for authentication follow the secure password attributes.

The CSA and the following local agency did not comply with the authentication policy:

- New Hampshire Department of Health and Human Services, Office of Operations Support, Child Care Licensing – Domain passwords, used to access CJJ, could be identical to the previous ten (10) passwords.

8. **Event Logging**: Ensure the CSA and the local agencies implement all audit and accountability controls for information systems accessing CJJ.

The CSA and the following local agency did not ensure successful and unsuccessful log-on attempts, password changes, and/or attempts to access, create, write, delete, or change permission on a user account, file, directory, or other system resource were recorded in the audit logs of the information systems accessing CJJ:

- New Hampshire Department of Health and Human Services, Office of Operations Support, Child Care Licensing.

9. **Encryption**: Ensure CJJ transmitted outside the boundary of the physically secure location is immediately protected via encryption to comply with *CJIS Security Policy* requirements.

The following local agency did not encrypt all network segments which access or transmit CJJ with at least 128-bit National Institute for Standards and Technology (NIST) certified encryption to comply with the Federal Information Processing Standard (FIPS) 140-2 requirement:

- New Hampshire Department of Health and Human Services, Office of Operations Support, Child Care Licensing – The agency was accessing CHRI via a

New Hampshire  
2018 Noncriminal Justice Information Technology Security (NCJITS)  
Audit Findings and Response

---

network file share (R:\ drive) using the unencrypted statewide wide-area network (WAN) between where the data was stored at the datacenter and the authorized users. Neither the network segment (state WAN) nor the data was encrypted between physically secure locations. In addition, the agency was unable to verify that backups, containing CHRI, transmitted across the state WAN, were encrypted with at least 128-bit NIST certified encryption. Also, the agency allowed network access to CHRI via Wi-Fi but could not verify with a certificate or certificate number that the encryption was FIPS 140-2 compliant.

**10. Personal Firewalls: Ensure the CSA and the local agencies implement personal firewalls on their wireless access devices.**

The following local agency was unable to verify that a personal firewall was implemented on mobile devices utilizing a full-feature operating system to access information systems containing CJI for remote maintenance:

- New Hampshire Department of Health and Human Services, Office of Operations Support, Child Care Licensing.

# Bill as Introduced

SB 246-FN - AS AMENDED BY THE SENATE

03/07/2019 0613s

03/21/2019 0997s

2019 SESSION

19-0977

05/03

SENATE BILL

***246-FN***

AN ACT

relative to licensing of child daycare, residential care, and child-placing agencies.

SPONSORS:

Sen. Gray, Dist 6; Sen. Bradley, Dist 3; Sen. Fuller Clark, Dist 21

COMMITTEE:

Executive Departments and Administration

---

AMENDED ANALYSIS

This bill revises the state registry and criminal records check requirements for employees and others associated with residential child care agencies and child day care providers. The bill also establishes the child care licensing fund in the department of health and human services.

The bill is a request of the department of health and human services.

-----  
Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to licensing of child daycare, residential care, and child-placing agencies.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Child Day Care Licensing; State Registry and Criminal Records Check; Revocation of  
2 Registration and Withholding of State Funds. Amend RSA 170-E:7 to read as follows:

3 170-E:7 State Registry and Criminal Records Check; Revocation of Registration and  
4 Withholding of State Funds.

5 I. Child day care *agencies and* providers who are required to be licensed or registered  
6 according to the provisions of this chapter shall ~~[prior to the date an individual is responsible for~~  
7 ~~the care of, or has regular contact with children, and upon adding new household members or other~~  
8 ~~individuals who will have regular contact with children,]~~ submit to the department~~[,]~~ the names,  
9 birth names, *aliases*, birth dates, and *resident* addresses during the preceding 5 years of ~~[such~~  
10 ~~individuals]~~ *all owners, board members, household members, and center directors prior to*  
11 *the issuance of a permit or license, and [other information] subsequent to licensure, for all*  
12 *individuals as* required by the department ~~[as prescribed by]~~ *in* rules adopted ~~[by the~~  
13 ~~commissioner]~~ *under RSA 541-A and in accordance with federal standards implementing the*  
14 *Child Care and Development Fund Program.*

15 I-a. The persons described in paragraph I shall *complete a Federal Bureau of*  
16 *Investigation fingerprint check using the biometric identification system through a*  
17 *qualified law enforcement agency or an authorized employee of the department of safety*  
18 *and* submit directly to the department ~~[of safety]~~ a criminal history ~~[records release form]~~ *record*  
19 *information authorization form and any additional required forms*, as provided by the New  
20 Hampshire division of state police, which ~~[authorizes]~~ *authorize* the release of the person's  
21 criminal records, if any, to the department. ~~[The person shall complete a Federal Bureau of~~  
22 ~~Investigation fingerprint check using the Integrated Automated Fingerprint Identification System~~  
23 ~~through a qualified law enforcement agency or an authorized employee of the department of safety.~~  
24 ~~The department of safety shall complete the criminal history records check and forward such~~  
25 ~~record, if any, to the department.]~~ In the event that the first set of fingerprints is invalid due to  
26 insufficient pattern, a second set of fingerprints shall be necessary to complete the criminal history  
27 records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the  
28 department may, in lieu of the criminal history records check, accept police clearances from every  
29 city, town, or county where the person has lived during the past 5 years.

30 II.(a) For every name submitted on an application, in the registration process, and for each

1 individual for whom information is required to be submitted pursuant to paragraph I, the  
2 department shall search for such persons against the New Hampshire sex offender and abuse and  
3 neglect registries, *the National Sex Offender Registry*, and the sex offender [~~and abuse and~~  
4 ~~neglect~~] registries of each state where the individual resided in the past 5 years [~~and the National~~  
5 ~~Sex Offender Registry~~]. *The department shall submit all forms and any payment required*  
6 *and provided by the individual to request from each state a check of the criminal history*  
7 *repository and abuse and neglect registry offices where the individual resided in the past*  
8 *5 years.*

9 (b) The department [~~of safety~~] shall submit the criminal history record information  
10 authorization form to the New Hampshire division of state police, which shall conduct a criminal  
11 history records check through its records and through the Federal Bureau of Investigation,  
12 *including the National Sex Offender Registry file in the National Crime Information*  
13 *Center records.* Upon completion of the background investigation, the division of state police shall  
14 release copies of the criminal conviction records to the department. The department shall maintain  
15 the confidentiality of all criminal history records information received [~~pursuant to this paragraph~~].

16 (c) The costs of criminal history record *and abuse and neglect registry* checks shall  
17 be borne by the child day care *agency or* provider; provided, that the child day care *agency or*  
18 provider may require an applicant to pay the actual costs of the criminal history check *and abuse*  
19 *and neglect registry checks* of the employee.

20 (d) *Any individual who refuses to consent to the criminal background check or*  
21 *knowingly makes a materially false statement in connection with such criminal*  
22 *background checks shall be ineligible for employment.*

23 II-a. An individual shall not be required to submit a request under paragraph I-a if:

24 (a) In the previous 5 years, the individual submitted a state criminal records release  
25 form and fingerprints and completed a criminal records check under this section;

26 (b) The individual is currently employed by a child care provider within the state, or  
27 has been separated from employment from a child care provider within the state for a period of not  
28 more than 180 consecutive days; and

29 (c) The department made a determination that when the individual completed the  
30 criminal records check within the previous 5 years as described in this section, the individual was  
31 eligible for employment as provided in paragraphs III and IV.

32 III. The department shall make a determination regarding the individual's eligibility for  
33 employment no later than 45 days from submission of all required information as described in  
34 paragraphs I and I-a. If any individual whose name has been submitted for a check under this  
35 section is registered or required to be registered on a state sex offender registry or repository, or the  
36 National Sex Offender Registry, or has been convicted of a felony consisting of murder, child abuse  
37 or neglect, an offense involving child sexual abuse images, trafficking, spousal abuse, a crime  
38 involving rape or sexual assault, kidnapping, arson, physical assault or battery, or a drug-related



1 offense committed during the previous 5 years, or any other violent or sexually-related  
2 misdemeanor against a child, including child abuse, child endangerment, sexual assault, or a  
3 misdemeanor involving child sexual abuse images, or of a crime which shows that the person might  
4 be reasonably expected to pose a threat to a child, such as a violent crime or a sexually-related  
5 crime against an adult, the department shall:

6 (a) If the individual is the applicant or owner, revoke or deny the license or permit, or  
7 withhold state funds if the child day care provider is not required to be licensed.

8 (b) ~~[If the individual is a board member, household member, or child day care~~  
9 ~~personnel, or any other individual having regular contact with the enrolled children]~~ *For any*  
10 *other individual*, inform the child day care agency or registered provider that the individual is  
11 ineligible for employment and give the agency or registered provider an opportunity to take  
12 immediate corrective action to remove the individual from the agency, and, in conjunction with the  
13 department, to develop a corrective action plan, approved by the department, which shall ensure  
14 that the individual will not be on the premises of the child day care program and shall have no  
15 contact with children enrolled in the child day care program.

16 (c) Suspend, deny, or revoke the license or permit, and withhold state funding, if the  
17 child day care program refuses to take corrective action as indicated in subparagraph (b), or  
18 subsequently fails to comply with the corrective action plan approved by the department.

19 (d) Upon a finding of criminal activity as described in this paragraph, withhold state  
20 funding to registered child day care providers that are exempt from the licensing requirements of  
21 RSA 170-E:4 if the provider refuses to take corrective action as indicated in subparagraph (b), or  
22 fails to comply with the corrective action plan approved by the department.

23 IV. If any individual whose name has been submitted for this check has been convicted of a  
24 felony offense deemed directly or indirectly harmful to children in child day care, crimes against  
25 minors or adults, except crimes as provided in paragraph III, or is the subject of a founded  
26 complaint of child abuse or neglect, the department may deny, revoke, or suspend a license, permit,  
27 or registration pending the development and implementation of a corrective action plan approved by  
28 the department. In addition, the department may, upon a finding of criminal activity or a founded  
29 complaint of child abuse or neglect as described in this paragraph, withhold state funding to  
30 registered child day care providers that are exempt from the licensing requirements of RSA 170-E:4  
31 pending the development and implementation of a corrective action plan approved by the  
32 department. The department shall conduct an investigation in accordance with rules adopted  
33 under this subdivision to determine whether the individual poses a present threat to the safety of  
34 children. The investigation shall include an opportunity for the individual to present evidence on  
35 his *or her* behalf to show that the individual does not pose a threat to the safety of children.

36 IV-a. After the department has made a determination that an individual required to  
37 complete a criminal record check under paragraph I does not pose a present threat to the safety of  
38 children, the department may issue a child care employment eligibility card, which shall be valid for

1 5 years provided that no disqualifying convictions are subsequently submitted, and the individual  
2 remains eligible as described in subparagraph II-a(b). ~~[The state may require additional~~  
3 ~~background checks to be completed based upon conviction information submitted.]~~ *The*  
4 *department may require additional background checks to be completed based upon*  
5 *reliable information that the individual received one or more additional convictions*  
6 *subsequent to the previous criminal record check submission. If the department receives*  
7 *confirmation from a law enforcement agency that an individual has been charged with a*  
8 *crime as described in paragraph III or IV, the department shall suspend the individual's*  
9 *child care employment eligibility card and inform the child day care agency or registered*  
10 *provider that the individual is ineligible for employment and give the agency or registered*  
11 *provider an opportunity to take immediate corrective action to remove the individual from*  
12 *the agency, and, in conjunction with the department, to develop a corrective action plan,*  
13 *approved by the department, which shall ensure that the individual shall not be on the*  
14 *premises of the child day care program and shall have no contact with children enrolled*  
15 *in the child day care program while charges are pending.*

16 IV-b. Child day care providers who are required to be licensed or registered according to the  
17 provisions of this chapter shall, for every individual submitted for a check under paragraph I who is  
18 not required to complete the criminal background check pursuant to paragraph II-a, have on file a  
19 signed statement from the individual stating since the day the individual's background check was  
20 completed, that he or she:

21 (a) Has not been convicted of any crimes; and

22 (b) Has not had a finding by the department or any administrative agency in this or any  
23 other state for abuse, neglect, or exploitation.

24 IV-c. Child *day* care *agencies or* providers, whether registered or licensed, and individuals  
25 as described in paragraph I, shall complete the background check process described in this section  
26 no later than 5 years from the previous background check submission.

27 IV-d. The fee for a child care employment eligibility card issued under paragraph IV-a shall  
28 be \$50 and the card shall be valid for 5 years from the date of issuance, *or a prorated amount of*  
29 *\$10 per year from the most recently completed criminal background check.* A replacement  
30 card may be requested for a ~~[\$15]~~ \$10 fee.

31 V. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the  
32 confidentiality of information collected under this section and to the release, if any, of such  
33 information.

34 2 State Registry and Criminal Records Check for Child Care Institutions and Child Care  
35 Agencies. Amend RSA 170-E:29-a to read as follows:

36 170-E:29-a State Registry and Criminal Records Check for Child Care Institutions and Child  
37 Care Agencies.

38 I. Child care institutions and child care agencies, with the exception of foster family homes,

1 that are required to be licensed according to the provisions of this chapter shall *submit to the*  
2 *department the names, birth names, aliases, birth dates, and resident addresses during*  
3 *the previous 5 years of all owners, board members, household members, and program*  
4 *directors prior to the issuance of a permit or license and prior to making a final offer of*  
5 *employment, [to a person who will be responsible for the care of, or who will have regular contact*  
6 *with children, and upon adding a new household member, or other persons who will have regular*  
7 *contact with children, submit to the department, the names, birth names, birth dates, and*  
8 *addresses during the preceding 5 years of such persons and other information] for all individuals*  
9 *as required by the department [as prescribed by] in rules adopted [by the commissioner] under RSA*  
10 *541-A and as required by federal standards implementing the Families First Prevention*  
11 *Services Act.*

12 I-a. The persons described in paragraph I shall *complete a Federal Bureau of*  
13 *Investigation fingerprint check using the biometric identification system through a*  
14 *qualified law enforcement agency or an authorized employee of the department of safety*  
15 *and submit directly to the department [of safety] a criminal history record information*  
16 *authorization form and any other required forms, as provided by the New Hampshire division of*  
17 *state police, which authorizes the release of the person's criminal records, if any, to the department.*  
18 ~~[The persons shall complete a Federal Bureau of Investigation fingerprint check using the~~  
19 ~~Integrated Automated Fingerprint Identification System through a qualified law enforcement~~  
20 ~~agency or an authorized employee of the department of safety. The department of safety shall~~  
21 ~~complete the criminal history records check and forward such record, if any, to the department.]~~ In  
22 the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of  
23 fingerprints shall be necessary to complete the criminal history records check. If, after 2 attempts,  
24 a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the  
25 criminal history records check, accept police clearances from every city, town, or county where the  
26 person has lived during the past 5 years.

27 II.(a) For every name submitted on an application and for each person for whom  
28 information is required to be submitted pursuant to paragraph I, the department shall search for  
29 such persons against the New Hampshire sex offender and abuse and neglect registries, the sex  
30 offender and abuse and neglect registries of each state where the individual resided in the past 5  
31 years, and the National Sex Offender Registry. *The department shall submit all forms and*  
32 *any required payments from the individual to request from each state a check of the abuse*  
33 *and neglect registry records where the individual resided in the past 5 years.*

34 (b) The department ~~[of safety]~~ shall submit the criminal history records release form to  
35 the New Hampshire division of state police, which shall conduct a criminal history records check  
36 through its records and through the Federal Bureau of Investigation, *including the National Sex*  
37 *Offender Registry file in the National Crime Information Center records.* Upon completion  
38 of the background investigation, the division of state police shall release copies of the criminal

1 conviction records to the department. The department shall maintain the confidentiality of all  
2 criminal history records information received pursuant to this paragraph.

3 (c) The costs of criminal history record *and abuse and neglect registry* checks shall  
4 be borne by the licensee; provided, that the licensee may require an applicant to pay the actual costs  
5 of the criminal history check *and abuse and neglect registry checks* of the employee.

6 (d) *Any individual who refuses to consent to the criminal background check or*  
7 *knowingly makes a materially false statement in connection with such criminal*  
8 *background checks shall be ineligible for employment.*

9 III. Notwithstanding paragraph I, a licensee may make a final offer of employment and  
10 allow a person to begin working in the program while the results of the state and national criminal  
11 background check is pending provided that, prior to beginning employment, the applicant completes  
12 a statement stating that he or she:

13 (a) Does not have any felony conviction in this or any other state.

14 (b) Has not been convicted of a sexual assault, assault including simple assault, any  
15 other violent crime, abuse, neglect, or any other crime that shows that they may pose a threat to  
16 well-being of children, such as a violent crime or a sexually-related crime against an adult.

17 (c) Has not had a finding by the department or any administrative agency in this or any  
18 other state for abuse, neglect, or exploitation of children.

19 IV. The results of the criminal background check shall be valid for 5 years. Prior to the  
20 expiration of that 5-year period, ~~[a person responsible for the care of, or who has regular contact~~  
21 ~~with children in child care institutions or child care agencies, or household members, or other~~  
22 ~~persons who will have regular contact with children,]~~ *the individuals described in paragraph I*  
23 shall undergo a background check pursuant to this section.

24 IV-a. If a person who is or has been employed or volunteered at a child care institution or  
25 child care agency is offered employment or volunteers at another child care institution or child care  
26 agency or a child day care agency, the person shall not be required to undergo the criminal records  
27 check described in paragraph I-a if the previous criminal records check was completed within the  
28 last 5 years *as provided in paragraph IV*, and the person was determined by the department to  
29 be eligible for employment. Before entering employment or volunteering with the new agency, the  
30 person shall complete a statement as set forth in paragraph III.

31 V. The department shall make a determination regarding the individual's eligibility for  
32 employment no later than 45 days from submission of all required information as described in  
33 paragraphs I and I-a. If any person whose name has been submitted for a check under this section  
34 is registered or required to be registered on a state sex offender registry or repository, or the  
35 National Sex Offender Registry, or has been convicted of a felony consisting of murder, child abuse  
36 or neglect, an offense involving child sexual abuse images, trafficking, spousal abuse, a crime  
37 involving rape or sexual assault, kidnapping, arson, physical assault or battery, or a drug-related  
38 offense committed during the previous 5 years, or any other violent or sexually related

1 misdemeanor or against a child, including child abuse, child endangerment, sexual assault, or a  
2 misdemeanor involving child sexual abuse images, or of a crime which shows that the person might  
3 be reasonably expected to pose a threat to a child, such as a violent crime or a sexually-related  
4 crime against an adult, the department shall:

5 (a) If the person is the applicant or owner, revoke or deny the license.

6 (b) If the person is a board member, household member, or child care institution or  
7 child care agency personnel, or any other person having regular contact with the enrolled children  
8 inform the child care institution or child care agency that the person is ineligible for employment  
9 and give the program an opportunity to take immediate corrective action to remove the person from  
10 the program, and, in conjunction with the department, to develop a corrective action plan, approved  
11 by the department, which shall ensure that the person will not be on the premises of the child care  
12 institution or child care agency and shall have no contact with children enrolled in the child care  
13 institution or child care agency.

14 (c) Suspend, deny, or revoke the license or permit if the child care institution or child  
15 care agency refuses to take corrective action as indicated in subparagraph (b), or subsequently fails  
16 to comply with the corrective action plan approved by the department.

17 VI. If any person whose name has been submitted for this check has been convicted of a  
18 felony offense or violent crime deemed directly or indirectly harmful to children in child residential  
19 care, crimes against minors or adults, except crimes as provided in paragraph V, or is the subject of  
20 a founded complaint of child abuse or neglect, the department may deny, revoke, or suspend a  
21 license or permit pending the development and implementation of a corrective action plan approved  
22 by the department. The department shall conduct an investigation in accordance with rules  
23 adopted under this subdivision to determine whether the person is ineligible for employment. The  
24 investigation shall include an opportunity for the person to present evidence on his or her behalf to  
25 show that the person does not pose a threat to the safety of children.

26 VII.(a) Once the department has made a determination that the individual required to  
27 complete a criminal record check under paragraph I-a is eligible for employment, the department  
28 shall issue a ~~[child-care]~~ *residential child care* employment eligibility card, which shall be valid  
29 for 5 years provided that no disqualifying convictions are subsequently submitted, and the  
30 individual remains eligible as described in ~~[RSA 170-E:7, II-a(b)]~~ *paragraph V*. The ~~[state]~~  
31 *department* may require additional background checks to be completed based upon ~~[conviction~~  
32 ~~information submitted]~~ *reliable information that the individual received one or more*  
33 *additional convictions subsequent to the previous criminal record submission. If the*  
34 *department receives confirmation from a law enforcement agency that an individual has*  
35 *been charged with a crime as described in paragraph III or V, the department shall*  
36 *suspend the individuals residential child care eligibility card and inform the agency that*  
37 *the individual is ineligible for employment and give the agency an opportunity to take*  
38 *immediate corrective action to remove the individual from the agency, and, in conjunction*

1 *with the department, to develop a corrective action plan, approved by the department,*  
2 *which shall ensure that the individual will not be on the premises of the program and*  
3 *shall have no contact with children enrolled in the program while charges are pending.*

4 (b) The fee for a *residential* child care employment eligibility card shall be \$50, and  
5 the card shall be valid for 5 years from the date of issuance, *or a prorated amount of \$10 per*  
6 *year from the most recently completed criminal background check.* The fee for a  
7 replacement card shall be \$15.

8 VIII. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the  
9 confidentiality of information collected under this section and to the release, if any, of such  
10 information.

11 3 New Section; Child Day Care Licensing; State Registry and Criminal Records Check; Child  
12 Care Licensing Fund Established. Amend RSA 170-E by inserting after section 7 the following new  
13 section:

14 170-E:7-a Child Care Licensing Fund Established. There is hereby established a nonlapsing  
15 fund to be known as the child care licensing fund, which shall be administered by the commissioner  
16 of the department of health and human services and which shall be kept distinct and separate from  
17 all other funds. All fees for state registry and criminal records checks collected by the department  
18 pursuant to RSA 170-E:7 and RSA 170-E:29-a shall be deposited in the fund and all moneys in the  
19 fund shall be continually appropriated to the department of health and human services for the  
20 purpose of paying costs associated with administering the provisions of this chapter.

21 4 New Subparagraph; State Treasurer and State Accounts; Application of Receipts. Amend  
22 RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

23 (344) Moneys deposited into the child care licensing fund established in RSA 170-  
24 E:7-a.

25 5 Effective Date. This act shall take effect July 1, 2019.

**SB 246-FN- FISCAL NOTE**  
 AS AMENDED BY THE SENATE (AMENDMENT #2019-0613s)

AN ACT relative to licensing of child daycare, residential care, and child-placing agencies.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$123,000	\$121,000	\$127,000	\$131,000
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Federal Funds, Child Care Licensing Fund			

**METHODOLOGY:**

This bill amends RSA 170:E by clarifying certain processes and language to align criminal background checks for child care programs with federal requirements of the Child Care and Development Fund Program. Specifically, the bill requires background checks be submitted directly to the Department of Health and Human Services prior to being forwarded to the Department of Safety, grants the Department of Health and Human Services the authority to request additional records in certain instances, and allows the Department to suspend an individual's eligibility to work in a child care program if the individual is charged with a disqualifying crime while charges are pending. The Department notes the above changes are necessary to comply with federal requirements and to avoid a 5 percent penalty of federal funds received through the Child Care Development Block Grant, through which the Department received approximately \$40 million in FY 2018.

The bill also allows for a prorated fee for an employment eligibility card, reduces the card replacement fee from \$15 to \$10, and establishes the Child Care Licensing Fund to deposit the fees collected from state registry and criminal record checks pursuant to RSA 170-E:7 and RSA 170-E:29-a for administering the program.

The Department anticipates registration card fee changes will minimally increase state revenue, stating only 5 replacement cards were requested since January 2018 and prorated card fees have been requested, but have yet to be implemented. It also states two additional full-time positions would be required to support the increase in workload attributed to the bill. The following salary, benefit and other cost estimates were provided for two Program Assistant I

positions at labor grade 12. The position costs will consist of 33 percent general funds and 67 percent federal funds. The Department anticipates general funds will be offset, in part, by revenue collected from fees under the bill.

2 FTE Program Assistant I	FY 2020	FY 2021	FY 2022	FY 2023
Salary	\$61,000	\$63,000	\$66,000	\$68,000
Benefits	\$50,000	\$53,000	\$56,000	\$58,000
Other	\$12,000	\$5,000	\$5,000	\$5,000
<b>Total</b>	<b>\$123,000</b>	<b>\$121,000</b>	<b>\$127,000</b>	<b>\$131,000</b>
<b>General Fund/Fee Revenue Total (33%)</b>	<b>\$40,590</b>	<b>\$39,930</b>	<b>\$41,910</b>	<b>\$43,230</b>
<b>Federal Fund Total (67%)</b>	<b>\$82,410</b>	<b>\$81,070</b>	<b>\$85,090</b>	<b>\$87,770</b>

The Department of Safety does not anticipate any fiscal impact to expenditures and revenue as a result of the bill.

**AGENCIES CONTACTED:**

Department of Health and Human Services and Department of Safety