

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 17, 2011

TO: Honorable Richard Pena Raymond, Chair, House Committee on Human Services

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB1178 by Nelson (Relating to the regulation of certain shelter day-care facilities, child-care facilities, and individuals providing child-care services, and access to certain criminal history record information; providing an administrative penalty.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 42.044, Human Resources Code, by giving the Department of Family and Protective Services (DFPS) the authority to investigate a listed home when DFPS receives a complaint that alleges immediate risk of danger to the health or safety of a child in care.

The bill would amend Sections 42.052 and 42.054, Human Resources Code, to allow DFPS to suspend and revoke after six months of non-compliance a facility's, agency's or home's license, listing or registration if they do not pay appropriate fees or submit to appropriate background checks. The bill would also amend Section 42.056 to require the director, owner, or operator of certain additional facilities to submit fingerprints.

The bill would amend Human Resources Code, Chapter 42, by adding Subchapter G, relating to the regulation of temporary shelter day-care facilities. The subchapter would require a shelter to hold a permit issued by DFPS, unless the shelter already holds a certain license or provides shelter for limited times. The bill would require the department to develop and implement a procedure so a shelter holding a license to operate child-care facility may convert the license to a permit under this subchapter. The bill would authorize the department to charge a reasonable administrative fee for the permit and for the background checks.

The bill would repeal Chapter 249, Health and Safety Code, relating to maternity homes, and Section 42.042 (g-2), Human Resources Code, relating to temporary shelters.

DFPS indicates that the bill could be implemented within existing resources. It is assumed that the Department of Public Safety could absorb any costs associated with implementation of the bill.

Local Government Impact

The bill would allow a municipality that operates an elementary-age recreation program to accept public comment through the municipality's website in lieu of an annual public hearing ordinance if the municipality has a population of 300,000 or more and has held at least two annual public hearings on the standards of care and adopted standards of care by ordinance after those public hearings.

Municipalities opting to take public comment online would experience savings for the cost of holding a public hearing; however, savings are not anticipated to be significant.

Source Agencies: 405 Department of Public Safety, 530 Family and Protective Services, Department of
LBB Staff: JOB, CL, NB, KKR, MB, VJC