

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3414-01
Bill No.: HB 1440
Subject: State Attorney General; Public Records, Public Meetings; Sunshine Law,
Meetings, and Records
Type: Original
Date: February 15, 2008

Bill Summary: The proposal requires certain public officials to receive training regarding open meetings and open records and public information laws within a designated time frame.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	(Less than \$10,000)	(Less than \$10,000)	(Less than \$10,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$10,000)	(Less than \$10,000)	(Less than \$10,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Coordinating Board for Higher Education, Office of Administration – Division of Personnel, – Division of Purchasing and Materials Management, – Administrative Hearing Commission, – Division of Budget and Planning, Department of Insurance, Financial Institutions, and Professional Registration, Department of Transportation, Department of Mental Health, Department of Natural Resources, Department of Health and Senior Services, Missouri Certificate of Need Program, Department of Labor and Industrial Relations, Department of Revenue, Department of Social Services, Department of Public Safety – Division of Fire Safety, – Missouri State Highway Patrol, – Division of Alcohol and Tobacco Control, – Capitol Police, – Director’s Office, – Missouri Veterans’ Commission, – State Emergency Management Agency, – Missouri Gaming Commission, Missouri Consolidated Health Care Plan, Missouri House of Representatives, Office of the Lieutenant Governor, State Auditor’s Office, Missouri Senate, Office of the Secretary of State, Office of the State Public Defender, State Treasurer’s Office, State Tax Commission, and St. Louis County** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General (AGO)** assume they currently provide Sunshine Law training, upon request, to public bodies that request such training. AGO assumes that this proposal would require that the AGO create a statewide training that would be videotaped or put in another electronic media for distribution to all newly elected officials and public information officers. AGO assumes the cost of creating such training can be absorbed within existing resources. AGO assumes that any such training would be made available on the Internet and that would also be absorbed within existing resources.

AGO assumes it would incur some cost to review other training that is submitted to the AGO for approval. AGO cannot predict the number of requests under this alternative. At this point, AGO would assume that costs can be absorbed to conduct this review.

AGO assumes it will incur a cost in producing the certificates of completion for each official who completes the Sunshine Law training. AGO would also incur the costs of mailing the certificates to those members who requested them or would provide them at the seminar of any training that AGO conducted in person. AGO assumes that any costs associated with the certificates would be under \$10,000.

ASSUMPTION (continued)

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Joint Committee on Public Employee Retirement** assume the legislation will not affect retirement plan benefits as defined in Section 105.660(5).

Officials from the **Department of Economic Development (DED)** assume the required training course would be provided at no cost. Therefore, DED assumes no fiscal impact to their agency. If the training course did have a cost associated with it, DED would incur some fiscal impact which cannot be estimated at this time.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the proposal could lead to increased costs at the state and local level for meeting the training requirements. However, DESE does not anticipate the costs will be significant for either the state board of education or local boards of education.

Officials from the **Department of Conservation** assume the proposed legislation would have minimal fiscal impact on MDC funds.

Officials from the **City of Centralia** assume they would incur overtime and prep time for staff to set up sessions. Officials estimate the cost to be \$300 in FY 09 and \$150 in subsequent years.

Officials from the **City of West Plains** assume a possible fiscal impact on the city of an unknown amount due to the cost involved with the training. Officials assume the amount will not be significant.

Officials from the **City of Webb City** assume no significant cost to cities.

Officials from **Buchanan County** anticipate the cost of this legislation to be no more than \$1,200 per election cycle, or \$600 per year.

Officials from **Clinton County** assume the proposal would result in costs and losses in an amount up to approximately \$15,000. Officials offered no explanation of the nature of these costs.

ASSUMPTION (continued)

Oversight assumes any costs Department of Economic Development, Department of Elementary and Secondary Education, Local Boards of Election, Department of Conservation, City of Centralia, City of West Plains, City of Webb City, Buchanan County, and Clinton County may incur as a result of the training could be absorbed within existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
GENERAL REVENUE FUND			
<u>Costs – Office of the Attorney General</u>			
Printing and Postage	<u>(Less than</u> <u>\$10,000)</u>	<u>(Less than</u> <u>\$10,000)</u>	<u>(Less than</u> <u>\$10,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Less than</u> <u>\$10,000)</u>	<u>(Less than</u> <u>\$10,000)</u>	<u>(Less than</u> <u>\$10,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposal requires each elected or appointed public official who is a member of a public body to complete a one to two hour course covering the responsibilities of public officials and the Open Meetings Law as well as a separate one to two hour course regarding the responsibilities of the public governmental body to public information laws and open records. Upon completion of the courses, the entity providing the training must issue a certificate of course completion to be maintained for public inspection by the public governmental body in which the official serves.

FISCAL DESCRIPTION (continued)

The Office of the Attorney General must ensure that training is made available to public officials and may provide courses or approve any acceptable course offered by a public governmental body as well as ensure that at least one course approved or provided is made available in a videotape format and at no cost.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Coordinating Board for Higher Education

Office of Administration

- Division of Personnel
- Division of Purchasing and Materials Management
- Administrative Hearing Commission
- Division of Budget and Planning

Office of State Courts Administrator

Department of Economic Development

Department of Elementary and Secondary Education

Department of Insurance, Financial Institutions, and Professional Registration

Department of Transportation

Department of Mental Health

Department of Natural Resources

Department of Health and Senior Services

Missouri Certificate of Need Program

Department of Labor and Industrial Relations

Department of Revenue

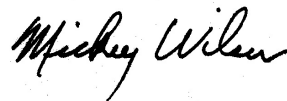
Department of Social Services

Department of Public Safety

- Division of Fire Safety
- Missouri State Highway Patrol
- Division of Alcohol and Tobacco Control
- Capitol Police
- Director's Office
- Missouri Veterans' Commission
- State Emergency Management Agency
- Missouri Gaming Commission

SOURCES OF INFORMATION (continued)

Missouri Consolidated Health Care Plan
Joint Committee on Public Employee Retirement
Department of Conservation
Missouri House of Representatives
Office of the Lieutenant Governor
State Auditor's Office
Missouri Senate
Office of the Secretary of State
Office of the State Public Defender
State Treasurer's Office
State Tax Commission
City of Centralia
City of West Plains
City of Webb City
Buchanan County
Clinton County
St. Louis County

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
February 15, 2008