

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4857-04
Bill No.: HCS for HB 2210
Subject: Public Records: Sunshine Law
Type: Original
Date: April 17, 2008

Bill Summary: Modifies Sunshine law provisions

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2009 | FY 2010 | FY 2011 |
| | | | |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | \$0 | \$0 |

| 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 8 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

In response to this proposal and a previous similar version the following Officials of the following **State Offices, Commissions, Departments, Agencies, and Divisions**, assume no fiscal impact:

Office of the Governor, Office of the Attorney General, Office of the Secretary of State, Office of the State Treasurer, Office of the State Auditor, Missouri State Senate, Department of Labor and Industrial Relations, Department of Public Safety - All Divisions, Department of Agriculture, Department of Corrections, Department of Health and Senior Services, Department of Natural Resources, Department of Economic Development, Department of Social Services, Department of Revenue, Department of Insurance and Financial Institutions and Professional Registration, Department of Mental Health, Department of Elementary and Secondary Education, Department of Higher Education, Department of Transportation, Office of State Courts Administrator, Office of Administration - All Divisions, Office of Missouri State Public Defender, Missouri Ethics Commission, Missouri Department of Conservation, Missouri State Tax Commission, Missouri State University, Kansas City Metropolitan Community College, Linn State Technical College, Missouri Consolidated Health Care Plan, Joint Committee on Public Employee Retirement, MoDOT & Patrol Employees' Retirement System,, St. Louis County Executive, Clinton County Commission, and the City of Centralia

Officials of the Office of the Secretary of State - Rules Division stated that many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$2,500. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. **Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

ASSUMPTION (continued)

RWB:LR:OD (12/02)

Officials of the **Department of Elementary and Secondary Education (DESE)** stated that after review with the **Office of Administration - Information Technology Services Division**, assume to meet the requirements of Section 610.023.3, which states, “Programs used to manipulate data collection by public governmental bodies shall be such that all of the data contained in the program may be easily accessed and manipulated by programs commonly available to the public”.

Department officials stated that “there are currently over 20 data collection processes that are automated at DESE. Most of these data are available for the general public to view currently through the Public Applications area of the web application system or through various spreadsheets and reports available on the DESE public web site. These collections cover several different business areas and result in the primary outputs of payments and reports. The processes to provide these to the general public in a different yet easy to use format would require new hardware and software”.

Officials estimated that to provide data access to the general public, the estimated one time cost is approximately \$562,500. Ongoing costs are estimated at \$93,500 which includes an additional 1-FTE at an annual salary of \$45,000 to maintain the system as well as to provide enhancements as new data collections systems are put online or existing systems are changed. Officials estimated they would need \$626,182 in FY 2009; \$118,547 in FY 2010; and \$120,647 in FY 2011. Included in these costs estimates is 1 FTE with an annual salary of \$45,000, fringe benefits, equipment, and expenses.

Oversight assumes that current law in Section 610.23.3 states that if records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. Oversight assumes, subject to interpretation, that the Department of Elementary and Secondary Education would meet any new requirement of the new language in subdivision 3.

Oversight assumes if it is determined that the Department of Elementary and Secondary Education would need the additional FTE and equipment and expenses to comply with the requirements found in subdivision 3 of Section 610.023, then they could obtain funding through the normal budgetary process. **Oversight** assumes no fiscal impact for the Department of Elementary and Secondary Education.

Oversight assumes no local fiscal impact.

| <u>FISCAL IMPACT - State Government</u> | FY 2009 (10 Mo.) | FY 2010 | FY 2011 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</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 proposed legislation appears to have no fiscal impact.

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

Office of the Governor
Office of Lt. Governor
Office of the Attorney General
Office of the Secretary of State
Office of the State Treasurer
Office of the State Auditor
Department of Insurance and Financial Institutions,
and Professional Registration
Department of Mental Health
Department of Corrections
Department of Health and Senior Services
Department of Natural Resources
Department of Economic Development
Department of Social Services

SOURCES OF INFORMATION (continued)

Department of Revenue
Department of Elementary and Secondary Education
Department of Transportation
Office of State Courts Administrator
Missouri Ethics Commission
Missouri Department of Conservation
Missouri State Senate
Department of Labor and Industrial Relations
Department of Public Safety - All Divisions
Department of Agriculture
Department of Higher Education
Office of Administration - All Divisions
Office of Missouri State Public Defender
Missouri State Tax Commission
Missouri State University
Kansas City Metropolitan Community College
Linn State Technical College
Missouri Consolidated Health Care Plan
Joint Committee on Public Employee Retirement
MoDOT & Patrol Employees' Retirement System
St. Louis County Executive
Clinton County Commission
City of Centralia

NOT RESPONDING

Cities of :

Bridgeton
Cape Girardeau
Columbia
Florissant
Grandview
Harrisonville
Independence

NOT RESPONDING (continued)

Jefferson City
Joplin
Kansas City
Liberty
Louisiana
Maryland Heights
Pacific
Raytown
Rolla
Springfield
St. Charles
St. Joseph
St. Louis
Warrenton
Webb City
West Plains

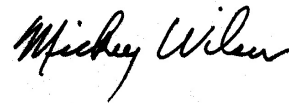
County Commissions of :

Boone
Callaway
Cass
Clay
Cole
Cooper
Franklin
Lafayette
Laclede
Lawrence
Lincoln
Miller
Nodaway
Ozark
Perry

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NOT RESPONDING (counties continued)

Platte
Pulaski
St. Charles
Taney
Texas
Warren



Mickey Wilson, CPA
Director
April 17, 2008