

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1254S.03A
Bill No.: SCS for HCS for HB 362 with SA 1, as amended, and SA 2
Subject: Public Records, Public Meetings;
Type: Original
Date: May 4, 2021

Bill Summary: This proposal modifies provisions relating to the Missouri Sunshine Law.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue Fund	(\$221,235)	(\$155,466)	(\$157,094)
Total Estimated Net Effect on General Revenue	(\$221,235)	(\$155,466)	(\$157,094)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	2 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	2 FTE	2 FTE	2 FTE

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

In response to a previous version, officials from the **Department of Commerce and Insurance**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Department of Public Safety (Office of the Director, Capitol Police, Alcohol & Tobacco Control, Fire Safety, Gaming Commission, Missouri Highway Patrol, Missouri National Guard, State Emergency Management Agency and Veterans Commission)**, the **Department of Social Services**, the **Office of the Governor**, the **Joint Committee on Administrative Rules**, the **Joint Committee on Public Employee Retirement**, the **Missouri Lottery Commission**, the **Missouri Consolidated Health Care Plan**, the **Department of Agriculture**, the **Missouri Department of Conservation**, the **Missouri Ethics Commission**, the **Missouri House of Representatives**, the **Department of Transportation**, the **Office of Prosecution Services**, the **Oversight Division**, the **Legislative Research Division**, the **Office of Administration (Administrative Hearing Commission and Budget and Planning)**, the **Office of the State Courts Administrator**, the **Office of the State Auditor**, the **Missouri Senate**, the **Office of the Secretary of State**, the **Office of the State Public Defender** and the **State Tax Commission** each assumed the proposal will have no fiscal impact on their respective organizations for this proposal.

Oversight notes that the above mentioned agencies have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

In response to a previous version, officials from the **Department of Corrections** stated this legislation may have an operational impact on the department by reducing the amount of staff time spent on researching, gathering, and copying said records. However, the actual impact is difficult to determine as it is unknown how many record requests will be received.

Oversight assumes the savings mentioned by the DOC will not be material and will not reflect any cost savings in the fiscal note.

Rule Promulgation

In response to a previous version, officials from the **Joint Committee on Administrative Rules** assumed this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

In response to a previous version, officials from the **Office of the Secretary of State** noted 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 \$5,000. 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, they 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 their office can sustain with their core budget. Therefore, they reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Senate Amendment 1 - Government Lending Transparency Act

Section 29.420

In response to a similar proposal from this year (HCS for HB 1177), officials from the **Office of the State Auditor**, the **Office of the Governor**, the **Attorney General's Office**, the **Office of Administration - Budget and Planning**, the **Department of Commerce and Insurance**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Corrections**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Department of Public Safety**, the **Department of Social Services**, the **Missouri Department of Agriculture**, the **Missouri Department of Conservation**, the **Missouri Ethics Commission**, the **Missouri Department of Transportation**, the **MoDOT & Patrol Employees' Retirement System**, the **Office of Administration**, the **Office of the State Public Defender**, the **University of Missouri System**, the **Lottery Commission**, the **Missouri Consolidated Health Care Plan**, the **Missouri Office of Prosecution Services**, the **Missouri State Employee's Retirement System**, the **Office of the State Courts Administrator**, the **Petroleum Storage Tank Inspection Fund**, the **Missouri Higher Education Loan Authority**, and the **State Tax Commission** each assumed the proposal would not fiscally impact their respective agencies.

Oversight notes all of the agencies above assume the proposal would not fiscally impact their respective agencies. Oversight does not have information to the contrary; therefore, Oversight will assume the provisions of this section could be implemented with existing resources.

Oversight notes subsection 29.420.5 allows for a fine of up to \$2,000 for intentional or knowing failure to comply with the reporting requirements of the Government Lending Transparency Act. Oversight assumes a material amount of fine revenue will not be collected, and therefore, Oversight will not reflect an impact in the fiscal note.

Section 610.026

Oversight assumes this section of the amendment adds a provision that a public records request will be considered withdrawn if the requester fails to remit fees within thirty days of the request. Oversight assumes this will have no fiscal impact on state or local governments.

Senate Amendment 1 to Senate Amendment 1

Oversight assumes Senate Amendment 1 to Senate Amendment 1 adds provisions that if a request for public records is made within six months after the expiration of the thirty day period, a governmental body may request payments of the same fees made for the original request. Oversight assumes this amendment will have no material fiscal impact to state or local governments.

Senate Amendment 2

§37.717 - Office of Administration to create a safety reporting system for DSS

In response to a similar proposal from this year (HCS for HB 673), officials from **Office of Administration (OA)**, **Office of Child Advocate (OCA)** stated this requires them to create a safety reporting system that will allow employees of the Department of Social Services (DSS), Children's Division (CD) to report concerns about the safety of children served by CD, as well as the safety of CD's employees. Any criminal act reported to OCA through this system must be reported to the appropriate authorities by OCA.

OCA assumed this bill will result in an unknown increase in concerns regarding the safety of children that are reported to OCA. OCA believes existing staff can handle the increase in incoming reports regarding child safety; however, should the increase be greater than expected, additional staff could be required.

Reviewing the safety concerns of Children's Division employees is a new responsibility for OCA, which would require a new complaint process, database changes, and increased investigative responsibilities. OCA believes it will take two (2) Senior Social Services Specialists (\$40,000 annual salary plus fringe benefits each) to implement and maintain this new responsibility.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by OA, OCA.

In response to a similar proposal from this year (HCS for HB 673), officials from **OA**, **ITSD** stated their calculations for this proposal are based on 12 weeks of effort by two staff to develop safety reporting system in §37.717.1 along with additional ongoing support to handle the maintenance of the new application; and two weeks effort by one staff to develop method for

electronic exchange of data between DSS and OA in §210.652 with ongoing maintenance included to support that process going forward.

OA, ITSD assumes every new IT project/system will be bid out because all ITSD resources are at full capacity. IT contract rates for the safety reporting system and data exchange are estimated at \$95/hour. It is assumed the necessary modifications will require 1,123.20 hours for a cost of \$106,704 (1,123.20 * \$95) in FY22. Ongoing support and maintenance costs are estimated to be \$23,516 in FY23 and \$24,063 in FY24; 100% GR.

In response to a similar proposal from this year (HCS for HB 673), officials from the **Department of Social Services (DSS), Children's Division (CD)** stated this bill creates a new section, which creates a safety reporting system in which employees of DSS may report information regarding the safety of those served by the DSS and the safety of such department's employees.

2. The identity of any individual who reports shall:

- (1) Be sealed from inspection by the public or any other entity or individual who is otherwise provided access to the DSS confidential records;
- (2) Not be subject to discovery or introduction into evidence in any civil proceeding; and
- (3) Be disclosed only as necessary to carry out the purpose of the reporting.

3. Any criminal act reported into the reporting system under subsection 1 of this section shall be disclosed by the DSS to the appropriate law enforcement agency or prosecuting or city attorney.

4. Any investigation conducted as a result of a report made under this section shall be conducted by an unbiased and disinterested investigator.

There is no fiscal impact to CD as this statute is established under the Office of Child Advocate. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

§210.152 – OCA may release findings about any member of the multidisciplinary team

In response to a similar proposal from this year (HCS for HB 673), officials from the **Children's Division** stated this section adds language that nothing in the section shall preclude the Office of Child Advocate from releasing findings regarding the professional performance of any individual member of the multidisciplinary team as described in §660.520.

CD does not anticipate a fiscal impact at this time.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

Section 479.162 – Police Report or Probable Cause Statement Defendant Fee

In response to a similar proposal from this year (HCS for HB 712), officials from the **City of Corder**, the **City of Hughesville**, the **City of Springfield** and **Boone County** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a similar proposal from this year (HCS for HB 712), officials from the **City of O’Fallon**, the **City of Southwest**, **St. Louis City** and the **City of Tipton** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a previous version, officials from **Kansas City** assumed this proposal would have a negative fiscal impact upon the city prosecutor’s office because of the expenditures in staffing to fulfill the requirements of the legislation.

Oversight assumes this could create a cost to local political subdivisions.

In response to a similar proposal from this year (HCS for HB 712), officials from the **Office of the State Courts Administrator** and the **Missouri Office of Prosecution Services** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE			
<u>Costs - OA, OCA</u> (§37.717) SA 2 p. 5			
Personal service	(\$66,667)	(\$80,800)	(\$81,608)
Fringe benefits	(\$42,400)	(\$51,150)	(\$51,423)
Equipment and expense	<u>(\$5,464)</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs - OA, OCA</u>	<u>(\$114,531)</u>	<u>(\$131,950)</u>	<u>(\$133,031)</u>
<u>FTE Change - OA, OCA</u>	2 FTE	2 FTE	2 FTE
<u>Costs - OA, ITSD</u> (§§37.717 and 210.652) Safety reporting and data exchange p. 5 - 6	<u>(\$106,704)</u>	<u>(\$23,516)</u>	<u>(\$24,063)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$221,235)</u>	<u>(\$155,466)</u>	<u>(\$157,094)</u>
Estimated Net FTE Change to the General Revenue Fund	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LOCAL POLITICAL SUBDIVISIONS			
Costs – Prosecutors – providing copies of police reports, probable cause statements or videos	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

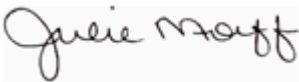
The proposed legislation would enact provisions related to government transparency.

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

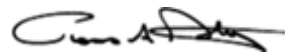
SOURCES OF INFORMATION

Attorney General's Office
 Department of Commerce and Insurance
 Department of Elementary and Secondary Education
 Department of Higher Education and Workforce Development
 Department of Health and Senior Services
 Department of Mental Health
 Department of Natural Resources
 Department of Corrections

Department of Labor and Industrial Relations
Department of Revenue
Department of Public Safety
Department of Social Services
Office of the Governor
Joint Committee on Administrative Rules
Missouri Lottery Commission
Legislative Research
Oversight Division
Missouri Consolidated Health Care Plan
Missouri Department of Agriculture
Missouri Department of Conservation
Missouri Ethics Commission
Missouri House of Representatives
Office of the Lieutenant Governor
Missouri Department of Transportation
Missouri Office of Prosecution Services
MoDOT & Patrol Employees' Retirement System
Office of Administration
Office of the State Courts Administrator
Office of the State Auditor
Missouri Senate
Office of the Secretary of State
Office of the State Public Defender
Office of the State Treasurer
State Tax Commission



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