

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1254S.03T
Bill No.: Truly Agreed To and Finally Passed SCS for HCS for HB 362
Subject: Public Records, Public Meetings;
Type: Original
Date: June 3, 2021

Bill Summary: This proposal modifies provisions relating to government transparency

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue Fund	(\$114,531)	(\$131,950)	(\$133,031)
Total Estimated Net Effect on General Revenue	(\$114,531)	(\$131,950)	(\$133,031)

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 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§29.420 - Government Lending Transparency Act

Officials from the **Office of the State Auditor** assume this section will not fiscally impact their office.

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.

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

Officials from the **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.

Officials from **Office of Administration – Information Technology (ITSD)** state this update seems to be a very straight forward update to the application and should not affect any other areas of the application. Hours are based upon modifications to existing system. This would add a new category. The new category would be similar in nature to mediation with the Tab labeled Staff Safety. The headings would then be worker with fields for worker, phone, email,

supervisor, circuit, and caseload type; complaint (similar to existing complaint); and then complaint resolution (similar to existing complaint resolution).

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 43.20 hours for a cost of \$4,104 (43.20 * \$95) in FY22.

Oversight assumes ITSD is provided with core funding to handle a certain amount of activity each year. Oversight assumes ITSD could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, ITSD could request funding through the appropriation process.

§479.162 – Police Report or Probable Cause Statement Defendant Fee

Oversight assumes this section of the proposal could create a cost to local political subdivisions for providing copies of police reports, probable cause statements or videos.

Bill as a Whole:

Officials from the **Attorney General's Office**, the **Department of Commerce and Insurance**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education**, 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, 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 **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 **Office of Administration (Administrative Hearing Commission and Budget and Planning)**, the **Oversight Division**, the **Office of the State Courts Administrator**, the **Office of the State Auditor**, the **Missouri Senate**, the **Office of the State Public Defender**, the **Office of the State Treasurer** and the **State Tax Commission** each assume the proposal will have no fiscal impact on their respective organizations for this proposal.

Officials from the cities of: **Claycomo**, **Hughesville**, **Springfield** and the **St. Louis Budget Division** 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.

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.

Officials from the **Department of Corrections** state 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.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE			
<u>Costs - OA, OCA</u> (\$37.717) p. 3			
Personal service	(\$66,667)	(\$80,800)	(\$81,608)
Fringe benefits	(\$42,400)	(\$51,150)	(\$51,423)
Equipment and expense	(\$5,464)	\$0	\$0
<u>Total Costs - OA, OCA</u>	(\$114,531)	(\$131,950)	(\$133,031)
<u>FTE Change - OA, OCA</u>	2 FTE	2 FTE	2 FTE
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(\$114,531)	(\$131,950)	(\$133,031)
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			
<u>Costs</u> – Prosecutors – providing copies of police reports, probable cause statements or videos (§479.162) p. 4	\$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 in public access to records.

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

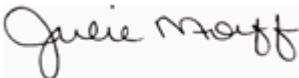
Department of Corrections

Department of Labor and Industrial Relations

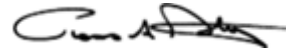
Department of Revenue

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
Cities:
Claycomo
Hughesville
Springfield
St. Louis Budget Division



Julie Morff
Director
June 3, 2021



Ross Strobe
Assistant Director
June 3, 2021