

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2424H.01I
Bill No.: HB 1166
Subject: Search and Seizure; Property, Real and Personal; State Departments; Political Subdivisions
Type: Original
Date: March 18, 2021

Bill Summary: This proposal prohibits an employee of a state agency or a political subdivision of the state from entering private property or placing cameras on private property under certain situations.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	(\$6,186,579)	(\$6,710,813)	(\$6,779,229)
Total Estimated Net Effect on General Revenue	(\$6,186,579)	(\$6,710,813)	(\$6,779,229)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Conservation Commission Fund (0609)	(Less than \$250,000)	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	(Less than \$250,000)	\$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	81 FTE	81 FTE	81 FTE
Total Estimated Net Effect on FTE	81 FTE	81 FTE	81 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 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§542.525 – Access to private property

Officials from the **Department of Social Services (DSS)** state this legislation would prohibit a state employee from entering private property without probable cause, permission of the property owner or a valid search warrant. This would not apply in cases involving national security, missing persons or investigations of felony offenses by law enforcement.

This legislation would cause a fiscal impact for Children's Division and would have a substantial impact on Children's Division's ability to assure safety of children in a timely manner. This legislation would require the Children's Division to seek the permission of the property owner before even stepping foot on the property where a child at risk of abuse or neglect may be residing or to interview alleged perpetrators or to notify parents of these reports.

It is estimated that per hotline report alerted to the field this would be an increase in staff time of at 3 hours per report in order to find out who the property owner is, and to locate appropriate contact information in order to seek permission to be on the property. Once on the property, the Children's Division would use current policy to seek the family's permission to enter the home. In FY 2020, there were 55,855 Child Abuse and Neglect reports that were alerted to the field under categories of Investigations, Family Assessments and Juvenile Assessments.

Children's Division special counsel would also develop legal architecture and policy for the standard of probable cause as applied to Children's Division investigations which would impact an increase to the training unit as well.

This legislation would also cause a fiscal impact for Family Centered Service and Alternative Care (Foster Care) cases. A consent for home visit form would likely need to be developed and signed by members of the household and the property owner in order for the worker to have ongoing permission to enter the property to meet with the family through the life of the case. Again, this would also cause an increase in staff time to allow for Children's Division to locate the correct property owner and obtain their contact information. It is estimated that this would be an increase in staff time of 3 hours per case.

In FY 2020, there were 5,504 Family Centered Services cases opened involving 10,260 adults and child caretakers. Additionally, there were 20,226 children in Alternative Care and there were 11,032 of those children with a goal of reunification where home visits with parents would be required monthly.

Children's Division would also need additional changes to our FACES system for workers to document that this form is on file so that information can be accurately tracked and reported. Children's Division would defer cost related to FACES changes to ITSD.

If the family declines to sign the form Children's Division or give their permission for entry Children's Division would need to engage the Division of Legal Services in order to petition the court to order parents to meet with our staff to meet the statutory obligation to provide reasonable efforts to the parents for the permanency plan. Children's Division would defer to Division of Legal Services to assess costs related to increased need for litigation.

Based on the worksheet formula this would have a need for 81 additional FTEs for Children's Division (excluding ITSD and DLS litigation costs).

DSS states that data for this fiscal note was obtained from the Children's Division FY 2020 Annual Report.

After further review, DSS states Legal Services did not come forward with a cost. Additionally, DSS does not anticipate an ITSD cost as investigations are already being completed and recorded in the system.

Oversight does not have any information contrary to that provided by DSS. Therefore, Oversight will reflect DSS's impact for fiscal note purposes.

Officials from the **Missouri Department of Conservation (MDC)** state an unknown fiscal impact, but likely less than \$250,000 for additional training and policy modifications. This would significantly impede the Commission's responsibility to carry out their Constitutional mandate to enforce the Wildlife Code.

Oversight does not have any information contrary to that provided by MDC. Oversight assumes training will occur in the first year and any training required in subsequent years would be incorporated into a MDC's annual training. Therefore, Oversight will reflect MDC's impact as (Less than \$250,000) for FY 2022 and \$0 for subsequent years.

Officials from the **City of Kansas City** state this would have a significant negative impact on Kansas City because this legislation contains no exception for emergencies. Unless the language regarding permission of the property owner is construed as assumed, then EMTs, paramedics and firefighters could not enter the property. This would lead to an increase in fires and damage property values.

Oversight notes the City of Kansas City indicated this proposal would have an unknown negative impact; however, Oversight is unable to project a statewide cost. Therefore, Oversight will show the impact to local governments-political subdivisions as \$0 to (Unknown).

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 Health and Senior Services**, the **Department of Higher Education and Workforce Development**, the **Department of Labor and Industrial**

Relations, the Department of Mental Health, the Department of Natural Resources, the Department of Corrections, the Department of Revenue, the Department of Public Safety – (Division of Alcohol and Tobacco Control, Capitol Police, Fire Safety, Missouri Gaming Commission, Missouri Highway Patrol, Missouri National Guard, Missouri Veterans Commission, Office of the Director, and State Emergency Management Agency), the Missouri Department of Agriculture, the Missouri Ethics Commission, the Missouri Department of Transportation, the MoDOT & Patrol Employees’ Retirement System, the Office of Administration, the Office of Administration - Administrative Hearing Commission, the Office of the Secretary of State, the Office of the State Public Defender, EPARC, the Missouri Lottery Commission, MCHCP, MOHELA, MOSERS, the Missouri Office of Prosecution Services, the Office of the State Courts Administrator, the Office of the Governor, the Office of the Lieutenant Governor, the Missouri House of Representatives, the Joint Committee on Administrative Rules, the Joint Committee on Education, the Legislative Research, the Oversight Division, the Missouri Senate, the Office of the State Auditor, the State Tax Commission, the University of Missouri, the City of Claycomo, the City of Corder, the City of O’Fallon, the City of Springfield, the City of St. Louis, and Boone County each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Office of Administration - Budget and Planning (B&P)** state this proposal has no direct impact on B&P and no direct impact on general and total state revenues and will not impact the calculation pursuant to Art. X, Sec. 18(e).

Officials from the **Joint Committee on Public Employee Retirement (JCPER)** state this proposal will not affect retirement plan benefits as defined in §105.660(9).

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

Officials from the **Office of the State Treasurer** did not respond to **Oversight’s** request for fiscal impact for this proposal.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities and counties 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 FUND			
<u>Costs – DSS</u> (\$542,525)			
Personal services	(\$2,929,813)	(\$3,550,993)	(\$3,586,442)
Fringe benefits	(\$1,918,594)	(\$2,313,957)	(\$2,325,718)
Equipment and expenses	(\$1,338,172)	(\$845,923)	(\$867,069)
Total Costs – DSS	(\$6,186,579)	(\$6,710,813)	(\$6,779,229)
FTE Change – DSS	81 FTE	81 FTE	81 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$6,186,579)</u>	<u>(\$6,710,813)</u>	<u>(\$6,779,229)</u>
Estimated Net FTE Change to the General Revenue Fund	81 FTE	81 FTE	81 FTE
CONSERVATION COMMISSION FUND (0609)			
<u>Costs – MDC</u> (\$542,525) Training and policy manual revisions	<u>(Less than \$250,000)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON THE CONSERVATION COMMISSION FUND	<u>(Less than \$250,000)</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LOCAL POLITICAL SUBDIVISIONS			
<u>Costs – (\$542.525)</u> Emergency responses	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This bill prohibits any employee of a state agency or political subdivision of the state from:

- (1) Entering private property without probable cause, permission of property owner, or a valid search warrant; and
- (2) Placing any surveillance camera or game camera on private property without the knowledge of the property owner.

These restrictions do not apply in cases involving national security or missing persons or investigations of felony offenses by law enforcement.

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 Economic Development
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

Joint Committee on Administrative Rules

Joint Committee on Education

Joint Committee on Public Employee Retirement

Legislative Research

Missouri Department of Agriculture

Missouri Department of Conservation

Missouri Ethics Commission

Missouri Department of Transportation

Missouri House of Representatives

Missouri Lottery Commission

Missouri Office of Prosecution Services

Missouri Senate

MoDOT & Patrol Employees' Retirement System

Office of Administration

Office of Administration –

Administrative Hearing Commission

Budget and Planning

Office of the Governor

Office of the Lieutenant Governor

Office of the Secretary of State

Office of the State Auditor

Office of the State Courts Administrator

Office of the State Public Defender

Oversight Division

State Tax Commission

University of Missouri System

EPARC

MCHCP

MOHELA

MOSERS

City of Claycomo

City of Corder

City of Kansas City

City of O'Fallon

City of Springfield

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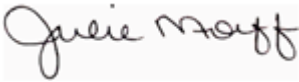
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City of St. Louis

Boone County

NOT RESPONDING

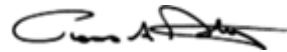
Office of the State Treasurer



Julie Morff

Director

March 18, 2021



Ross Strobe

Assistant Director

March 18, 2021