

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1937H.02P
Bill No.: Perfected HCS for HB Nos. 919 & 1081
Subject: State Employees; Public Officers; Science and Technology; Crimes and
Punishment; Criminal Procedure; Motor Vehicles; Search and Seizure
Type: Original
Date: March 9, 2023

Bill Summary: This proposal modifies privacy protections.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Various State Funds	Less than \$250,000	Less than \$250,000	Less than \$250,000
Total Estimated Net Effect on <u>Other</u> State Funds	Less than \$250,000	Less than \$250,000	Less than \$250,000

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on FTE	0	0	0

- 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 2024	FY 2025	FY 2026
Local Government	Less than \$250,000	Less than \$250,000	Less than \$250,000

FISCAL ANALYSIS

ASSUMPTION

§565.260 – Protecting a person’s privacy

In response to a similar proposal from this year (HB 1081), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates new offenses under sections 542.402 and 565.260 which could result in additional cases eligible for SPD representation. The number of additional cases is unknown and as a result the fiscal impact is unknown. However, if the offenses, which are classified as misdemeanors, were class D misdemeanors, jail time would not be a possible sentence and the offense, therefore, would not be eligible for SPD representation.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to a similar proposal from this year (HB 1081), officials from the from the **Kansas City Police Department**, the **St. Joseph Police Department**, the **St. Louis County Police Department**, the **Phelps County Sheriff’s Department**, the **Fruitland Area Fire Protection District**, and the **Cole Camp Ambulance District** assumed the proposal will have no fiscal impact on their respective organizations.

In response to a similar proposal from this year (HB 1081), officials from the **Branson Police Department** stated as for the vehicle tracking changes, there are no anticipated negative impacts and are in line with applicable case law.

Oversight also notes a violation of the provisions of section 565.260 is a class A misdemeanor which carries a fine not to exceed \$2,000 in addition to any individual county/municipal fees and court costs. The fine revenue for the ticket goes to local school funds and court costs go to various state and local funds. Oversight assumes there will be some (less than \$250,000) fine revenue from violations of the statute. Therefore, the impact to various state funds and local governments will be presented as less than \$250,000. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Below are examples of some of the state and local funds which court costs are distributed:

Fee/Fund Name	Fee Amount
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Sheriff's Retirement Fund	\$3.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$4.00
Prosecuting Attorney Training Fund	\$1.00 (\$0.50 State/\$0.50 County)
Spinal Cord Injury Fund	\$2.00

Oversight only reflects the responses received from state agencies and political subdivisions; however, other ambulance/EMS, fire protection districts, and local law enforcement were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

§105.1675 – Anti-Surveillance and Foreign Intervention Act

In response to a previous version, officials from the **Department of Commerce and Insurance**, **Department of Health and Senior Services**, the **Department of Corrections**, the **Department of Labor and Industrial Relations**, the **Office of Administration** the **Attorney General's Office**, the **Department of Economic Development** the **Department of Natural Resources**, the **Department of Public Safety (Capitol Police, Alcohol & Tobacco Control, Gaming Commission, Missouri Highway Patrol, Missouri National Guard)**, the **Office of the Governor**, the **Missouri Ethics Commission**, the **Office of the State Courts Administrator**, the **Office of the State Auditor** the **Office of the State Public Defender**, the **Office of the State Treasurer** each assumed the proposal will have no fiscal impact on their respective organizations.

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 this section.

House Amendment 1

§105.1500 – Personal Privacy Protection Act

In response to a similar proposal from this year (HB 1064), officials from the **Office of Administration (OA)** assumed the proposed legislation would have a positive impact on OA Division of Purchasing as it would allow for the public to once again access needed procurement records on the Awarded Bid and Contract Document Search Website and MissouriBUYS Contract Board rather than having to submit an open records request to OA Purchasing in order to gain access to do so. This would reduce the number of open record requests received and reduce the number of hours needed by OA Purchasing to review bid and contract files for any personal Information of a 501(c) entity in the requested records and in bid files prior to award and in prior bid and contract files prior to the new solicitation's issuance and to redact such before providing the bid and contract documents to the public in order to maintain compliance with the provisions of section 105.1500, RSMo.

While there would not be a direct monetary savings to OA Purchasing, the proposed legislation would avoid Purchasing having to divert resources to completing the records reviews and redactions.

In response to similar legislation, HB 667 from 2023, officials from the **Office of the Secretary of State (SOS)** noted many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS 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 the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs.** However, the SOS also recognizes 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 the office can sustain with its core budget. Therefore, the SOS reserves 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.

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 require additional resources.

In response to similar legislation, HB 667 from 2023, officials from the **Department of Revenue, the Missouri Ethics Commission, the Office of the State Public Defender, Department of Health and Senior Services, the Department of Corrections, the Department of Labor and Industrial Relations, the Department of Public Safety (Capitol Police, Alcohol & Tobacco Control, Gaming Commission, Missouri National Guard, and Veterans Commission), the Department of Social Services, the Office of the Governor, Office of the Lieutenant Governor, the Missouri Department of Conservation, the Missouri House of Representatives, the Office of Administration (Budget and Planning), the Office of the State**

Courts Administrator, the **Office of the State Auditor**, the **Office of the State Treasurer** and **University of Missouri** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation, HB 667 from 2023, officials from the **City of Kansas City**, **City of O'Fallon**, and the **City of Springfield** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation, HB 667 from 2023, officials from the **Jackson County Board of Elections**, **Platte County Board of Elections**, and the **St. Louis County Board of Elections** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation, HB 667 from 2023, officials from the **University of Central Missouri** assumed the proposal will have an indeterminate fiscal impact on their organization.

In response to similar legislation, HB 667 from 2023, officials from the **St. Charles Community College** assumed the proposal will have no fiscal impact on their organization.

Oversight notes that the Personal Privacy Protection Act was passed on HB 2400 in 2022. This legislation is making amendments to include exemptions from the Act. The above mentioned agencies have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for this section of the proposal.

Bill as a whole:

Officials from 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 Mental Health**, the **Department of Natural Resources**, the **Department of Public Safety – Fire Safety**, **Directors Office**, **Missouri Highway Patrol**, **State Emergency Management Agency**, the **Missouri Department of Agriculture**, the **Missouri Department of Transportation**, the **MoDOT & Patrol Employees' Retirement System**, the **Joint Committee on Administrative Rules**, the **Oversight Division**, the **Missouri Senate**, the **Missouri Lottery Commission**, the **Missouri Consolidated Health Care Plan**, the **Missouri Office of Prosecution Services**, the **State Tax Commission** 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.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
VARIOUS STATE FUNDS			
<u>Revenue</u> – (§565.260) Court costs paid in p. 3-4	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>
ESTIMATED NET EFFECT ON VARIOUS STATE FUNDS	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> – (§565.260) Court costs p. 3-4	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>
<u>Revenue</u> - (§565.260) Fine revenue p. 3-4	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>

FISCAL IMPACT – Small Business

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

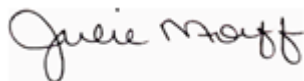
FISCAL DESCRIPTION

This bill creates the offense of unlawful tracking of a motor vehicle, which a person commits if he or she knowingly installs, conceals, or otherwise places an electronic tracking device in or on a motor vehicle without the consent of all owners of the vehicle for the purpose of monitoring or following an occupant of the vehicle. The bill provides exceptions to the offense. The offense of unlawful tracking of a motor vehicle is a class A misdemeanor.

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 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
Missouri Consolidated Health Care Plan
Missouri Department of Agriculture
Missouri Ethics Commission
Missouri House of Representatives
Missouri Department of Transportation
Missouri Office of Prosecution Services
Office of Administration – Budget and Planning
Facilities Management, Design and Construction
Office of the State Courts Administrator
Office of the State Auditor
Missouri Senate
Office of the Secretary of State
State Tax Commission



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