

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4939-04
Bill No.: HCS for SCS for SB 765
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies; Public Officials; Political Subdivisions; Roads and Highways; Public Records, Public Meetings
Type: Original
Date: April 25, 2016

Bill Summary: This proposal changes and establishes provisions relating to the conduct of political subdivisions, public servants, and law enforcement officers.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	Unknown	Unknown	Unknown
Total Estimated Net Effect on General Revenue	Unknown	Unknown	Unknown

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 10 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Local Government*	\$0	\$0	\$0

*Distribution increases (decreases) net to zero.

FISCAL ANALYSIS

ASSUMPTION

Section 71.1000

Officials at the **City of Columbia** assume this section violates the City's current home rule charter prohibition against City Council (the "governing body") interference with the hiring or dismissal of City employees. Council members who violate that provision are subject to forfeiture of office. Under the Council - Manager form of government, all City employees, except the City Clerk and Municipal Judge, report to the City Manager through a chain of supervisors.

If it's determined that the charter must be changed to comply with this bill, that requires voter approval, and elections cost several thousand dollars, depending on the election date, the number of ballot issues and expected turnout.

If voters approve the change, additional costs could be incurred for providing notice to the affected officer; calling and recording a special meeting where the termination will be considered; transcribing the record; designing a hearing procedure (none exists at this time); training Council members for this work; and supporting the process administratively.

In response to similar legislation this year, HB 2443, officials at the **City of Kansas City** assumed that the City's airport police are within the broad category of law enforcement. This statute sets out a procedure which could require the displacement of personnel decisions from the City's Human Resources Board to the City Council. This will entail indirect costs because of the potential for greatly expanded meetings when the issues of dismissal of an airport police officer is before it. There will also be the direct costs of litigation establishing the applicability of this statute to the City.

In response to similar legislation this year, HB 2443, officials at the **Department of Public Safety's Missouri Highway Patrol** assumed no fiscal impact from this proposal.

In response to similar legislation this year, HB 2443, officials at the **Callaway County Commission**, the **City of Independence Police Department**, the **Cole County Sheriff's Department**, the **Springfield Police Department** and the **St. Louis County Justice Services** each assumed no fiscal impact to their respective entities from this proposal.

ASSUMPTION (continued)

Sections 304.125 & 575.320

Officials at the **City of Columbia** do not have a policy governing the number of traffic citations issued. Therefore, no fiscal impact is expected.

In response to a previous version, officials at the **City of Independence** assumed this bill will significantly impact law enforcement. Fiscal Impact is an indirect impact of this bill. Self initiated activity is a significant part of a police officer's duties and responsibilities. Writing tickets is a part of the measurement of this duty. While there are other components of measuring self-initiated activity, this has to be included as a part of performance measures.

In response to a previous version, officials at the **City of Kansas City** state it is unknown if there will be a loss of revenue. The Kansas City Police Department (KCPD) is not controlled by the City of Kansas City. It is the City's understanding that the KCPD does not use quotas for traffic tickets. If that understanding is correct there is no impact, and the extension of the prohibition on ticket quotas to full-time traffic officers would not be a change in the KCPD's practices.

In response to a previous version, officials at **St. Louis County**, the **Cole County Sheriff's Department**, the **Columbia Police Department** and the **St. Louis County Police Department** each assumed no fiscal impact to their respective entities from this proposal.

In response to a previous version, officials at the **Callaway County Commission** assumed no fiscal impact from this proposal.

In response to a previous version, officials at the **Jackson County Sheriff's Department** stated they do not have quotas, but the administration of these changes will be difficult.

Oversight assumes the vast majority of police departments and sheriffs departments already adhere to the proposed changes regarding ticket quotas and that the bill does not directly require law enforcement to issue more tickets or fewer tickets. The proposal may have an indirect administrative impact on local law enforcement; however, Oversight will assume no direct fiscal impact from this proposal.

In response to a previous version, officials at the **Office of the Attorney General (AGO)** assumed that any potential costs arising from this proposal can be absorbed with existing resources. The AGO may request additional appropriations if the proposal results in a significant increase in cases.

ASSUMPTION (continued)

In response to a previous version, officials at the **Department of Public Safety's Missouri Highway Patrol** assume no fiscal impact from this proposal.

Sections 610.026 & 610.100

Officials at the **Department of Conservation** assume the proposed legislation would have a negative fiscal impact on the Department funds more than \$100,000 annually due to the need for considerable electronic storage space.

Oversight assumes according to section 610.100 of the proposal that mobile video recordings reports are considered closed records and the Department of Conservation is not required to make these recordings. Therefore, Oversight will assume no direct fiscal impact for the Department for this proposal.

In response to similar legislation this year, HCS for HB 2394, officials from the **Office of the State Auditor, the Department of Public Safety - Missouri Gaming Commission, the Department of Public Safety - Division of Fire Safety, the Department of Public Safety - Missouri Veterans Commission, the Missouri Consolidated Health Care Plan, the Joint Committee on Public Employee Retirement, the Administrative Hearing Commission, the Missouri Lieutenant Governor, the Legislative Research, the Missouri State Employees Retirement System, the Missouri Lottery Commission, the Missouri Senate, the Office of Prosecution Services, the Missouri Ethics Commission, the Joint Committee on Administrative Rules, the Department of Public Safety - Alcohol and Tobacco Control, the Department of Public Safety - State Emergency Management Agency and the Department of Public Safety - Missouri Highway Patrol** each assumed the current proposal would not fiscally impact their respective agencies.

In response to similar legislation this year, HCS for HB 2394, officials from the **Office of Administration - Budget and Planning** stated that currently, RSMo 610.026.1(1) allows public agencies, when fulfilling records requests, to charge fees for research time. This proposal specifies that research time includes time spent reviewing records to determine whether they are closed or are authorized to be closed. This could impact state agencies fulfilling such requests. This may increase Total State Revenue by an unknown amount and could impact the calculation under Article X, Section 18(e).

Officials at the **City of Columbia** assume assume no fiscal impact from this proposal on section 610.026. However, section 610.100 is not possible to assess the fiscal impact at this time.

ASSUMPTION (continued)

Oversight assumes this proposal may impact local law enforcement agencies in a similar manner as stated above by Office of Administration - Budget and Planning. For fiscal note purposes, Oversight will show an unknown positive impact to these agencies.

This proposal could increase Total State Revenue.

Bill as a whole

Officials at the **Office of the State Courts Administrator**, the **Department of Corrections**, the **Department of Higher Education**, the **Department of Revenue**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Office of the Governor**, the **Department of Mental Health**, the **Department of Health and Senior Services**, the **Department of Natural Resources**, the **Missouri Department of Transportation**, the **Office of the State Public Defender**, the **Office of the State Treasurer**, the **Department of Agriculture** and the **State Tax Commission** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the **Jackson County Board of Election Commission** and the **Cole County Sheriff's Department** each assume no fiscal impact to their respective entities from this proposal.

Officials at the following counties: Andrew, Atchison, Audrain, Barry, Bollinger, Boone, Buchanan, Camden, Cape Girardeau, Carroll, Cass, Christian, Clay, Cole, Cooper, DeKalb, Dent, Franklin, Greene, Holt, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Maries, Marion, McDonald, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Phelps, Platte, Pulaski, Scott, Shelby, St. Charles, St. Francois, Taney, Warren, Wayne and Worth did not respond to **Oversight's** request for fiscal impact.

Officials at the following cities: Ashland, Belton, Bernie, Bonne Terre, Boonville, California, Cape Girardeau, Clayton, Dardenne Prairie, Des Peres, Excelsior Springs, Florissant, Frontenac, Fulton, Gladstone, Grandview, Harrisonville, Jefferson City, Joplin, Kearney, Knob Noster, Ladue, Lake Ozark, Lee Summit, Liberty, Louisiana, Maryland Heights, Maryville, Mexico, Monett, Neosho, O'Fallon, Pacific, Peculiar, Pineville, Popular Bluff, Raytown, Republic, Richmond, Rolla, Sedalia, Springfield, St. Charles, St. Joseph, St. Louis, St. Robert, Sugar Creek, Sullivan, Warrensburg, Warrenton, Webb City, Weldon Spring and West Plains did not respond to **Oversight's** request for fiscal impact.

ASSUMPTION (continued)

Officials from the Boone County Sheriff Department, Buchanan County Sheriff's Department, Cass County Sheriff Department, Clark County Sheriff's Department, Jefferson City Police Department, Platte County Sheriff's Department, St. Charles Police Department, St. Joseph Police Department and the St. Louis Metropolitan Police Department did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
GENERAL REVENUE			
<u>Income - Research Fees (Sections 610.026 & 610.100)</u>	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2017 (10 Mo.)	 FY 2018	 FY 2019
LOCAL POLITICAL SUBDIVISIONS			
<u>Income - Local Law Enforcement Agencies - Research Fees (Sections 610.026 and 610.100)</u>	Unknown	Unknown	Unknown
<u>Costs - Local Political Subdivisions - administrative and litigation costs (Section 71.1000)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<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

Section 71.1000

This bill specifies that a law enforcement officer not subject to removal under Sections 43.150 or 57.275, RSMo, must be subject to removal from office or employment by the governing body of the political subdivision employing the officer if the governing body finds just cause, as defined in the bill, to remove him or her from duty under these provisions. The bill requires the governing body to issue a written notice to the officer no less than 10 business days prior to the meeting where his or her removal will be considered. The officer must be given written notice with specified information including stating just cause for the officer's removal and must be given the opportunity to speak before the governing body, together with any witnesses, evidence, and counsel of his or her choosing.

Sections 610.026 & 610.100

This proposal requires a mobile video recording that is recorded in a nonpublic location to be closed, except that any person who is depicted in the recording or whose voice is in the recording, or his or her agent as specified in the bill, may obtain a complete, unaltered, and unedited copy of the recording upon written request.

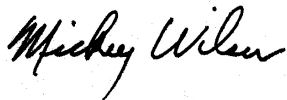
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Public Safety
 Missouri Highway Patrol
 State Emergency Management Agency
 Alcohol & Tobacco Control
 Missouri Gaming Commission
 Division of Fire Safety
 Veterans Commission
Missouri Consolidated Health Care Plan
Joint Committee on Public Employee Retirement
Office of Administration
 Budget and Planning
 Administrative Hearing Commission
Missouri Lieutenant Governor
Legislative Research
Missouri State Employees Retirement System
Missouri Lottery Commission
Missouri Senate
Office of Prosecution Services
Missouri Ethics Commission
Joint Committee on Administrative Rules
Office of the Attorney General
Department of Higher Education
Department of Corrections
Department of Revenue
Department of Economic Development
Department of Elementary and Secondary Education
Office of the Governor
Department of Mental Health
Department of Health and Senior Services
Department of Natural Resources
Missouri Department of Transportation
Office of the State Public Defender
Office of the State Treasurer

SOURCES OF INFORMATION (continued)

Department of Agriculture
State Tax Commission
St. Louis County
Cole County Sheriff's Department
Columbia Police Department
St. Louis Police Department
Callaway County Commission
City of Kansas City
City of Independence
Jackson County Sheriff's Department
Jackson County Board of Election Commission
City of Columbia
City of Independence Police Department
Springfield Police Department
St. Louis County Justice Services
Department of Conservation
Office of the State Auditor



Mickey Wilson, CPA
Director
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Ross Strobe
Assistant Director
April 25, 2016