

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 6425-01  
Bill No.: SB 1061  
Subject: Sunshine Law; Law Enforcement Officers and Agencies  
Type: Original  
Date: March 1, 2016

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Bill Summary: This proposal modifies provisions of the Sunshine Law, including the mobile video recordings from law enforcement vehicles and body cameras.

**FISCAL SUMMARY**

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

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Conservation Commission Fund	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

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

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

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Local Government</b>	<b>Unknown</b>	<b>Unknown</b>	<b>Unknown</b>

## FISCAL ANALYSIS

### ASSUMPTION

**Oversight** was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

Officials from the **Missouri Consolidated Health Care Plan**, the **Administrative Hearing Commission**, the **Missouri State Employees Retirement System**, the **Department of Public Safety**, the **Department of Economic Development**, the **Legislative Research**, the **Missouri Lottery Commission**, the **Department of Revenue**, the **Department of Higher Education**, the **MoDOT and Patrol Employees Retirement System**, the **Office of the State Courts Administrator**, the **Office of Administration**, the **Office of the State Treasurer**, the **Joint Committee on Administrative Rules**, the **Department of Natural Resources**, the **Department of Agriculture**, the **Office of the Governor**, the **Office of Prosecution Services**, the **Missouri Ethics Commission**, the **State Tax Commission**, the **Joint Committee on Public Employee Retirement**, the **Department of Corrections**, and the **Department of Elementary and Secondary Education** each assume the current proposal would not fiscally impact their respective agencies.

Officials from the **Office of the State Public Defender (SPD)** state video recording relating to public defender cases must be viewed by the accused's attorney. Video recordings create large demands on SPD's limited IT resources. As more video recordings become available, the more SPD's network is disrupted for download of large video files.

In response to a similar proposal, HB 2344, 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).

**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.**

Officials from the **Missouri Department of Conservation** assume an unknown negative fiscal impact from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
<b>GENERAL REVENUE FUND</b>			
<u>Income</u> - Research Fees	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>
<b>CONSERVATION COMMISSION FUND</b>			
<u>Expense</u> - MDC Research Requirements	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON CONSERVATION COMMISSION FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2017 (10 Mo.)	 FY 2018	 FY 2019
<b>LOCAL LAW ENFORCEMENT AGENCIES</b>			
<u>Income</u> - Research Fees	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<b>ESTIMATED NET EFFECT ON LOCAL LAW ENFORCEMENT AGENCIES</b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>

FISCAL IMPACT - Small Business

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

## FISCAL DESCRIPTION

This proposal modifies provisions relating to the Sunshine Law. Currently, allowable fees for providing public records includes research time for fulfilling requests. This proposal includes time spent reviewing records to determine whether or not the records are closed or authorized to be closed. A public body may waive or reduce fees if such waiver or reduction is in the public interest because the applicable fees are minimal and should be waived for administrative efficiency. Payment of copying, search, research and duplication fees may be requested prior to the making of copies or production of records.

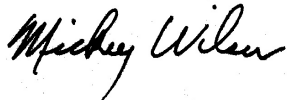
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

## SOURCES OF INFORMATION

Missouri Consolidated Health Care Plan  
Administrative Hearing Commission  
Missouri State Employees Retirement System  
Department of Public Safety  
    State Emergency Management Agency  
    Division of Fire Safety  
    Office of the Director  
    Capitol Police  
    Missouri Veterans Commission  
Department of Economic Development  
Legislative Research  
Missouri Lottery Commission  
Department of Revenue  
Department of Higher Education  
MoDOT and Patrol Employees Retirement System  
Office of the State Courts Administrator  
Office of Administration  
Office of the State Treasurer  
Joint Committee on Administrative Rules  
Department of Natural Resources  
Department of Agriculture  
Office of the Governor  
Office of Prosecution Services  
Missouri Ethics Commission  
State Tax Commission

SOURCES OF INFORMATION (continued)

Joint Committee on Public Employee Retirement  
Department of Corrections  
Department of Elementary and Secondary Education  
Office of the State Public Defender  
Missouri Department of Conservation  
Office of Administration - Budget and Planning



Mickey Wilson, CPA  
Director  
March 1, 2016

Ross Strobe  
Assistant Director  
March 1, 2016