

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0625-04
Bill No.: SCS for SB 132
Subject: General Assembly; Sunshine Law; Public Records; Public Meetings
Type: Original
Date: February 22, 2019

Bill Summary: This proposal modifies provisions regarding fees for access to public records and authorizes closure of certain constituent and legislative records of members of the General Assembly.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Total Estimated Net Effect on General Revenue	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Local Government	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration (OA)** assume Section 610.026.1(3) of the SCS would allow public governmental bodies to charge a minimum \$5.00 for all Sunshine requests. OA currently does not charge for many Sunshine requests. Therefore, if OA were to implement a policy of charging a minimum of \$5.00 for all requests, as permitted by this bill, there would be a small positive fiscal impact to OA. It is unknown if OA would implement such a policy. OA was unable to gather precise data for all of FY 2018 in the time available to respond to this request. However, an estimate if OA chose to implement such a policy is provided below based on available data.

OA received 55 Sunshine requests between July 2, 2018 and January 31, 2019. Of those requests, 49 were fulfilled without charge. It is assumed a similar number of Sunshine requests will be received in other periods. Therefore, it is assumed that OA will have around 100 Sunshine requests per year that are responded to without charge. Based on these assumptions, this bill could have a positive impact of approximately \$500 per year, if OA chose to charge the minimum of \$5.00 per request.

Officials from the **Missouri Senate, Attorney General's Office, State Auditor's Office, and Department of Revenue** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version, officials from the **Missouri House of Representatives** assumed the proposal will have no fiscal impact on their respective organizations.

Officials from the **City of Kansas City** assume the provisions in Section 610.026 of the proposal would have a small positive fiscal impact.

Officials from the **City of Keytesville** assume the proposal will have no or low fiscal impact on their organization.

Oversight notes that Section 610.026.1 (3) allows public governmental bodies to collect a minimum fee of five dollars for a request of public records. Oversight is unable to estimate how many requests, if any, will be made for records or how many agencies will implement the policy. Therefore, Oversight will reflect a positive zero to unknown fiscal impact to the state and local political subdivisions.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE			
<u>Revenue - Fees collected (610.026)</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue - Fees collected (610.026)</u>	<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 act authorizes the closure of public records under the Missouri Sunshine Law that are retained by the office of a member of the General Assembly that are related to a constituent of a member. The act defines the term "constituent." Further, any record may be closed that is retained in the office of a member of the General Assembly, or employees of the General Assembly, that contain information regarding proposed legislation or the legislative process. These authorizations to close records shall not apply if the record has been offered in a public meeting of either house of the General Assembly.

When responding to a request for records, this act authorizes a public governmental body to charge a minimum fee of five dollars for any request where there are allowable fees of less than five dollars. Such five dollar fee shall be in place of any allowable fee of less than five dollars. A request for records shall be considered withdrawn if the requester fails to remit all fees within thirty days of a request for payment by the public governmental body.

FISCAL DESCRIPTION (continued)

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 Administration
State Auditor's Office
Missouri Senate
Missouri House of Representatives
Attorney General's Office
Department of Revenue
City of Kansas City
City of Keytesville



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February 22, 2019

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February 22, 2019