

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3147-01
Bill No.: SB 613
Subject: General Assembly; Sunshine Law; Public Records; Public Meetings
Type: Original
Date: December 19, 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 2021	FY 2022	FY 2023
General Revenue	\$0 or Less than \$100,000	\$0 or Less than \$100,000	\$0 or Less than \$100,000
Total Estimated Net Effect on General Revenue	\$0 or Less than \$100,000	\$0 or Less than \$100,000	\$0 or Less than \$100,000

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Local Government	\$0 or Less than \$100,000	\$0 or Less than \$100,000	\$0 or Less than \$100,000

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration (OA)** state Section 610.026.1(3) of the SB 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. However, if OA chose to implement such a policy, a small positive fiscal impact could result as described below.

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 **Department of Health and Senior Services** state Section 610.026.1(3) allows a minimum fee of five dollars to be charged by public governmental bodies for any request where there are allowable fees of less than five dollars. The Division of Regulation and Licensure's Section for Long-Term Care Regulation currently processes approximately 100 requests that meet this criteria. This could result in an increase of revenue of approximately \$500 per state fiscal year.

Section 610.026.2 allows a request for public fees to be considered withdrawn if the requester fails to remit all fees within thirty days of a request for payment of the fees by the public governmental body prior to making the copies. This change can be incorporated into current records request process. The department anticipates being able to absorb these costs. However, until the FY21 budget is final, the department cannot identify specific funding sources.

Officials from the **Office of the State Auditor, Department of Transportation, Office of the State Courts Administrator, Missouri House of Representatives, Missouri Senate, Missouri Department of Conservation, Office of the State Public Defender, Department of Revenue, Department of Economic Development, Department of Mental Health, Department of Public Safety (Office of the Director, Capitol Police, Fire Safety, Missouri Veterans' Commission, Missouri State Emergency Management Agency, Alcohol and Tobacco Control, and Office of the Adjutant General), Department of Corrections, Department of Commerce and Insurance, Department of Social Services, Department of Natural**

Resources, Missouri Ethics Commission, Department of Elementary and Secondary

ASSUMPTION (continued)

Education, Office of the Governor, Office of the State Treasurer, Joint Committee on Administrative Rules, Office of Prosecution Services, Office of the Attorney General, Department of Agriculture, State Tax Commission, Missouri Consolidated Health Care Plan, Legislative Research, Department of Higher Education and Workforce Development, Missouri Gaming Commission, Administrative Hearing Commission, Missouri State Employee Retirement System, Missouri Lottery, Department of Labor and Industrial Relations, and the City of O’Fallon each assume the proposal would not fiscally impact their respective agencies.

Officials from the **City of Kansas City** state the provisions of Section 610.026 would have a small positive fiscal impact to the city.

Officials from the **City of Springfield** state there is a neutral fiscal impact to the city. The costs of implementing and operating a billing procedure for smaller Sunshine requests would diminish any potential benefit.

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, but will assume the additional amount would be less than \$100,000 per year.

<u>FISCAL IMPACT - State Government</u>	FY 2021	FY 2022	FY 2023
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GENERAL REVENUE

<u>Revenue - Fees collected (610.026.1(3))</u>	<u>\$0 or Less than</u> <u>\$100,000</u>	<u>\$0 or Less than</u> <u>\$100,000</u>	<u>\$0 or Less than</u> <u>\$100,000</u>
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ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0 or Less than</u> <u>\$100,000</u>	<u>\$0 or Less than</u> <u>\$100,000</u>	<u>\$0 or Less than</u> <u>\$100,000</u>
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FISCAL IMPACT - Local Government FY 2021 FY 2022 FY 2023

LOCAL POLITICAL SUBDIVISIONS

<u>Revenue - Fees collected (610.026.1(3))</u>	<u>\$0 or Less than</u> <u>\$100,000</u>	<u>\$0 or Less than</u> <u>\$100,000</u>	<u>\$0 or Less than</u> <u>\$100,000</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 or Less than</u> <u>\$100,000</u>	<u>\$0 or Less than</u> <u>\$100,000</u>	<u>\$0 or Less than</u> <u>\$100,000</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This 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 the member. The act defines the term "constituent" to include any person who is a resident of, or pays property taxes within, the legislative district of the member, but shall not include a lobbyist or lobbyist principal. 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 or, for legislative records, to any record addressed to, or from, a lobbyist or lobbyist principal.

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.

This act has an emergency clause..

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
Office of the State Auditor
Department of Transportation
Office of the State Courts Administrator
Missouri House of Representatives
Missouri Senate
Missouri Department of Conservation
Office of the State Public Defender
Department of Revenue
Department of Economic Development
Department of Mental Health
Department of Public Safety
 Office of the Director
 Capitol Police
 Fire Safety
 Missouri Veterans' Commission
 Missouri State Emergency Management Agency
 Alcohol and Tobacco Control
 Office of the Adjutant General
Department of Corrections
Department of Commerce and Insurance
Department of Social Services
Department of Natural Resources
Missouri Ethics Commission
Department of Elementary and Secondary Education
Office of the Governor
Office of the State Treasurer
Joint Committee on Administrative Rules
Office of Prosecution Services
Office of the Attorney General
Department of Agriculture
State Tax Commission
Missouri Consolidated Health Care Plan
Legislative Research
Department of Higher Education and Workforce Development

Missouri Gaming Commission
Administrative Hearing Commission
Missouri State Employee Retirement System

SOURCES OF INFORMATION (continued)

Missouri Lottery
Department of Labor and Industrial Relations
City of O'Fallon
City of Kansas City
Officials from the City of Springfield



Julie Morff
Director
December 19, 2019



Ross Strope
Assistant Director
December 19, 2019