

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3550S.01I
Bill No.: SB 761
Subject: Highway Patrol; Sunshine Law
Type: Original
Date: January 6, 2022

Bill Summary: This proposal creates provisions relating to fees paid to the Missouri State Highway Patrol.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2032)
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2032)
Highway Patrol Traffic Records Fund (0758)*	\$0 to \$2,500	\$0 to \$27,500	\$0 to \$32,500	\$0 to \$152,500
State Highways and Transportation Department Fund (0644)*	\$0 to \$2,915	\$0 to \$3,498	\$0 to \$3,615	\$0 to \$6,415
Total Estimated Net Effect on Other State Funds	\$0 to \$5,415	\$0 to \$30,998	\$0 to \$36,115	\$0 to \$158,915

*The MHP is allowed to increase certain fees by \$1 every other year for 10 years.
Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2032)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2032)
Total Estimated Net Effect on FTE	0	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 2023	FY 2024	FY 2025	Fully Implemented (FY 2032)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§43.253 – Fees paid to the Missouri State Highway Patrol

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume this legislation would add language to §43.253, RSMo, to allow the Missouri State Highway Patrol to charge a minimum fee of \$5.00 to disseminate records requests. The proposal does not mandate a minimum \$5.00 fee be imposed; it simply allows for such. The Superintendent of the Missouri State Highway Patrol would be allowed to increase the minimum fee described in this section by not more than one dollar every other year following this section's effective date, up to a maximum of ten dollars. The current fee for a traffic crash report is calculated at \$4.90 per report and was implemented February 1, 2019. This legislation would result in a slight increase in that fee to \$5.00. The Patrol Records Division disseminates approximately 30,000 crash reports per year, this would result in a nominal increase in the amount of approximately \$3,000 of state revenue collected and deposited into the Traffic Records Fund (0758). This proposed legislation would also allow the Custodian of Records to charge fees on records requests that are not currently charged. The Patrol's Custodian of Records usually does not charge for open records requests that take a limited time to process. The Patrol could also charge for approximately 700 records requests a year that are not currently charged, resulting in a \$3,500 increase to be deposited into the Highway Fund (0644) in the initial year.

The increased revenue could be realized if fees are increased to their maximum allowable amount:

FY23 Based on 10/12 rule

Traffic crash reports

$(30,000 \times 0.8333) = 25,000$ traffic crash reports \times \$0.10 fee increase = **\$2,500**

Other records requests

$(700 \times 0.833) = 583$ records requests \times \$5.00 = **\$2,915**

Total \$2,500 + \$2,915 = \$5,415

FY24 Based on 10/12 rule

Traffic crash reports

$(30,000 \times 0.8333) = 25,000$ traffic crash reports \times \$1 increase (fee at \$6) = **\$25,000**

Other records requests

$(700 \times 0.8333) = 583$ records requests \times \$1 increase (fee at \$6) = **\$583**

Total \$25,000 + \$583 = \$25,583

FY26 Traffic Crash Reports

$30,000 \times$ \$1 increase (fee at \$7) = **\$30,000**

Other records requests

$700 \times$ \$1 increase (fee at \$7) = **\$700**

FY28 Traffic Crash Reports

30,000 x \$1 increase (fee at \$8) = **\$30,000**

Other records requests

700 x \$1 increase (fee at \$8) = **\$700**

FY30 Traffic Crash Reports

30,000 x \$1 increase (fee at \$9) = **\$30,000**

Other records requests

700 x \$1 increase (fee at \$9) = **\$700**

FY32 Traffic Crash Reports

30,000 x \$1 increase (fee at \$10) = **\$30,000**

Other records requests

700 x \$1 increase (fee at \$10) = **\$700**

Oversight notes the increase in fees will result in the revenue from these fees compounding over the years from FY23 through FY32 as shown below:

$\$2,500 + \$30,000 + \$30,000 + \$30,000 + \$30,000 + \$30,000 = \$152,500$ (Traffic fund)

$\$2,915 + \$700 + \$700 + \$700 + \$700 + \$700 = \$9,098$ (Highway fund).

Oversight also notes the revenue presented for FY32 was determined under the assumption that the MHP will increase the minimum fee as outlined in this proposal (additional \$1 every other year).

However, because this proposal is permissive, Oversight will range the revenue from \$0 (no increase in fees) to the estimate of \$152,500 (fee not to exceed \$10) to the Highway Patrol Traffic Records Fund and \$6,415 (fee not to exceed \$10) to the State Highways and Transportation Department Fund for fiscal note purposes.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2032)
HIGHWAY PATROL TRAFFIC RECORDS FUND (0758)				
Revenue – MHP (\$43.253) Fees from records request	<u>\$0 to \$2,500</u>	<u>\$0 to \$27,500</u>	<u>\$0 to \$32,500</u>	<u>\$0 to \$152,500</u>
ESTIMATED NET EFFECT ON THE HIGHWAY PATROL TRAFFIC RECORDS FUND	<u>\$0 to \$2,500</u>	<u>\$0 to \$27,500</u>	<u>\$0 to \$32,500</u>	<u>\$0 to \$152,500</u>
STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT FUND (0644)				
Revenue – MHP (\$43.253) Fees from records request	<u>\$0 to \$2,915</u>	<u>\$0 to \$3,498</u>	<u>\$0 to \$3,615</u>	<u>\$0 to \$6,415</u>
ESTIMATED NET EFFECT ON THE STATE HIGHWAYS AND TRANSPORTATION FUND	<u>\$0 to \$2,915</u>	<u>\$0 to \$3,498</u>	<u>\$0 to \$3,615</u>	<u>\$0 to \$6,415</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2032)
	\$0	\$0	\$0	\$0

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This act provides that a minimum fee of \$5 may be charged by the Missouri State Highway Patrol for any request where there are allowable fees of less than \$5. Such \$5 fee shall be in place of any allowable fee of less than \$5.

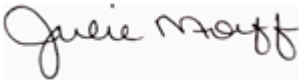
The Superintendent of the Missouri State Highway Patrol may increase the minimum fee by not more than \$1 every other year following August 28, 2023. The minimum fee shall not exceed \$10.

Additionally, this act provides that a request for public records shall be considered withdrawn if the requester fails to remit all fees within 30 days of a request for payment of the fees by the Missouri State Highway Patrol.

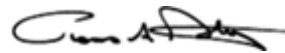
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety –
Missouri Highway Patrol



Julie Morff
Director
January 6, 2022



Ross Strobe
Assistant Director
January 6, 2022