

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3550S.03P
Bill No.: Perfected SS No. 2 for SB 761
Subject: Highway Patrol; Political Subdivisions; Sunshine Law; Utilities
Type: Original
Date: April 14, 2022

Bill Summary: This proposal creates provisions relating to access to public records.

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 All 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 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Due to time constraints, **Oversight** was unable to receive some agency responses in a timely manner and performed limited analysis. Oversight has presented this fiscal note on the best current information that we have or on information regarding a similar bill(s). Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

§43.253 – Fees paid to the Missouri State Highway Patrol

In response to a previous version, officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assumed 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.

Any funding increase realized by the Traffic Records Fund will be reinvested in the electronic report dissemination software. This enhancement will allow individuals to request, purchase, and receive records requests through an electronic portal.

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
 $30,000 \times$ \$1 increase (fee at \$8) = **\$30,000**
Other records requests
 $700 \times$ \$1 increase (fee at \$8) = **\$700**

FY30 Traffic Crash Reports
 $30,000 \times$ \$1 increase (fee at \$9) = **\$30,000**
Other records requests
 $700 \times$ \$1 increase (fee at \$9) = **\$700**

FY32 Traffic Crash Reports
 $30,000 \times$ \$1 increase (fee at \$10) = **\$30,000**
Other records requests
 $700 \times$ \$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)

$\$2,915 + \$700 + \$700 + \$700 + \$700 + \$700 = \$6,415$ (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.

§476.055 – Redaction of personal identifying information of minors

In response to similar legislation from 2022 (SB 872), officials from the **Department of Social Services** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

Officials from the Office of the State Courts Administrator has not responded to **Oversight's** request for fiscal impact.

Oversight assumes this would not create a fiscal impact.

§610.021 – Public records

In response to a previous version, officials from the **Department of Commerce and Insurance** and the **Hancock Street Light District** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to a previous version (SB 827), officials from the **St. Louis-Jefferson SWMD Solid Waste District** assumed the proposal will have no fiscal impact on their organization.

In response to a similar proposal from last year (SB 214), officials from the **Butler County Pwsd #2**, the **Class County Pwsd #2**, the **Clarence/Cannon Wholesale Water District**, the **Corder Water/Waste Water District**, the **East Butler County Sewer District**, the **Lexington Water/Wastewater District**, the **Macon County Pwsd #1**, the **Platte County Pwsd #6**, the **Schelle City Water Department**, the **South River Drainage District**, the **City of Springfield**, the **St. Charles County Pwsd #2**, the **Ste. Genevieve County Pwsd #1** and the **Stone County Pwsd #1** each assumed the proposal would have no fiscal impact on their respective organizations.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for this section.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other utilities were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System database is available upon request.

Senate Amendment 1

§161.841 – Public school requirements

In response to similar legislation from 2022 (HB 1474), officials from the **Department of Elementary and Secondary Education** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore,

Oversight will reflect a zero impact in the fiscal note for DESE.

Oversight did not receive any responses from school districts related to the fiscal impact of this proposal. Oversight assumes there could be curriculum review costs, training costs, administrative costs related to notifications and printing, costs to hold additional public hearings as well as legal costs.

Oversight is uncertain if these costs could be absorbed by school districts. Therefore, Oversight will show a range of cost of \$0 (no additional cost or can be absorbed) to an unknown cost.

Oversight has presented this fiscal note on the best current information available. If school districts respond with additional information, Oversight will review to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

Oversight only reflects the responses received from state agencies and political subdivisions; however, over 200 school districts were requested to respond to this proposed legislation but did not. A listing of political subdivisions opting to participate in the Missouri Legislative Information System (MOLIS) is available upon request.

Responses regarding the proposed legislation as a whole

Officials from the **Little Blue Valley Sewer District**, the **Metropolitan St. Louis Sewer District**, the **South River Drainage District**, and the **Wayne County Pwsd** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2032)
HIGHWAY PATROL TRAFFIC RECORDS FUND (0758)				
<u>Revenue – MHP (\$43.253) Fees from records request p. 3-4</u>	<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>
<u>FISCAL IMPACT – State Government (continued)</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2032)
STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT FUND (0644)				
<u>Revenue – MHP (\$43.253) Fees from records request p. 3-4</u>	<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)
SCHOOL DISTRICTS & CHARTER SCHOOLS				
<u>Costs</u> – Curriculum review, training, notification and printing, and legal costs p. 5	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON SCHOOL DISTRICTS & CHARTER SCHOOLS	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

FEES PAID TO THE MISSOURI STATE HIGHWAY PATROL (Section 43.253)

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.

PUBLIC SCHOOL REQUIREMENTS (Section 161.841)

This bill creates the "Parents' Bill of Rights Act of 2022", which requires school districts that receive any federal or state money to provide specific rights and information relating to minor children to the parents of the child.

Required rights listed include but are not limited to: the right to know what their minor child is being taught in school, the right to visit the school and check in on their minor child during

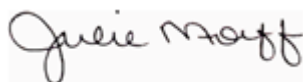
school hours; and the right to have sufficient accountability and transparency regarding school boards.

The bill further prohibits schools from requiring nondisclosure agreements for a parental curricula review, allowing students' involvement in extracurricular activities without written authorization, or collecting biometric data.

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 Commerce and Insurance
Department of Elementary and Secondary Education
Department of Public Safety – Missouri Highway Patrol
Department of Social Services
South River Drainage District
St. Louis-Jefferson SWMD Solid Waste District
Wayne County Pwsd
Hancock Street Light District
Butler County Pwsd #2
Class County Pwsd #2
Clarence/Cannon Wholesale Water District
Corder Water/Waste Water District
East Butler County Sewer District
Lexington Water/Wastewater District
Little Blue Valley Sewer District
Macon County PWSD #1
Metropolitan St. Louis Sewer District
Platte County Pwsd #6
Schelle City Water Department
South River Drainage District
City of Springfield
St. Charles County Pwsd #2
Ste. Genevieve County Pwsd #1
Stone County Pwsd #1



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