

COMMITTEE ON LEGISLATIVE RESEARCH  
 OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0375-05  
Bill No.: SB 19  
Subject: Public Meetings and Records: Sunshine Law  
Type: Original  
Date: January 22, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

FISCAL ANALYSIS

## ASSUMPTION

Officials of the following agencies/offices/commissions stated their offices would not expect significant fiscal impact due to this proposal: **Agriculture, Conservation, Elementary and Secondary Education, Health, Higher Education, Insurance, Transportation, Natural Resources, Mental Health, Public Safety, Revenue, Governor, Lt. Governor, Social Services, Attorney General, Courts Administrator, Tax Commission, Economic Development, Gaming, Lottery, Chief Clerk of the House, Secretary of the Senate, Secretary of State, Auditor, Treasurer, Public Defender, Prosecution Services, Moberly Area Community College, Central Missouri State University, Southwest Missouri State University, Truman State University, Southeast Missouri State University, Harris-Stowe State College, and Missouri Western State College.**

Officials of the **University of Missouri** and the **Department of Corrections** (in response to similar proposals from previous years) noted that the proposal might provide a cause of action for additional litigation, which could have a fiscal impact depending on the amount and outcome of that litigation. For fiscal note purposes it is assumed that this would not be a direct impact of the proposal.

Officials of the **Department of Labor and Industrial Relations** expressed some concern that they would not be allowed to identify participants in the Missouri Higher Education Savings Program who have outstanding debts the Division of Employment Security was collecting through court action. This protection could result in the Division's failure to collect moneys owed could lead to a permanent loss to the Unemployment Compensation Fund. They could not estimate possible losses to the Fund before the proposal takes effect. If the Fund balance is reduced by a certain amount, surcharges would be triggered on Missouri Employers in order to replenish the Fund.

Officials of the Division of Workers' Compensation suggest that the proposal exposes the Division to potential liability for failure to disclose public records on the one hand and liability for disclosing confidential information on the other. They note that their agency is the repository for injury reports and medical records relating to employee injuries. The records are confidential under workers' compensation statutes. The Division receives requests each year for information concerning types of injuries and causes of injuries. Depending upon the nature of requests, requested information may or may not be confidential.

**Oversight** assumes, for purposes of this fiscal note: 1) that the proposal does not mandate increased litigation and that costs due to any permanent increase in the amount of litigation (and costs, if any, due to larger fines for violations of Chapter 610) would be matters for decision items in

ASSUMPTION (continued)

agency budgets; 2) that the Unemployment Compensation Fund is specifically designated as "...a special fund, separate and apart from all public moneys or funds of this state..." in section 288.290, RSMo; and 3) that public bodies (including political subdivisions) would be subject to larger fines but could avoid them.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

#### FISCAL IMPACT - Small Business

Small businesses could be affected by changes in charges for unemployment tax.

#### DESCRIPTION

This proposal would require that roll call votes be taken on any votes during open or closed meetings of public bodies (except on unanimous votes of members present) and, in the case of closed meetings, require that those vote be made public. It would also allow penalties of up to \$500 to be assessed for any violation of the open meeting law and allow penalties up to \$5,000 for "knowingly" violating the open meetings law (currently, penalties are only allowed if the violation is "purposeful" and only up to \$500). Penalties would not be more than five percent (5%) of the total annual budget of a public body.

The proposal would make an exemption to the Open Meetings Law for and personally identifiable information concerning participants and beneficiaries of accounts established in the Missouri higher education savings program and would extend the exception for disclosure of municipal utility records December 31, 2003 (from December 31, 2001), if regulatory restructuring of electric utilities for the purpose of allowing retail competition is not enacted.

This legislation is not federally mandated, would not duplicate any other program and would not

DESCRIPTION (continued)

require additional capital improvements or rental space. The proposal would not affect Total State Revenue.

SOURCES OF INFORMATION

Office of Administration  
Department of Agriculture  
Department of Conservation  
Department of Corrections  
Department of Economic Development  
Department of Elementary and Secondary Education  
Department of Health  
Department of Higher Education  
Department of Transportation  
Department of Insurance  
Department of Labor and Industrial Relations  
Department of Mental Health  
Department of Natural Resources  
Department of Public Safety  
Department of Revenue  
Department of Social Services  
State Courts Administrator  
State Tax Commission  
Chief Clerk - House of Representatives  
Attorney General  
Secretary of the Senate  
State Auditor  
Governor  
Lieutenant Governor  
Secretary of State  
State Treasurer  
Harris-Stowe State College  
Southeastern Missouri State University  
Southwestern Missouri State University

SOURCES OF INFORMATION (continued)

Truman State University  
Missouri Western State College  
University of Missouri  
Moberly Area Community College



Jeanne Jarrett, CPA  
Director  
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