

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0132H.01P
Bill No.: Perfected HB 177
Subject: Elections; Sunshine Law
Type: Original
Date: April 14, 2021

Bill Summary: This proposal modifies provisions for public access to records.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue Fund	(\$221,235)	(\$155,466)	(\$157,094)
Total Estimated Net Effect on General Revenue	(\$221,235)	(\$155,466)	(\$157,094)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	2 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	2 FTE	2 FTE	2 FTE

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 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator**, the **Attorney General's Office**, the **Office of Administration - Administrative Hearing Commission**, the **Office of Administration - Budget and Planning**, the **Department of Commerce and Insurance**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Health and Senior Services**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Department of Public Safety's Division of Alcohol and Tobacco Control**, **Capitol Police**, **Fire Safety**, **Missouri Gaming Commission**, **Missouri National Guard**, **Missouri Veterans Commission**, the **Department of Social Services**, the **Missouri Department of Agriculture**, the **Missouri Department of Conservation**, the **Missouri Ethics Commission**, the **Missouri Department of Transportation**, the **MoDOT & Patrol Employees' Retirement System**, the **Office of Administration**, the **Petroleum Storage Tank Insurance Fund**, the **Office of the State Public Defender**, the **Office of the Governor**, the **Office of the State Auditor**, the **Office of the State Treasurer**, the **Joint Committee on Administrative Rules**, the **Joint Committee On Education**, the **Joint Committee on Public Employee Retirement**, the **Missouri Senate**, the **Missouri Lottery**, the **Missouri Consolidated Health Care Plan**, the **Missouri Higher Education Loan Authority**, the **Missouri Office of Prosecution Services** and the **Missouri State Employee's Retirement System** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the cities of **Ballwin**, **Corder**, **Kansas City**, **Springfield**, **St. Louis** and **Urich** and the boards of election commissioners of **Jackson County**, **Kansas City**, **Platte County** and **St. Louis County** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties and local election authorities were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

House Amendment 1

Oversight notes this amendment has a title change and will have no direct fiscal impact on the proposal.

House Amendment 2 - §479.162 – Charging a defendant a fee for a police report

In response to similar legislation from this year (HCS for HB 712), officials from the **City of Corder**, the **City of Hughesville**, the **City of Springfield** and **Boone County** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to similar legislation from this year (HCS for HB 712), officials from the **City of O’Fallon**, the **City of Southwest**, **St. Louis City** and the **City of Tipton** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to similar legislation from this year (HCS for HB 712), officials from **Kansas City** assumed this proposal would have a negative fiscal impact upon the city prosecutor’s office because of the expenditures in staffing to fulfill the requirements of the legislation.

Oversight assumes local prosecutor’s offices are provided with core funding to handle a certain amount of activity each year. Oversight assumes the local prosecutor’s offices could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, the local prosecutor’s offices could request funding through the appropriation process. Therefore, Oversight will reflect a zero fiscal impact to local prosecutor’s offices.

In response to similar legislation from this year (HCS for HB 712), officials from the **Office of the State Courts Administrator** and the **Missouri Office of Prosecution Services** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

House Amendment 3 - §610.021 – Customer usage and billing records of a municipally owned utility

Oversight notes subsection 25 relates to a governmental body authorized to have a closed meeting if it relates to customer usage and billing records of a municipally owned utility unless the records are authorized for release by the customer. Oversight assumes this amendment will have no direct fiscal impact on the proposal.

House Amendment 4 - §610.021 – Contact information submitted to governmental body

Oversight notes subsection 25 relates to email addresses and telephone numbers submitted to a governmental body for the sole purpose of receiving electronic or other communications limited

to certain forms. Oversight assumes this amendment will have no direct fiscal impact on the proposal.

House Amendment 4 - §§37.717 & 210.152

§37.717 - Office of Administration to create a safety reporting system for DSS

In response to similar legislation from this year (HCS for HB 673), officials from **Office of Administration (OA)**, **Office of Child Advocate (OCA)** stated this bill requires them to create a safety reporting system that will allow employees of the Department of Social Services (DSS), Children's Division (CD) to report concerns about the safety of children served by CD, as well as the safety of CD's employees. Any criminal act reported to OCA through this system must be reported to the appropriate authorities by OCA.

OCA assumes this bill will result in an unknown increase in concerns regarding the safety of children that are reported to OCA. OCA believes existing staff can handle the increase in incoming reports regarding child safety; however, should the increase be greater than expected, additional staff could be required.

Reviewing the safety concerns of Children's Division employees is a new responsibility for OCA, which would require a new complaint process, database changes, and increased investigative responsibilities. OCA believes it will take two (2) FTE Senior Social Services Specialists (\$40,000 annual salary plus fringe benefits each) to implement and maintain this new responsibility.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by OA, OCA.

In response to similar legislation from this year (HCS for HB 673), officials from **OA, ITSD** state their calculations for this proposal are based on 12 weeks of effort by two staff to develop safety reporting system in §37.717.1 along with additional ongoing support to handle the maintenance of the new application; and two weeks effort by one staff to develop method for electronic exchange of data between DSS and OA in §210.652 with ongoing maintenance included to support that process going forward.

OA, ITSD assumes every new IT project/system will be bid out because all ITSD resources are at full capacity. IT contract rates for the safety reporting system and data exchange are estimated at \$95/hour. It is assumed the necessary modifications will require 1,123.20 hours for a cost of \$106,704 (1,123.20 * \$95) in FY22. Ongoing support and maintenance costs are estimated to be \$23,516 in FY23 and \$24,063 in FY24; 100% GR.

In response to similar legislation from this year (HCS for HB 673), officials from **DSS, CD** stated this bill creates a new section, which creates a safety reporting system in which employees

of DSS may report information regarding the safety of those served by the DSS and the safety of such department's employees.

2. The identity of any individual who reports shall:

- (1) Be sealed from inspection by the public or any other entity or individual who is otherwise provided access to the DSS confidential records;
- (2) Not be subject to discovery or introduction into evidence in any civil proceeding; and
- (3) Be disclosed only as necessary to carry out the purpose of the reporting.

3. Any criminal act reported into the reporting system under subsection 1 of this section shall be disclosed by the DSS to the appropriate law enforcement agency or prosecuting or city attorney.

4. Any investigation conducted as a result of a report made under this section shall be conducted by an unbiased and disinterested investigator.

There is no fiscal impact to CD as this statute is established under the Office of Child Advocate. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency for this section.

§210.152 – OCA may release findings about any member of the multidisciplinary team

In response to similar legislation from this year (HCS for HB 673), officials from the **Children's Division (CD)** stated this section adds language that nothing in the section shall preclude the Office of Child Advocate from releasing findings regarding the professional performance of any individual member of the multidisciplinary team as described in §660.520.

CD does not anticipate a fiscal impact at this time.

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

Responses regarding the proposed legislation as a whole

Officials from the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Corrections**, the **Department of Public Safety's Office of the Director**, **Missouri Highway Patrol**, **State Emergency Management Agency**, the **Missouri House of Representatives**, the **Oversight Division** and the **State Tax Commission** each assume the proposal will have no fiscal impact on their respective organizations. **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 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE			
<u>Costs - OA, OCA</u> (§37.717) p. 5-6			
Personal service	(\$66,667)	(\$80,800)	(\$81,608)
Fringe benefits	(\$42,400)	(\$51,150)	(\$51,423)
Equipment and expense	(\$5,464)	\$0	\$0
Total <u>Costs - OA, OCA</u>	(\$114,531)	(\$131,950)	(\$133,031)
FTE Changes OA, OCA	2 FTE	2 FTE	2 FTE
<u>Costs - OA, ITSD</u> (§§37.717) Safety reporting p. 5-6	(\$106,704)	(\$23,516)	(\$24,063)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$221,235)</u>	<u>(\$155,466)</u>	<u>(\$157,094)</u>
Estimated Net FTE Change on the General Revenue Fund	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

CHILD ADVOCATE OFFICE - This bill allows the Office of Child Advocate to release findings for members of a multidisciplinary team relating to their professional performance (§37.710).

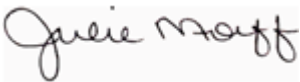
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

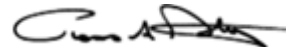
Office of the State Courts Administrator
Attorney General's Office
Office of Administration
Department of Commerce and Insurance
Department of Economic Development
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Health and Senior Services
Department of Mental Health
Department of Natural Resources
Department of Corrections
Department of Labor and Industrial Relations
Department of Revenue
Department of Public Safety
Department of Social Services
Missouri Department of Agriculture
Missouri Department of Conservation
Missouri Ethics Commission
Missouri Department of Transportation
MoDOT & Patrol Employees' Retirement System
Office of Administration
Petroleum Storage Tank Insurance Fund
Office of the State Public Defender
Office of the Governor
Office of the State Auditor
Office of the State Treasurer
Missouri House of Representatives
Joint Committee on Administrative Rules
Joint Committee on Education
Joint Committee on Public Employee Retirement
Missouri Senate
Missouri Lottery
Missouri Consolidated Health Care Plan

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Missouri Higher Education Loan Authority
Missouri Office of Prosecution Services
Missouri State Employee's Retirement System
State Tax Commission
Oversight Division
City of Ballwin
City of Corder
City of Springfield
Kansas City
St. Louis City
City of Urich
Jackson County Board of Elections
Kansas City Board of Elections
Platte County Board of Elections
St. Louis County Board of Elections
City of Hughesville
Boone County
City of O'Fallon
Southwest City
City of Tipton
Kansas City



Julie Morff
Director
April 14, 2021



Ross Strobe
Assistant Director
April 14, 2021