

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0305H.011
Bill No.: HB 27
Subject: Sunshine Law; Internet and E-Mail
Type: Original
Date: March 7, 2021

Bill Summary: This proposal modifies requirements for meeting notices and minutes of open meetings.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	(\$56,846)	(\$59,221)	(\$59,694)
Total Estimated Net Effect on General Revenue	(\$56,846)	(\$59,221)	(\$59,694)

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	1 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	1 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	(Unknown, could exceed \$19,720)	(Unknown, could exceed \$23,079)	(Unknown, could exceed \$23,214)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration (OA)** assume this proposal requires meeting notices and minutes of open meetings to be posted on the public governmental body's website and social media pages. It also requires any public governmental body to post any proposed rules, ordinances, laws or regulations to a website and social media pages within 24 hours after the meeting in which they are proposed. Similarly, the final text of any rule, ordinance, law or regulation which is adopted must be posted to the public governmental body's website and social media pages within 24 hours of adoption. OA estimates that 1 FTE Administrative Support Staff would be needed to ensure that OA remains in compliance with the specified requirements and timeframes. OA assumes the FTE would have the following costs: FY 2022 \$56,846, FY 2023 \$59,221 and FY 2024 \$59,694.

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

Officials from the **City of Kansas City** assume this proposal may have a negative fiscal impact on Kansas City because of the administrative costs (staff time) of being required to post all minutes on the City website and to post all ordinances on the website within 24 hours.

Officials from the **City of Springfield** anticipate an unknown negative fiscal impact due to needing additional web space to post the minutes of the numerous boards, commissions, and committees of the City as well as the city council.

Officials from the **Kansas City Board of Elections** assume a cost of \$2,500 annually to make changes to the website and social media account from this proposal.

Officials from the **Florissant Valley Fire Protection District** state this proposal would not have a significant fiscal impact. However, posting on social media of minutes and other actions is concerning since once the information is posted, they have no control over what or how that information is protected or stored.

Officials from the **Nodaway County Ambulance District** state very few small districts have a web page and there would be cost associated with getting a web host & domain name. They would estimate \$100 to \$200 annually in costs if they are able to build and maintain their own website.

Officials from the **Metropolitan St. Louis Sewer District** would need .5 FTE to incorporate the provisions of this proposal. Their costs for salary and benefits would be as follows: FY 2022 \$16,120, FY 2023 \$19,479 and FY 2024 \$19,614.

Officials from the **City Utilities of Springfield** assume additional requirements for posting would incur expenses of around \$300 per month from this proposal.

Oversight assumes some local political subdivisions could be impacted from the provisions of this proposal through additional staffing duties and/or website and social media changes. Therefore, Oversight will reflect the cost estimated for the locals who have responded as an unknown negative that could exceed that estimate.

Officials from the **Department of Health and Senior Services** state Sections 610.020 and 610.021 require governmental bodies to post notices of meetings, proposed rules, ordinances, laws, or regulations to the governmental body's website and social media pages.

Posting notices on the department's website and social media pages are within the normal duties for the Department of Health and Senior Services so minimal time and expense will be required to conduct the requirements of the proposed legislation. The department anticipates being able to absorb these costs; however, until the FY22 budget is final, the department cannot identify specific funding sources.

Officials from the **Missouri Senate** assume being able to absorb the provisions of this proposal using existing resources for just this one occurrence.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, they reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from 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 Mental Health**, the **Department of Natural Resources**, the **Department of Corrections**, 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**, **Office of the Director**, **Missouri Gaming Commission**, **Missouri National Guard**, **Missouri Highway Patrol**, the **Missouri Veterans Commission** and the **State Emergency Management Agency**, 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 **Petroleum Storage Tank Insurance Fund**, the **Office of the State Public Defender**, the **University of Missouri System**, the **Office of the Governor**, the **Office of the State Auditor**, the **Office of the State Treasurer**, the **Missouri House of Representatives**, the **Joint Committee on Education**, the **Joint Committee on Public Employee Retirement**, **Legislative Research**, the **Oversight Division**, the **Economic & Policy Analysis Research Center**, the **Missouri Lottery**, the **Missouri Consolidated Health Care Plan**, the **Missouri Higher Education Loan Authority**, the **Missouri Office of Prosecution Services**, the **Missouri State Employee's Retirement System**, the **Office of the State Courts Administrator** 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.

Officials from the **City of Ballwin**, the **City of Bland**, the **City of Claycomo**, the **City of Corder**, the **City of O'Fallon**, **St. Louis City**, the **Jackson County Board of Elections**, the **Platte County Board of Elections**, the **St. Louis County Board of Elections**, the **Boone County Sheriff's Department**, the **Crestwood Police Department**, the **Ellisville Police Department**, the **Kansas City Police Department**, the **St. Joseph Police Department**, the **St. Louis County Police Department**, the **Fruitland Area Fire Protection District**, the **Wentzville Fire Protection District**, the **Cole Camp Ambulance District**, the **Crawford County 911 Board**, the **High Point R-III School District**, the **Shell Knob 78 School District**, the **Cass County PWSD #2**, the **Glasgow Village Street Light District**, the **Hancock Street Light District**, the **High Point Elementary School**, the **Howard County C-PWSD #1**, the **Jefferson County PWSD #7**, the **Lexington Water/Wastewater**, the **Little Blue Valley Sewer District**, the **Platte County PWSD #6**, the **South River Drainage District**, the **Union Star Water/Wastewater**, the **Wayne County PWSD #2**, the **Bland Water Department**, the **Corder Water/Wastewater Department**, the **Schell City Water Department**, the **St. Charles County PWSD #2**, the **Hermann Area Hospital District**, **Missouri State University**, **Southeast Missouri State University**, the **State Technical College of Missouri** and the **University of Central Missouri** 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 FUND			
Costs – OA			
Personal Service	(\$29,167)	(\$35,350)	(\$35,704)
Fringe Benefits	(\$19,794)	(\$23,871)	(\$23,990)
Equipment & Expense	<u>(\$7,885)</u>	<u>\$0</u>	<u>\$0</u>
Total Costs – OA	<u>(\$56,846)</u>	<u>(\$59,221)</u>	<u>(\$59,694)</u>
FTE Change – OA	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$56,846)</u>	<u>(\$59,221)</u>	<u>(\$59,694)</u>
Estimated Net FTE Change for General Revenue	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LOCAL POLITICAL SUBDIVISIONS			
<u>Cost</u> – additional staffing duties or website changes to implement provisions of this proposal	(Unknown, could <u>exceed \$19,720</u>)	(Unknown, could <u>exceed \$23,079</u>)	(Unknown, could <u>exceed \$23,214</u>)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	(Unknown, could <u>exceed \$19,720</u>)	(Unknown, could <u>exceed \$23,079</u>)	(Unknown, could <u>exceed \$23,214</u>)

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This bill requires posting notice, required under Section 610.020, RSMo, of the Open Records Law commonly known as the Sunshine Law, of meeting times, dates, places, and agendas as well as minutes of open meetings on a public governmental body's website and social media pages.

In addition, public governmental bodies must post proposed and adopted rules, ordinances, laws, or regulations on their website and social media pages within 24 hours after the meeting at which they are proposed or adopted exclusive of weekends and holidays.

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
City of Kansas City
City of Springfield
Kansas City Board of Elections
Florissant Valley Fire Protection District
Nodaway County Ambulance Districts
Metropolitan St. Louis Sewer District
City Utilities of Springfield
Department of Health and Senior Services
Missouri Senate
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 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
Petroleum Storage Tank Insurance Fund
Office of the State Public Defender
University of Missouri System
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
Legislative Research
Oversight Division
Economic & Policy Analysis Research Center
Missouri Lottery
Missouri Consolidated Health Care Plan
Missouri Higher Education Loan Authority
Missouri Office of Prosecution Services
Missouri State Employee's Retirement System
Office of the State Courts Administrator
State Tax Commission
City of Ballwin
City of Bland
City of Corder
City of O'Fallon
St. Louis City
Jackson County Board of Elections
Platte County Board of Elections
St. Louis County Board of Elections
Boone County Sheriff's Department
Crestwood Police Department
Ellisville Police Department
Kansas City Police Department
St. Louis County Police Department
Wentzville Fire Protection District
Crawford County 911 Board
High Point R-III School District
Shell Knob 78 School District
Cass County PWSD #2
Glasgow Village Street Light District

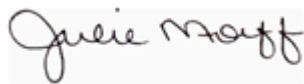
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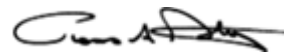
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Hancock Street Light District
High Point Elementary School
Howard County C-PWSD #1
Jefferson County PWSD #7
Lexington Water/Wastewater
Little Blue Valley Sewer District
Platte County PWSD #6
South River Drainage District
Union Star Water/Wastewater
Wayne County PWSD #2
Hermann Area Hospital District
Missouri State University
State Technical College of Missouri
University of Central Missouri
Missouri Veterans Commission
Office of the Secretary of State
Bland Water Department
Corder Water/Wastewater Department
Schell City Water Department
St. Charles County PWSD #2
Cole Camp Ambulance District
City of Claycomo
St. Joseph Police Department
Fruitland Area Fire Protection District
Southeast Missouri State University



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