

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0419-01
Bill No.: HB 316
Subject: Sunshine Law, Meetings, and Records; Public Records, Public Meetings
Type: Original
Date: February 9, 2009

Bill Summary: The proposal revises the laws regarding the Open Meetings and Records Law, commonly known as the Sunshine Law.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue Fund	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Agriculture, Coordinating Board for Higher Education, Office of Administration – Administrative Hearing Commission, – Division of Budget and Planning, – Division of Purchasing and Materials Management, Department of Transportation, Department of Insurance, Financial Institutions, and Professional Registration, Department of Mental Health, Department of Natural Resources, Department of Labor and Industrial Relations, Department of Revenue, Department of Social Services, Office of the Governor, Department of Public Safety – Missouri State Highway Patrol, – State Emergency Management Agency, – Division of Alcohol and Tobacco Control, – Capitol Police, Missouri Consolidated Health Care Plan, Department of Conservation, Missouri Ethics Commission, Missouri House of Representatives, Office of the Lieutenant Governor, Public Service Commission, Missouri Senate, Office of the State Public Defender, State Treasurer’s Office, Lincoln University, Linn State Technical College, Metropolitan Community College of Kansas City, Missouri State University, Missouri Western State University, University of Central Missouri, Francis Howell School District, Sikeston R-6 School District, Special School District of St. Louis County, City of Cape Girardeau, City of Centralia, City of West Plains, Cass County, and St. Louis County** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General** assume any potential costs arising from this proposal can be absorbed within existing resources.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Economic Development (DED)** assume the proposed legislation carries no fiscal impact except for one provision they can’t assess. New language in Section 610.023.3 specifies that “Data processing programs used by public governmental bodies shall allow for copying of data in a format that is easily accessed and manipulated by programs commonly available to the public.” DED is unsure whether this would require conversion of data from one program to another. If so, the proposal could create a fiscal impact that could be significant.

Officials from the **Department of Elementary and Secondary Education (DESE)** submitted a fiscal estimate provided by Office of Administration – Information Technology Services Division (OA-ITSD) in reference to Sections 610.023 and 610.029:

ASSUMPTION (continued)

To provide data access to the general public, the estimated one time cost is approximately \$562,500. Ongoing costs are estimated at \$93,500 which includes an additional 1-FTE at an annual salary of \$45,000 to maintain the system as well as to provide enhancements as new data collections systems are put online or existing systems are changed.

There are currently over 20 data collection processes that are automated at DESE. Most of these data are available for the general public to view currently through the Public Applications area of the web application system or through various spreadsheets and reports available on the DESE public web site. These collections cover several different business areas and result in the primary outputs of payments and reports. The processes to provide these to the general public in a different yet easy to use format would require new hardware and software.

Officials from the **Department of Corrections (DOC)** assume the proposal will have no fiscal impact unless software, etc. is necessary due to the following language in Section 610.023.3: “Data-processing programs used by public governmental bodies shall allow for copying of data in a format that is easily accessed and manipulated by programs commonly available to the public.” DOC assumes Office of Administration – Information Technology Systems Division will address this on behalf of state agencies as to whether or not there will be a potential for fiscal impact.

Officials from the **Department of Health and Senior Services (DHSS)** assume they may incur a fiscal impact due to the provisions in Sections 610.023 and 610.029. There may be public records stored in various programs that are not easily accessed and manipulated by programs commonly available to the public, which may not be easily transferable to a different format. If there were requests made for this information, Office of Administration – Information Technology Systems Division would have to make modifications to the programs in order to make it easily accessible. It is unknown at this time how many requests would be made for the information. DHSS estimates the fiscal impact to be unknown.

Officials from the **Department of Public Safety – Missouri Veterans Commission (MVC)** assume the fiscal impact of the proposal to be unknown. MVC may need to invest in metadata scrubbing software and outfit their deputy custodians of records with such software.

ASSUMPTION (continued)

Officials from the **Department of Public Safety – Missouri Gaming Commission** assume the legislation has less than a fiscal impact of \$500 on the operations of the Missouri Gaming Commission.

Officials from the **Office of Prosecution Services** assume the proposal would have no measurable fiscal impact the Office of Prosecution Services or county prosecutors.

Officials from the **State Auditor’s Office** assume the costs of this proposal are unknown. Section 610.029 requires information to be made available in an electronic format. To meet this requirement, officials assume unknown costs associated with staff time to convert paper-only documents to electronic files.

Officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS 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 proposal for Administrative Rules is less than \$2,500. The SOS recognizes this is a small amount and does not expect additional funding would be required to meet these costs. However, SOS also recognizes that many such bills may be passed in a given year and that collectively the costs may be in excess of what the SOS can sustain with their core budget. Any additional required funding would be handled through the budget process.

Officials from **Missouri Southern State University** assume the proposal would result in a minimal fiscal impact.

Officials from the **Truman State University** assume the proposal has the potential of adding costs to produce electronic formats. Officials state the impact is not possible to calculate.

Officials from **Clinton County** assume they could incur a fiscal impact as a result of the proposal.

Oversight assumes state agencies and political subdivisions could experience a fiscal impact due to the provisions in section 610.023.3, which state, “Data-processing programs used by public governmental bodies shall allow for copying of data in a format that is easily accessed and manipulated by programs commonly available to the public.” For fiscal note purposes, Oversight has reflected this fiscal impact as unknown to the general revenue fund and to political subdivisions.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
GENERAL REVENUE FUND			
<u>Costs – Various state agencies</u> Information technology costs (610.023.3)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2010 (10 Mo.)	 FY 2011	 FY 2012
POLITICAL SUBDIVISIONS			
<u>Costs – Various Political Subdivisions</u> Information technology costs (610.023.3)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>(Unknown)</u>	<u>(Unknown)</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

The proposal changes the laws regarding the Open Meetings and Records Law, commonly known as the Sunshine Law. The provisions with the potential of a fiscal impact to state agencies and political subdivision include:

Section 610.023 – Existing law requires governmental bodies to provide records in the format requested if a certain format is requested and the record is available in that format. The proposal further requires that programs used to manipulate data collected by public governmental bodies be such that all of the data contained in the program may be easily accessed and manipulated by programs commonly available to the public.

FISCAL DESCRIPTION (continued)

Section 610.029 – The provisions in the legislation require, rather than “strongly urge,” that information be made available in usable electronic formats.

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 Attorney General
Department of Agriculture
Coordinating Board for Higher Education
Office of Administration

- Administrative Hearing Commission
- Division of Budget and Planning
- Division of Purchasing and Materials Management

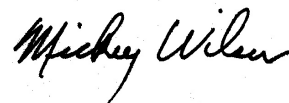
Office of State Courts Administrator
Department of Economic Development
Department of Elementary and Secondary Education
Department of Transportation
Department of Insurance, Financial Institutions, and Professional Registration
Department of Mental Health
Department of Natural Resources
Department of Corrections
Department of Health and Senior Services
Department of Labor and Industrial Relations
Department of Revenue
Department of Social Services
Office of the Governor
Department of Public Safety

- Missouri State Highway Patrol
- Missouri Veterans Commission
- State Emergency Management Agency
- Division of Alcohol and Tobacco Control
- Capitol Police
- Missouri Gaming Commission

Missouri Consolidated Health Care Plan
Department of Conservation

SOURCES OF INFORMATION (continued)

Missouri Ethics Commission
Missouri House of Representatives
Office of the Lieutenant Governor
Office of Prosecution Services
Public Service Commission
State Auditor's Office
Missouri Senate
Office of the Secretary of State
Office of the State Public Defender
State Treasurer's Office
Lincoln University
Linn State Technical College
Metropolitan Community College of Kansas City
Missouri Southern State University
Missouri State University
Missouri Western State University
Truman State University
University of Central Missouri
Francis Howell School District
Sikeston R-6 School District
Special School District of St. Louis County
City of Cape Girardeau
City of Centralia
City of West Plains
Cass County
Clinton County
St. Louis County



Mickey Wilson, CPA

L.R. No. 0419-01
Bill No. HB 316
Page 9 of 9
February 9, 2009

Director
February 9, 2009

BLG:LR:OD (12/02)