

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5735-03  
Bill No.: HCS for HB 2725  
Subject: Sunshine Law  
Type: Original  
Date: March 18, 2020

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Bill Summary: This proposal modifies provisions for the Sunshine Law.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Higher Education and Workforce Development, Office of the State Auditor, Department of Social Services, Missouri House of Representatives, Department of Transportation, Department of Labor and Industrial Relations, Office of the State Public Defender, Department of Revenue, Missouri Department of Conservation, Missouri State Employee Retirement System, State Tax Commission, MoDOT & Patrol Employee's Retirement System, Office of the State Courts Administrator, Department of Public Safety (Office of the Director, Missouri Highway Patrol, Missouri State Emergency Management Agency, Missouri Gaming Commission, Alcohol and Tobacco Control, Fire Safety & Capitol Police), Office of the State Treasurer, Missouri Consolidated Health Care Plan, Department of Natural Resources, Missouri Lottery Commission, Office of the Attorney General, Department of Elementary and Secondary Education, Missouri Senate, Department of Mental Health, and the Department of Commerce and Insurance** each assume this bill has no fiscal impact.

In response to similar versions of this proposal officials at the **Department of Economic Development** assumed this bill has no fiscal impact.

Officials from the **Department of Corrections (DOC)** state this legislation may have an operational impact on the department by reducing the amount of staff time spent on researching, gathering, and copying said records. However, the actual impact is difficult to determine as it is unknown how many record requests will be received.

In instances of state of emergencies, the meeting will be live streamed or recorded so it can be viewed by the public. The department anticipates some impact with arranging a means to record or live stream public meetings, but it should be minimal, as DOC doesn't have many live meetings.

Officials at the **City of Kansas City, City of O'Fallon, City of Columbia, and the Wellsville-Middletown R-I public schools** each assume this proposal has no fiscal impact.

Officials from the City of Springfield state they would anticipate incurring modest expense in duplicating the written testimonies of members of the public if a public emergency caused the failure of equipment or otherwise curtailed the ability to scan the testimony for electronic dissemination, but any such costs would likely be very minor. The City anticipates no significant fiscal impact.

ASSUMPTION (continued)

According to officials from the **Office of the Secretary of State (SOS)**, 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 fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we 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, we 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 require additional resources.

Officials at the **Joint Committee on Administrative Rules** say the legislation is not anticipated to cause a fiscal impact to the Joint Committee on Administrative Rules beyond its current appropriation.

Because of the consistent response and lack of conflicting information, **Oversight** assumes this bill has no fiscal impact on state agencies.

**Oversight** notes that political subdivisions would have to live stream restricted meetings or make recordings of the meetings available afterwards. Oversight notes there are applications (such as Facebook Live) available that would satisfy the requirements of the proposal and are free (or nearly so) to use. Therefore, Oversight assumes that subdivisions can absorb the minimal costs of these requirements with existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2021	FY 2022	FY 2023
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2021	FY 2022	FY 2023
	<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

This bill specifies that public access to meetings of public governmental bodies may be restricted in the event of an outbreak of contagious illness resulting in the Governor or General Assembly declaring a state of emergency. Such access may be restricted only during the period that an emergency exists or continues. Meetings restricted under these provisions must be live streamed online and accessible to the public if reasonably possible. If not live streamed, the meetings must be video and audio recorded and made accessible to the public within 24 hours after the meeting. Members of the public will be able to submit written testimony to the public governmental body, and the testimony must be presented at the meeting, made part of the official record, and made accessible to the public within 48 hours after the meeting. Bona fide credentialed members of the press will be allowed to attend any meeting closed under these provisions.

This bill also amends the current open records and meetings exemption regarding hotlines for reporting abuse or wrongdoing so that records relating to all such hotlines and not just municipal hotlines can be closed and the current exemption regarding nonjudicial mental or physical health proceedings to also include mental or physical health records.

The bill contains an emergency clause.

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 Labor and Industrial Relations  
Department of Higher Education and Workforce Development  
House of Representatives  
Kansas City  
Missouri Consolidated Healthcare Program  
Missouri Department of Commerce and Insurance

SOURCES OF INFORMATION (continued)

Missouri Department of Conservation  
Missouri Department of Corrections  
Missouri Department of Natural Resources  
Missouri Gaming Commission  
Missouri Department of Public Safety  
Missouri Department of Revenue  
Missouri Department of Social Services  
Missouri Department of Transportation  
Missouri Lottery  
Missouri State Employee Retirement System  
Missouri State Public Defender  
MoDot & Patrol Employees' Retirement System  
Office of the Attorney General  
Office of State Courts Administration  
State Tax Commission  
State Treasurer's Office  
Wellsville-Middletown R-I  
City of Springfield



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