

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1465H.01P  
Bill No.: Perfected HB 657  
Subject: Sunshine Law; Utilities  
Type: Original  
Date: February 23, 2021

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Bill Summary: This proposal modifies provisions of the sunshine law by adding utility customer information to closed records.

**FISCAL SUMMARY**

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

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</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.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</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 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
General Revenue Fund	1 FTE	1 FTE	1 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>

- 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.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Commerce and Insurance**, the **Department of Natural Resources**, the **Attorney General's Office**, the **Cass County Pwsd**, the **Macon County Pwsd**, the **Metropolitan St. Louis Sewer District**, the **South River Drainage District** 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.

In response to the previous version of this proposal, the **Glasgow Village Street Light District**, the **Hancock Street Light District**, the **High Point Elementary School District**, the **Little Blue Valley Sewer District**, the **Tipton Water/Wastewater District** and **Wayne County Pwsd** 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 1 and House Amendment 1 to House Amendment 1

In response to a similar proposal from this year (HB 27), officials from the **Department of Health and Senior Services** stated Sections 610.020 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.

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

In response to a similar proposal from this year (HB 27), officials from the **Office of Administration (OA)** stated his legislation 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 at \$35,000 annually would be needed to ensure that OA remains in compliance with the specified requirements and timeframes.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the estimated FTE requested by OA to the General Revenue Fund.

In response to a similar proposal from this year (HB 27), officials the **Missouri Senate** anticipated an impact if the proposed legislation passes. The impact could be absorbed using existing resources for just this one occurrence.

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

In response to a similar proposal from this year (HB 27), officials from the **Attorney General's Office**, 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 (Office of the Director, Capitol Police, Alcohol & Tobacco Control, Fire Safety, Gaming Commission, Missouri Highway Patrol, Missouri National Guard, State Emergency Management Agency and Veterans Commission)**, the **Department of Social Services**, the **Office of the Governor**, the **Joint Committee on Administrative Rules**, the **Joint Committee on Public Employee Retirement**, the **Missouri Lottery Commission**, the **Missouri Consolidated Health Care Plan**, the **Department of Agriculture**, the **Missouri Department of Conservation**, the **Missouri Ethics Commission**, the **Missouri House of Representatives**, the **Department of Transportation**, the **Office of Prosecution Services**, the **Office of Administration (Administrative Hearing Commission and Budget and Planning)**, the **Office of the State Courts Administrator**, the **Office of the State Auditor**, the **Missouri Senate**, the **Office of the State Public Defender**, the **Office of the State Treasurer** and the **State Tax Commission** each assumed the proposal will have no fiscal impact on their respective organizations for this proposal.

**Oversight** notes that the above mentioned agencies have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

#### Rule Promulgation

In response to a similar proposal from this year (HB 27), officials from the **Joint Committee on Administrative Rules** assumed this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

In response to a similar proposal from this year (HB 27), officials from the **Office of the Secretary of State** noted 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** only reflects the responses that we have received from state agencies and political subdivisions; however, other utilities 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.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE FUND</b>			
Cost – OA			
Personal Service	(\$29,167)	(\$35,350)	(\$35,704)
Fringe Benefits	(\$19,794)	(\$23,871)	(\$23,990)
Equipment and Expense	(\$7,885)	\$0	\$0
<b>Total Cost - OA</b>	<b>(\$56,846)</b>	<b>(\$59,221)</b>	<b>(\$59,694)</b>
FTE Change – OA	1 FTE	1 FTE	1 FTE
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>(\$56,846)</u></b>	<b><u>(\$59,221)</u></b>	<b><u>(\$59,694)</u></b>
Estimated Net FTE Change to the General Revenue Fund	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT –</u> <u>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

This bill adds individually identifiable customer usage and billing records for customers of municipally owned utilities to the list of records that are exempt from disclosure under the Sunshine Law, except that a municipally owned utility must make available the customer's name, billing address, location of service and dates of service for a commercial service account.

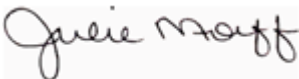
This bill requires posting notice, required under Section 610.020, RSMo, of the Open Records Law commonly known as the Sunshine Law, of meeting times, dates, places, and agendas as well as minutes of open meetings on a public governmental body's website and social media pages. In addition, public governmental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

- Attorney General’s Office
- 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
- Office of the Governor
- Joint Committee on Public Employee Retirement
- Joint Committee on Administrative Rules

Missouri Lottery Commission  
Legislative Research  
Oversight Division  
Local Government Employees Retirement System  
Missouri Consolidated Health Care Plan  
Missouri Department of Agriculture  
Missouri Department of Conservation  
Missouri Ethics Commission  
Missouri House of Representatives  
Office of the Lieutenant Governor  
Missouri Department of Transportation  
Missouri State Employee's Retirement System  
MoDOT & Patrol Employees' Retirement System  
Missouri Office of Prosecution Services  
Office of Administration  
Facilities Management, Design and Construction  
Office of the State Courts Administrator  
Office of the State Auditor  
Missouri Senate  
Office of the Secretary of State  
Office of the State Public Defender  
Office of the State Treasurer  
Public Schools and Education Employee Retirement Systems  
State Tax Commission  
Glasgow Village Street Light District  
Hancock Street Light District  
High Point Elementary School District  
Little Blue Valley Sewer District  
Metropolitan St. Louis Sewer District  
South River Drainage District  
Tipton Water/Wastewater District  
Wayne County Pwsd



Julie Morff  
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February 23, 2021



Ross Strope  
Assistant Director  
February 23, 2021