

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0172-01  
Bill No.: SB 61  
Subject: Boards, Commissions, Committees, Councils; Consumer Protection; Contracts  
and Contractors  
Type: Original  
Date: February 3, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	\$0	(\$19,798)	(\$40,585)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>(\$19,798)</b>	<b>(\$40,585)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Corrections** did not respond to our fiscal impact request.

Officials from the **Department of Revenue, Department of Public Safety** and the **Office of the State Courts Administrator** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of Prosecution Services** assume any costs relating to passage of this proposal can be absorbed.

Officials from the **Office of the State Public Defender (SPD)** assume existing staff could provide representation for those few cases arising where indigent persons were charged with Identify Theft. SPD notes current law recognizes crimes of Identity Theft and Attempted Identity proposal makes it a crime to require the disclosure of one's social security number in any commercial transaction regardless of criminal intent or purpose. As proposed, this proposal would make it a crime for every convenience store clerk, retail clerk, and private individual to require the social security number from the buyer of goods or services who wishes to pay by check, regardless of purpose. SPD states if the proposal is passed, their agency will see a substantial increase in cases. SPD notes passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to

ASSUMPTION (continued)

request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Office of the Attorney General (AGO)** assume a relatively large number of complaints would be filed with their Consumer Division because the proposal prohibits a number of different scenarios where a social security number may be misused. AGO anticipates the need for one additional FTE (an Investigator at an annual salary of \$27,500) to investigate these complaints. AGO assumes costs to General Revenue, for salary and fringe benefits, of \$32,191 in FY 2004; \$39,595 in FY 2005; and \$40,585 in FY 2006.

**Oversight** notes the effective date of the proposal is January 1, 2005, and has adjusted AGO's impact accordingly.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (0 Mo.)	FY 2005 (6 Mo.)	FY 2006
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**GENERAL REVENUE**

Costs – AGO

Personal Service (1 FTE)	\$0	(\$14,094)	(\$28,892)
Fringe Benefits	<u>\$0</u>	<u>(\$5,704)</u>	<u>(\$11,693)</u>
Total Costs – AGO	<u>\$0</u>	<u>(\$19,798)</u>	<u>(\$40,585)</u>

**ESTIMATED NET EFFECT ON  
GENERAL REVENUE**

<u><b>\$0</b></u>	<u><b>(\$19,798)</b></u>	<u><b>(\$40,585)</b></u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>
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FISCAL IMPACT - Small Business

Small business could be impacted as a result of having to change the way they transact business.

### DESCRIPTION

Under this proposal no private individual or entity shall: (1) Intentionally communicate or otherwise make available to the general public in any manner an individual's Social Security number; (2) Print an individual's Social Security number on any card required for the individual to access products or services provided by the person or entity; (3) Require an individual to disclose his or her Social Security number to enter into a commercial transaction; (4) Require an individual to transmit his or her Social Security number over the Internet unless the connection is secure or the Social Security number is encrypted; (5) Require an individual to use his or her Social Security number to access an Internet Web site; (6) Print an individual's Social Security number on any materials that are mailed to the individual. This proposal does not prevent the collection, use, or release of a Social Security number as required by state or federal law.

This proposal has a penalty provision which subjects any person or entity who violates the provisions of the section to all available remedies found in Sections 407.010 thru 407.140, RSMo.

This proposal does not apply to the State or any political subdivisions. This proposal has an effective date of January 1, 2005.

This proposal 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 Revenue  
Department of Public Safety  
Office of the State Courts Administrator  
Office of Prosecution Services  
Office of the State Public Defender

**NOT RESPONDING**  
**Department of Corrections**

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A handwritten signature in black ink, reading "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
February 3, 2003