

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0172-04
Bill No.: Truly Agreed to and Finally Passed HCS for SCS for SB 61
Subject: Business and Commerce; Commercial Code; Consumer Protection; Contracts and Contractors
Type: Original
Date: May 7, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

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

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Proposed §59.480

Recorders of Deeds from the following did not respond to our fiscal impact request: **Callaway County; Marion County and St. Louis City.**

In response to a similar proposal from the current session, officials from **Greene County** stated having to maintain the required form will take more clerical time and file space. Greene County assumed more time will be spent with those seeking copies by having to complete the request form. Greene County also assumed computer programming changes will also have to be implemented to maintain a separate file for the military discharge images. Greene County stated in a two-year period ending December 2002, they recorded 251 military discharges and made 720 certified copies for veterans.

Officials from **St. Charles County (SCC)** assume passage of the proposal would result in undetermined costs. SCC assumes the requirement to create a new index for public view would create additional manpower and/or computer programming time costs. SCC notes if their county could restrict access to the existing indexes, as with documents, the cost would be the time required to have an employee do all research of requested names.

ASSUMPTION (continued)

Oversight assumes County Recorder offices could incur an administrative impact from this proposal. **Oversight** is showing the fiscal impact as zero to negative unknown though the total impact is assumed to be minimal.

Proposed §407.1355

In response to a prior version of this proposal, officials from the **Office of Prosecution Services** assumed any costs relating to passage of this proposal can be absorbed.

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

Officials from the **Office of the Attorney General (AGO)** assume that, in the near term, costs can be absorbed because the main provisions of this proposal do not take effect until July 1, 2006. After July 1, 2006, AGO assumes costs of investigating complaints are unknown but anticipates that costs would be less than \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (0 Mo.)	FY 2005 (6 Mo.)	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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LOCAL GOVERNMENTS

Costs – County Recorders of Deeds

	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
Additional Maintenance of Documents			

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FISCAL IMPACT - Small Business

Proposed §59.480

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

Proposed §407.1355

After July 1, 2006, small business could be impacted as a result of having to change the way they transact business.

DESCRIPTION

Proposed §59.480

Regarding an individual's military records, the proposal prohibits County Recorders from providing recorded military discharge records to anyone except authorized parties. Only the name of a person with a recorded military discharge record will be available to the public without authorization. County Recorders must maintain a separate open public index of the documents using only the name of the subject of the military document.

County Recorders may refuse to accept any military discharge document that appears to be altered or that does not contain an original signature of a military officer or a government agency official or any document that is not a certified copy of a record from a government agency. County Recorders may not charge a fee for accepting or providing military discharge records or for providing the notarized request form needed to obtain the records. County Recorders shall keep all completed request forms for a period of at least five years.

This proposal also prohibits the use or reproduction of military discharge records for any commercial purpose. County Recorders shall not be liable for any damages that may result from good faith compliance with the provisions of this section. The provision of the proposal also applies to the City of St. Louis.

Proposed §407.1355

Under this proposal no private individual or entity shall: (1) Publicly post or publicly display in any manner an individual's Social Security number; (2) 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; or (3) Require an individual to use his or her Social Security number to access an Internet website unless a password or other authentication device is also required to access the Internet website. The above provisions apply only to the use of Social Security numbers on or after July 1, 2006.

DESCRIPTION (continued)

The proposal provides conditions for the continued use of Social Security numbers that are inconsistent with the provisions of the proposal provided a person or entity has used them prior to July 1, 2006.

This proposal does not prevent the collection, use, or release of a Social Security number as required by state or federal law. This proposal does not apply to documents that are recorded or required to be open to the public pursuant to Chapter 610, RSMo, and does not apply to records that are required by statute, case law or Missouri court rules to be made public.

This proposal, in its entirety, has an effective date of January 1, 2005.

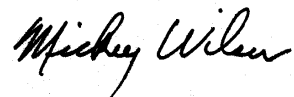
This proposal is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Attorney General
Department of Revenue
Department of Public Safety
Department of Corrections
Office of the State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
Greene County
St. Charles County

NOT RESPONDING

Callaway County
Marion County
St. Louis City



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