

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

LR No.: 0270-01  
Bill No.: HB 72  
Subject: Records: Veterans Commission  
Type: Original  
Date: January 27, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Total Estimated Net Effect on General Revenue Fund</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 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<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 4 pages.

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

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials of the **Department of Corrections** assume the penalty provision in this proposal would have minimal impact. Officials assume any fiscal impact could be absorbed with current appropriations.

Officials of the **Department of Public Safety- Veterans Commission** assume no fiscal impact.

Officials of the **Office of State Courts Administrator** assume no fiscal impact on the Courts.

**Marion County Recorder of Deeds** assumes no fiscal impact.

**Boone County Recorder of Deeds** assumes this proposal would create additional duties, and would require additional FTE to meet the requirements of this proposal. Officials stated that the major impact is that the proposal is applicable for a fifty year period. That affects all records for the past half century. Many of those records are commingled with other records and restrict access. FTE would; 1) Identify all of the commingled records and go through page by page to remove them to a secure access location. That would not address the archival film and can not estimate the cost of this. 2) Close all of the records and hire additional personnel to

ASSUMPTION continued

oversee record request and inspection. Officials estimate that it would take a minimum of three full time employees, at an annual cost of \$90,000.

Since many of the records are commingled and the proposal prohibits reproducing for commercial or speculative purposes, the Recorder would have to cease to provide archival databases. This would result in the loss of an undetermined amount of revenue to the counties.

The **Callaway County Recorder of Deeds** stated that the following would create fiscal impact.

- 1) Fifty year retroactive, trying to go back fifty years would be difficult. Callaway discharges have been filmed by State Archives and are stored there. They would need to protect them. Some title companies have copies of these documents. The cost to correct and protect these documents is hard to estimate, cost could be \$25,000 or more.
- 2) To do this on a day forward basis would be less costly.

**Oversight will show fiscal impact to local governments as \$0 to (Unknown).**

**Local Governments not responding are as follows:**

**The County Recorder of Deeds of: Greene, Cass, Platte, Clay, Cape Girardeau, and St. Louis Counties.**

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	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

**LOCAL GOVERNMENTS**

<u>Cost</u> to Recorder of Deeds for maintaining certain documents	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
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<b>ESTIMATED NET EFFECT TO LOCAL GOVERNMENTS</b>	<u><b>\$0 to</b></u> <u><b>(Unknown)</b></u>	<u><b>\$0 to</b></u> <u><b>(Unknown)</b></u>	<u><b>\$0 to</b></u> <u><b>(Unknown)</b></u>
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FISCAL IMPACT - Small Business

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

DESCRIPTION

This bill exempts from the Open Records Law any record of an individual's military service that has been recorded by a county Recorder of Deeds. The exemption lasts for 50 years from the date of the recording. The bill sets forth the individuals who may have access to the record, including the individual, certain relatives, and legal representatives. The bill also makes it a class A misdemeanor for any person to otherwise disclose the information in the recorded document.

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 Corrections  
Department of Public Safety- Veterans Commission  
Office of State Courts Administrator  
Marion County Recorder of Deeds  
Boone County Recorder of Deeds  
Callaway County Recorder of Deeds

NOT RESPONDING

**The Recorder of Deeds of: Greene, Cass, Platte, Clay, Cape Girardeau, and St. Louis Counties**



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January 27, 2003

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