



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2023 Biennium

Bill #	SB0229	Title:	Generally revise public record laws
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Primary Sponsor:	Ellis, Janet	Status:	As Introduced
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|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2022 Difference</u>	<u>FY 2023 Difference</u>	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>
Expenditures:				
General Fund	\$578,886	\$345,486	\$355,100	\$355,100
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$578,886)</u>	<u>(\$345,486)</u>	<u>(\$355,100)</u>	<u>(\$355,100)</u>

Description of fiscal impact: Most agencies have a system that would help to provide information with little to no fiscal impact. The Department of Corrections (DOC) would need three FTE to process the requests within the 5-day time frame.

FISCAL ANALYSIS

Assumptions:

Department of Corrections:

1. While most information requests received by the DOC are readily completed within the required 30-day time period included in the bill, DOC also receives many requests for which that deadline is unrealistic given current staffing levels department wide. It would require at least three additional staff to review, redact for private and/or sensitive information, and respond. These positions include a Lawyer, Public Relations Specialist, and IT Program Manager.
2. The DOC does not currently have the capability to search for documents on its servers for specific content in a document. The DOC relies on managers and other staff to search their areas on One Drive, file Shares, etc. for documents that qualify for production. An appropriate software package has an estimated cost of \$500,000 to \$1M dollars for the State and would require a very specific IT skillset to run the software that DOC does

not currently have. The eDiscovery software would cost at least \$250,000 initially and \$25,000 each year for licensing.

3. There is also the potential increase in litigation costs that would result if, despite good faith efforts, the DOC is unable to fulfill a request within the 30-day time period.

Department of Justice:

4. A voluminous amount of agency data is currently in archives. Some of the requested information may be unavailable due to program or records retention requirements.

Department of Natural Resources and Conservation (DNRC):

5. Increased numbers and complexity of requests could require DNRC to purchase or subscribe to a tracking program to comply with the listed deadlines.
6. The five-day fee estimate requirement does not allow for extra time and communication that may be needed to seek clarification of a request.
7. Extremely broad requests may require additional time for information gathering and review.
8. Illness, absence, or other responsibilities, especially during fire season, may prevent the appropriate staff member(s) from gathering the requested information within the allowed time frame.

Department of Public Health and Human Services:

9. Public information requests vary as to their complexity and the level of time and effort that each take to fulfill and could affect the department's ability to meet the deadlines in this bill.

Department of Corrections

	<u>FY 2022 Difference</u>	<u>FY 2023 Difference</u>	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>
<u>Fiscal Impact:</u>				
FTE	3.00	3.00	3.00	3.00
<u>Expenditures:</u>				
Personal Services	\$320,486	\$320,486	\$330,100	\$330,100
Operating Expenses	\$258,400	\$25,000	\$25,000	\$25,000
TOTAL Expenditures	<u>\$578,886</u>	<u>\$345,486</u>	<u>\$355,100</u>	<u>\$355,100</u>
<u>Funding of Expenditures:</u>				
General Fund (01)	\$578,886	\$345,486	\$355,100	\$355,100
TOTAL Funding of Exp.	<u>\$578,886</u>	<u>\$345,486</u>	<u>\$355,100</u>	<u>\$355,100</u>
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
TOTAL Revenues	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$578,886)	(\$345,486)	(\$355,100)	(\$355,100)

NO SPONSOR SIGNATURE

Sponsor's Initials

Date

Budget Director's Initials

Date