



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:

SB0232 - Provide for deadlines to respond to public information requests (Ellis, Janet)

Status: As Amended in Senate Committee

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: SB 232, as amended, defines parameters and deadlines for state agencies to respond to public information requests. Assuming approval of Executive Budget requests related to public information requests, there is no additional fiscal impact to the state. The bill does allow for a person to file a complaint in district court, if an agency fails to meet the deadlines in the bill. The fiscal impact of any legal fees that may be incurred if a complaint were to be filed cannot be determined.

FISCAL ANALYSIS

Assumptions:**Department of Administration**

1. The Department of Administration is currently working to create a centralized office for the coordination of public information requests, based on the current law processes.
2. Governor Gianforte's Executive Budget proposed funding for the new office in HB 2. The proposal requests approximately \$400,000 per year for the Office of Public Information Requests (OPIR) and 3.00 FTE. The OPIR would work in collaboration with state agencies to process information requests by centralizing what can be centralized, implementing enterprise software to help track and manage requests, standardize charges for requests, and creating reports or dashboards for requests. The final approval for request responses will fall to the appropriate state agency related to the request. This request can be found in NP 108 in the Director's

Office of the Department of Administration. For purposes of this fiscal note, it is assumed that the request is included in the passed and approved budget.

3. The Executive Budget also includes a request included in HB 10, for an IT system for e-discovery of information requests. The budget proposal for the IT system is \$2,000,000. For purposes of this fiscal note, it is assumed that the HB 10 proposal is included in the passed and approved version of HB 2.
4. In most agencies, record request fulfillment processes are largely manual. Staff retrieve records by querying users in an agency who are likely to possess responsive records and/or searching information systems using native search tools (i.e., search engines built into the systems). After repeating multiple searches of multiple systems, staff compile data in paper and/or electronic form. It is difficult to store data securely in a place where all users who are involved in a search can access the collected data. Often, data must be converted into another format for review and redaction (i.e., the process of removing confidential information to protect privacy and proprietary interests). Redaction is frequently a mix of physically obscuring or electronically removing confidential data. Communicating with requesters regarding the status of a request is also typically a manual process where citizens and staff check in with each other by email, letter, etc. Billing and receiving payment for the actual cost of producing records is also a manual process.

Other State Agencies

5. Other state agencies can meet the deadlines in the amended version of SB 232 with no additional fiscal impact.



Sponsor's Initials

3/1/2023

Date



Budget Director's Initials

3-1-23

Date