

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2021 Regular Session**

Part I: Measure Information

Bill Request #: 1406

Bill #: HB 312 HCS 1

Document ID #: 5849

Bill Subject/Title: AN ACT relating to financial institutions.

Sponsor: Representative Bart Rowland

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
 Government

Office(s) Impacted: All local government agencies.

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 312 HCS 1 deals with Open Records Request for state agencies and all public agencies which include local governments. This Local Government Mandate Statement addresses only the impact to local governments.

Section 1:

HB 312 HCS 1 defines “resident of the Commonwealth” to be:

- an individual residing in the Commonwealth;
- a domestic business entity with a location in the Commonwealth;
- a foreign business entity registered with the Secretary of State; or
- a news-gathering organization that has a location in the Commonwealth or is affiliated with a news-gathering organization that has a location in the Commonwealth and is further defined by KRS 189.635(8)(b)1.a. to e.

HB 312 HCS 1 replaces the term “person” with “resident of the Commonwealth” in regards to open records requests.

Section 2:

Expands the provisions as to which residents of the Commonwealth may request public records through written application sent via email to the public agency's records custodian or his or her designee.

Forbids inspection of records by a party to a law suit with any public agency if those records are obtainable through the civil discovery. This includes a person or entity acting on behalf of that party, or a person or entity who has made a filing in that civil lawsuit or appeal of that civil lawsuit.

Section 3:

Requires the custodians mailing address and email address to be included in the agency's rules and regulations regarding access to public records. The custodian's mailing address and email address, the agencies rules and regulations, and the form to be used when requesting public records shall be not only displayed in a prominent locations but also made available on the agencies web site. The form to be used to request public records will be developed by the Attorney General and shall be used by every public agency. HB 312 HCS 1 provides guidance regarding what information is required to be provided on the form.

The fiscal impact of HB 312 HCS 1 on local governments will be indeterminable but is expected to be minimal. We may assume that although the handling of Open Records Request is standardized among local governments and agencies in as far as current statute dictates, each county and each agency adapts to their specific environment.

The great majority, if not all, local agencies have the ability to accept email request. Those that don't may have up front computer expenses including the capability to get online.

Form design is the responsibility of the Attorney General. Local agencies might see minor expense in regards to updating their rules and regulations to conform to this proposal.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, refers to HB 312 HCS 1. The introduced version of HB 312 did not require a local mandate designation

Data Source(s): LRC Staff

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 2/25/21