Local Government Mandate Statement Kentucky Legislative Research Commission 2021 Regular Session

Part I: Measure Information

Bill Request #: 1073								
Bill #: SB 201 GA								
Document ID #: 5394								
Bill Subject/Title: AN ACT relating to open records.								
Sponsor: Senator Adrienne Southworth								
Unit of Government: X City X County X Urban-County Unified Local								
X Charter County X Consolidated Local X Government								
Office(s) Impacted: all public offices of local government								
Requirement: X 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

SB 201 GA **Section 2** would amend KRS 61.876, to require that the rules and regulations adopted by each public agency, including local governments, to provide full access to their public records include the mailing address and e-mail address of the agency's official custodian of records. SB 201 GA **Section 3** would amend KRS 61.880, to include the following as additional specific examples of actions "that subvert the intent" of the Open Records Act: "delay past the three (3) day period described in subsection (1)...[and]...excessive extensions of time."

SB 201 GA could have an indeterminable negative fiscal impact on local governments by increasing appeals to the Office of the Attorney General regarding open records requests. It is possible the new language in Section 3 could confuse requestors and cause them to believe record production in response to their request is due within three days, when, according to the statute, it is the custodian's decision whether to produce the records and when they can be produced that is due to the requestor within three days. Such confusion could increase appeals to the Attorney General from a perceived "denial" of

records, which would increase administrative time and costs of responding to the AG's adjudicatory process.

The requirement in **Section 2** that public agency rules and regulations addressing access to public records include the mailing address and e-mail address of the records custodian should have **no fiscal impact on local governments.** Inclusion of this information should not require passage of an ordinance, with the attendant costs of publication and legal review, but should be accomplished by executive action of the fiscal court of a county or legislative body of a city.

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

Part II applies to SB 201 GA. The fiscal impact of SB 201 GA is unchanged from that of SB 201 SCS, which was adopted and made no substantive changes to the bill relative to the fiscal impact on local governments.

The fiscal impact of SB 201 SCS was unchanged from that of the bill as introduced.

SB 201 SCS made the following changes to the bill as introduced:

- added a new Section 1 streamlining the language addressing how a records request may be submitted to a records custodian
- added a new Section 2 which would add a requirement that local government rules and regulations that address access to public records include the mailing address and e-mail address of the official records custodian; and
- added a new Section 4 that expanded the persons to whom an accident report may be made available to include the written designee of a party[s attorney.

Data Source(s):		LRC staff; Kent	ucky League of	Cities; Kentucky As	sociation of	<u>Counties</u>
Preparer:	Mary S	tephens	Reviewer:	KHC	Date:	3/11/21