Local Government Mandate Statement Kentucky Legislative Research Commission 2021 Regular Session

Part I: Measure Information

Bill Request #: 1073							
Bill #: SB 201 SCS 1							
Document ID #: 5997							
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						
Office(s) Impacted: all public offices of local government							
Requirement: X Mandatory Op	otional						
Effect on Powers & Duties: Modifies Existing	Adds New El	iminates Existing					

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

SB 201 SCS 1 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 PSS 1 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 SCS 1 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 that address 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 SCS 1. Senate Committee Substitute 1 to SB 201 would not change the fiscal impact of the bill on local governments.

Changes to SB 201 in SCS 1 that affect local governments:

• PSS 1 adds 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.

Data Source	(s): <u>LRC staff; Ken</u>	tucky League of (Cities; Kentucky A	Association of C	<u>Counties</u>
Preparer:	Mary Stephens	Reviewer:	KHC	Date:	3/1/21