

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 418 (Companion to HB 121)

SHORT TITLE: Public Records Law Changes

SPONSOR(S): Senators Cooper and Soles

FISCAL IMPACT: Expenditures: Increase (x) Decrease ()
Revenues: Increase () Decrease ()
No Impact ()
No Reliable Estimate Available (x)

FUNDS AFFECTED: General Fund (x) Highway Fund (x) Local Fund (x)
Other Fund ()

BILL SUMMARY: Removes certain impediments to public records access; provides that public agencies possessing electronic data bases must maintain a register of those data bases; prohibits the acquisition of data processing systems that impede public access; provides that copies of electronic data bases must be provided upon request; restricts charges for electronic data base copies; provides that parties successfully compelling records disclosure through court action may recover attorney's fees.

EFFECTIVE DATE: Effective upon ratification.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED:

FISCAL IMPACT

	<u>FY</u>	<u>FY</u>	<u>FY</u>	<u>FY</u>	<u>FY</u>
EXPENDITURES					
RECURRING					
NON-RECURRING					
REVENUES/RECEIPTS(SEE ASSUMPTIONS AND METHODOLOGY BELOW)					
RECURRING					
NON-RECURRING					

POSITIONS:

ASSUMPTIONS AND METHODOLOGY: Information regarding the fiscal impact of this legislation was collected through mail-out surveys to ten (10) state agencies, all one hundred (100) counties, and cities with populations of 2500 or more. Responses were received from eight state agencies, 44 counties, and 75 cities. Cost estimates were requested in both "recurring" and "non-recurring" categories. Non-recurring costs were defined to include the expense of creating a database register and of separating confidential data from public data where the two data types are commingled. Recurring costs were defined to include the

expense of maintaining the register and reproducing databases for public use on a continuing basis.

Because of apparent inconsistencies within and among the survey returns from local governments, a random sample of twelve (12) city and twelve (12) county respondents were chosen for in-depth follow-up interview by staff experts from the Office of State Controller. These follow-up interviews suggested that more than half of the survey data received from local governments was unreliable.

Because of this experience, the collection of data sufficient for a reliable comprehensive estimate of fiscal impact is considered impractical. The cost information provided below, taken from state agency returns and from the returns of cities and counties whose estimating methodology was judged to be dependable through the follow-up interviews, is therefore only illustrative. It reveals the range of costs that governmental units can expect to encounter as the legislation is implemented.

All of the evidence gathered during the course of this analysis supports a conclusion that some fiscal impact will occur: that is, compliance with this legislation will require additional outlays at the state and local government levels.

Note that state agency data shown below includes costs associated with "critical systems", which are collections of data bases regarded as essential to continued operation of the agency and therefore backed up at a remote site in accordance with the state's disaster recovery plan. The critical systems include only a portion of the data bases possessed by state agencies.

<u>Governmental Unit</u>	<u>Cost</u>	
	<u>Non-recurring</u>	<u>Recurring</u>
State Agencies (Critical Systems Only)		
1. Human Resources (2,640 databases)	\$1,397,945	\$474,142
2. Correction (90 databases)	-0-	15,736
3. Department of Community Colleges (80 databases)	6,320	13,020
4. Public Instruction (364 databases)	15,486	13,793
5. EHNR (19 databases)	92,800	94,210
6. Transportation (21 databases)	24,000	36,798
7. Commerce (44 databases)	45,760	31,430
8. Controller (320 databases)	10,400	7,984
9. Secretary of State		

(7 databases)	27,200	11,392
10. Administration		
(7 databases)	500	8,014

Counties (All Systems)

1. Mecklenburg	\$1,118,860	\$684,614
2. Guilford	1,681,340	581,550
3. Chowan	94,920	6,870
4. Craven	107,310	60,640
5. Wake	97,700	110,200
6. Duplin	13,732	6,224

Cities (All Systems)

1. Kill Devil Hills	40,000	29,500
2. Charlotte	536,517	244,780
3. Eden	32,000	17,560
4. Lenoir	4,320	5,860
5. Forest City	7,680	2,232

SOURCES OF DATA: Office of State Controller, Survey returns from county and city governments, League of Municipalities, Association of County Commissioners.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION

733-4910

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[FRD#003]



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