

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 528** HLS 18RS 763

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 2, 2018	7:18 AM	Author: HENRY
Dept./Agy.: Statewide		Analyst: Alan M. Boxberger
Subject: Requires access to records and files for certain contracts		

PUBLIC CONTRACTS

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Requires access to records and files for certain contracts to perform governmental functions

Proposed law requires all contracts over \$2.5 M between a public agency and a person for the performance of a governmental function to include a provision that the public agency is entitled to receive a copy of all records and files related to the performance of the governmental function; requires all contracts to include a provision that such records and files shall be considered public records and governed by the provisions of the public records law established in present law; and provides for definitions and legislative intent.

EXPENDITURES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						

REVENUES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						

EXPENDITURE EXPLANATION

There is no anticipated direct material or significant effect on governmental expenditures as a result of this measure.

The Division of Administration reports that files and records generated through contracts for governmental functions are generally presumed to be available to the contracting agency, and to the general public by extension through the public records process.

The LFO assumes that existing statutes protecting confidential information would apply under the auspices of proposed law.

Proposed law may create a nominal expenditure impact if agencies realize an increase in requests for public records as a result of enactment of this legislation. Generally, state agencies recoup these expenses through reasonable fees charged to requesting entities to reimburse the costs of duplication and distribution. For simplicity, this fiscal note assumes that any such nominal expenses would be expended as SGR by the agency. The number of such prospective requests cannot be quantified or estimated.

REVENUE EXPLANATION

There is no anticipated direct material or significant effect on governmental revenues as a result of this measure.

Proposed law may create a nominal SGR revenue increase if agencies realize requests for public records above baseline levels as a result of enactment of this legislation. Generally, state agencies recoup these expenses through reasonable fees charged to requesting entities to reimburse the costs of duplication and distribution. For simplicity, this fiscal note assumes that any such nominal expenses would accrue SGR to the agency. The number of such prospective requests cannot be quantified or estimated.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

Evan Brasseaux
Staff Director