

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 12, 2005

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1812 by Wentworth (Relating to oral requests for public information.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would allow oral requests for public information made in person or by telephone directly to the officer for public information or a designated officer for oral requests. The bill would also require the officer to inform a requestor as soon as practicable if the information they seek requires the officer to verify their identity. In addition, the bill would require governmental bodies to submit the form to the Office of the Attorney General's (OAG) Open Records Division with their brief and also to third parties with their notice of a request for proprietary information. The Act is effective immediately if it receives the requisite number of votes. Otherwise, the Act takes effect on September 1, 2005.

In order to comply with this bill, the OAG anticipates that the office would need to set up a new toll-free phone line that would be answered by voicemail and that one additional staff would be necessary to handle the legal workload resulting from the passage of the legislation. The OAG estimates that the first year cost would be approximately \$90,000, and \$85,000 in costs for subsequent years. However, it is anticipated that the OAG could implement the provisions of the bill using existing resources.

Local Government Impact

The city of Houston reported \$40,000 to \$50,000 in initial costs, mostly for a new full-time-equivalent position. The city of Hurst reported capital outlay of \$1,258 in fiscal year 2006, which would rise to \$1,842 in fiscal year 2010 due to additional supply costs. First-year expenses in the city of Addison were estimated at \$23,000, with ongoing expenses of \$5,900 per year. The city of Castle Hills reported a possible fiscal impact of \$300 to \$500 per month. The city of Nacogdoches reported additional costs of approximately \$15,000 per year.

Denton County reported that the provisions of the bill would result in \$165,000 in new costs in fiscal year 2007, mostly for new personnel. Harris County reported initial costs of approximately \$50,000 in fiscal year 2006, rising to approximately \$56,000 in fiscal year 2010, mostly due to increased personnel costs and an additional phone line to handle the requests.

The City of Austin and El Paso County reported that there would be no significant fiscal implication to their budgets.

Source Agencies: 302 Office of the Attorney General, 303 Building and Procurement Commission

LBB Staff: JOB, SR, MS, KJG