



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 3191 As amended by House Judiciary on 2/11/2015
Author: Newton
Requestor: House Judiciary
Date: February 3, 2015
Subject: Create the Office of Freedom Act Review
RFA Analyst(s): Shealy

Estimate of Fiscal Impact

	FY 2015-16	FY 2016-17
State Expenditure		
General Fund	\$141,370	\$138,250
Other and Federal	N/A	N/A
Full-Time Equivalent Position(s)	2.00	0.00
State Revenue		
General Fund	N/A	N/A
Other and Federal	N/A	N/A
Local Expenditure	N/A	N/A
Local Revenue	N/A	N/A

Fiscal Impact Summary

This bill would have a recurring and non-recurring expenditure impact on the General Fund of \$141,370 in FY 2015-16. Recurring expenditures of \$138,250 to the General Fund are anticipated in FY 2016-17 and each year thereafter. Federal Funds and Other Funds will not be affected.

This bill as amended will not change the fiscal impact of the original bill.

Explanation of Fiscal Impact

Explanation of Amendments (February 11, 2015) – By the House Judiciary Committee

The amendment adopted by the House Judiciary Committee made several changes to the bill as follows:

- For purposes of Title 8, Chapter 13, the Administrative Law Court is considered part of the unified judicial system.
- A person to receive an electronic transmission of any public record as opposed to a paper copy. But this right does not extend to individuals serving a sentence of imprisonment in a state or court correctional facility. A public body is not required to create an electronic version when one does not exist.

- The public body may establish and collect reasonable fees not to exceed the actual cost of the search, retrieval, and redaction of records. The public body must develop a fee schedule to be posted on line.
- A deposit may not exceed twenty-five percent of the total cost for reproduction of the records may be required prior to the public body searching for or making copies of records.
- It shortens the response time to ten days from fifteen days. Provided however, that if the record is more than two years old at the date the request is made, the public body has twenty days of the receipt to make this notification. If the records are more than twenty-four months old, the public body has no later than thirty-five calendar days.
- The records must be made available unless the record is exempt pursuant to Section 30-4-40, without the requestor being required to make a written request to inspect or copy the records when the requestor appears in person:
- A citizen may file a request for hearing with the Office of Freedom of Information Act Review pursuant to Section 1-23-665 to seek enforcement of a request when the public body fails to comply with the time limits provided and to challenge the reasonableness of a fee assessed. A public body may file a request for hearing to see relief from unduly burdensome, overly broad, or otherwise improper requests.
- A person aggrieved by a violation of this chapter may bring a civil action in a court of competent jurisdiction within one year after the occurrence of the alleged violation.

This bill as amended will not change the fiscal impact of the original bill.

Explanation of Bill as Filed on January 28, 2015

State Expenditure

House Bill H. 3191 creates the Office of Freedom of Information Act Review within the Administrative Law Court. A citizen of this State, or a public body, may file a request for hearing with the Office of Freedom of Information Act Review in certain instances. The hearing officers and staff must be appointed, hired, contracted, and supervised by the Chief Judge.

The Administration Law Court states that this bill would require additional expenditures for 1 FTE for a hearing officer to conduct the hearings and 1 FTE for an administrative staff position to process the cases and schedule hearings. Recurring General Fund expenditures for these FTE's would total \$138,250 in FY 2015-2016. Non-recurring General Fund expenditures would also increase by \$3,120 for a total General Fund expenditure of \$141,370 in FY 2015-2016.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director