



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: **HB0100: Generally revise public record laws**

Primary Sponsor: **Bill Mercer**

Status: **As Amended in House Committee**

☐ Included in the Executive Budget

☒ Needs to be included in HB 2

☐ Significant Local Gov Impact

☐ Significant Long-Term Impacts

☐ Technical Concerns

☐ Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>	<u>FY 2028</u> <u>Difference</u>	<u>FY 2029</u> <u>Difference</u>
Expenditures				
General Fund (01)	\$0	\$165,489	\$163,306	\$165,557
Other	\$0	\$0	\$0	\$0
Revenues				
General Fund (01)	\$0	\$0	\$0	\$0
Other	\$11,820	\$11,820	\$11,820	\$11,820
Net Impact	<u>\$0</u>	<u>(\$165,489)</u>	<u>(\$163,306)</u>	<u>(\$165,557)</u>
General Fund Balance				

Description of fiscal impact

HB 100 generally revises public record laws by requiring all public agencies to establish a public information request process, revising fees for public requests, and establishing a two-year retention period. The fiscal impact to the state is estimated to be \$165,489 in FY 2027, \$163,505 in FY 2028, and \$165,958 in FY 2029.

FISCAL ANALYSIS

Assumptions

Department of Administration

1. PIR means public information request.
2. The following assumptions (3 through 11) pertain to cabinet agencies only.
3. The total number of PIRs received per fiscal year will equal the projected number of PIRs received in FY 2025.
4. In FY 2025, cabinet agencies are projected to receive 3,152 PIRs based on data from Q4 FY 2024 and Q1 FY 2025 (the only quarters all cabinet agencies have reported data).
5. In each fiscal year, the number of complex PIRs received by cabinet agencies will equal the projected number of complex PIRs received in FY 2025.
6. The only change that will have a fiscal impact on cabinet agencies is the addition of the \$20 filing fee provided for in 2-6-1006(5)(c)(1), MCA.
7. In FY 2025, cabinet agencies are projected to receive 788 complex PIRs subject to the new provisions in 2-6-1006(5)(c)(1), MCA.

8. Requesters will complete and pay for complex requests at the same rate as they are projected to be in FY 2025. In 2025, cabinet agencies are projected to complete 197 complex PIRs. The \$20 filing fee will be credited toward the actual cost of fulfilling these requests.
9. Requesters will elect not to complete and pay for complex requests at the same rate as they are projected to in FY 2025. In 2025, cabinet agencies are projected to receive 591 complex PIRs from requesters who will not complete their requests. The \$20 filing fee will be charged for each of these 591 requests.
10. The \$20 filing fee for unfulfilled complex PIRs will generate \$11,820 annually which will be applied against the cost of agency public information request preliminary search/gathering costs that are not currently reimbursed.
11. It is assumed that the Office of Public Information Requests will retain all of the \$11,820 in revenue.
12. While agencies may, in their discretion, not collect costs from requesters in some instances, this fiscal note assumes that cabinet agencies will collect the filing fee in all cases. Agencies may decline to collect costs from requesters when the agency anticipates the request can be fulfilled in less than an hour or where the request is an academic or public interest request.

Judiciary

13. HB 100 Section 2 (section 2-6-1006(3)(a)(i), MCA) requires any public agency that is not a local government to respond to public information requests.
14. Section 2-6-1006(3)(d), MCA, requires a designated contact for public information requests to be posted on the branch website, the branch to provide statistics about public information requests, and the branch to retain and publish requests and responses that must remain available for two years from the date of the request.
15. The Judicial Branch will need to hire a 0.50 FTE to comply with the requirement to have a designated contact who would respond to requests. The FTE would be an IT Support Specialist with a current entry-level wage of \$27.03 an hour.
16. HB 100 states that the effective date would be July 1, 2026 (FY 2027).
17. The estimated total costs for 0.50 FTE (salary and benefits) in FY 2027 is \$45,833.92
18. One-time startup costs include a new employee package (desk, chair, bookshelf and file cabinet) for \$1,600 and computers at \$1,200.
19. Total costs in FY 2027 are estimated to be \$48,634.
20. An inflationary factor of 1.5% has been applied to the FY 2028 and FY 2029 personal services costs.

Legislative Branch

21. It is assumed that only Section 2 of HB 100 applies to the Legislative Branch. Section 2 amends 2-6-1006, MCA, by allowing public agencies to collect fees and requires a public agency to:
 - Make the means of requesting public information accessible to all persons
 - Adhere to response times as defined
 - Develop a formal process
 - Publish processes and procedures their website; and
 - Retain and publish the requests and responses to public information on the agency's website
22. The reporting, data collection, posting, and analysis requirements of HB 100 cannot be absorbed by existing staff and will require a Public Relations Specialist (1.00 FTE) for the Legislative Services Division. There will be a new employee office package and computer package with a one-time cost of \$1,600 in FY 2027. Salary and benefits for 1.00 FTE are estimated to be \$115,255 in FY 2027. A 1.5% inflationary factor has been applied to this amount for FY 2028 and FY 2029.
23. FTE costs were calculated using the 2024 market information as adopted by Legislative Branch directors.
24. It is assumed that any revenue collected for fulfilling public information requests will be deposited to the state general fund and not be available to offset expenses incurred by the Legislative Branch.

Office of Public Instruction

25. As a non-cabinet executive branch agency, the Office of Public Instruction (OPI) is not subject to charging the allowable fees in section 5.

26. The office is subject to maintaining records for public information requests for two years, however, there is no fiscal impact to OPI.

Secretary of State's Office

27. While there may be a minimal fiscal impact, the Office of the Secretary of State will absorb the costs associated with implementing this bill within its existing operating budget.

State Auditor's Office

28. The State Auditor's Office currently has procedures in place for the management, and processing, of public information requests that comply with the requirements of HB 100. There is no fiscal impact to the office.

Fiscal Analysis Table

Department of Administration

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<u>Fiscal Impact</u>				
<u>Expenditures</u>				
Personal Services	\$0	\$0	\$0	\$0
Operating Expenses	\$0	\$0	\$0	\$0
<u>Funding of Expenditures</u>				
<u>Revenues</u>				
Other	\$11,820	\$11,820	\$11,820	\$11,820
TOTAL Revenues	\$11,820	\$11,820	\$11,820	\$11,820
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u>				
Other	\$11,820	\$11,820	\$11,820	\$11,820

Judiciary

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<u>Fiscal Impact</u>				
FTE	0.00	0.50	0.50	0.50
TOTAL Fiscal Impact	0.00	0.50	0.50	0.50
<u>Expenditures</u>				
Personal Services	\$0	\$45,834	\$46,521	\$47,219
Operating Expenses	\$0	\$2,800	\$0	\$0
TOTAL Expenditures	\$0	\$48,634	\$46,521	\$47,219
<u>Funding of Expenditures</u>				
General Fund (01)	\$0	\$48,634	\$46,521	\$47,219
TOTAL Funding of Expenditures	\$0	\$48,634	\$46,521	\$47,219
<u>Revenues</u>				
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u>				
General Fund (01)	\$0	(\$48,634)	(\$46,521)	(\$47,219)

Legislative Branch

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<u>Fiscal Impact</u>				

Fiscal Note Request - As Amended in House Committee

(continued)

FTE	0.00	1.00	1.00	1.00
TOTAL Fiscal Impact	0.00	1.00	1.00	1.00
Expenditures				
Personal Services	\$0	\$0	\$0	\$0
61100 - Salaries	\$0	\$86,799	\$88,101	\$89,423
61400 - Taxes/Benefite	\$0	\$28,456	\$28,684	\$28,915
62200 - Supplies (New Employee Package)	\$0	\$1,600	\$0	\$0
TOTAL Expenditures	\$0	\$116,855	\$116,785	\$118,338
Operating Expenses	\$0	\$0	\$0	\$0
Funding of Expenditures				
General Fund (01)	\$0	\$116,855	\$116,785	\$118,338
TOTAL Funding of Expenditures	\$0	\$116,855	\$116,785	\$118,338
Revenues				
Net Impact to Fund Balance (Revenue minus Funding of Expenditures)				
General Fund (01)	\$0	(\$116,855)	(\$116,785)	(\$118,338)

STATEWIDE SUMMARY

	FY 2026 Difference	FY 2027 Difference	FY 2028 Difference	FY 2029 Difference
Fiscal Impact				
FTE	0.00	1.50	1.50	1.50
TOTAL Fiscal Impact	0.00	1.50	1.50	1.50
Expenditures				
Personal Services	\$0	\$45,834	\$46,521	\$47,219
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Net Impact to Fund Balance (Revenue minus Funding of Expenditures)				
General Fund (01)	\$0	(\$165,489)	(\$163,306)	(\$165,557)
Other	\$11,820	\$11,820	\$11,820	\$11,820

2/4/25



NOT SIGNED BY SPONSOR

Sponsor's Initials Date

Budget Director's Initials

2/3/2025

Date