



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 3190
Author: Newton
Requestor: House Judiciary
Date: February 24, 2015
Subject: Freedom of Information Act (FOIA) Exemptions
RFA Analyst(s): Gardner

Estimate of Fiscal Impact

	FY 2015-16	FY 2016-17
State Expenditure		
General Fund	\$430,000-\$685,000	\$350,000-\$525,000
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	4.00-6.00	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

The House of Representatives estimates House Bill 3190 to cost the General Fund approximately \$430,000-\$685,000 during FY 2015-16 and \$350,000-\$525,000 during later fiscal years. At the request of the Clerk of the Senate, the Senate has elected to further evaluate the ramifications of the bill and will provide a fiscal impact estimate at a later time.

Explanation of Fiscal Impact

State Expenditure

This bill modifies how the provisions of the Freedom of Information Act (FOIA) are applied to state legislative bodies. The bill creates a narrower legislative exemption allowed for under FOIA and would only apply to memoranda, correspondence, and other working papers in the possession of an elected or appointed official or his immediate staff. Internally created deliberative precursors to legislation, an amendment to introduced legislation, or an ordinance will lose exempt status once such ordinance or piece of legislation is given first reading or is otherwise introduced in the body in which the elected or appointed official serves. Written or electronic correspondence sent to a legislator from an individual member of the public would also be exempt from disclosure, but the exemption would not apply to correspondence sent from lobbying entities, public officials / staff, and all business entities. Factual data, papers, minutes, or reports considered to be public information are not covered under the exemption.

State House of Representatives. The House indicates that implementation of this bill will require funding for an e-mail archiving system, as well as funding to hire supplementary clerical and legal staff to make FOIA determinations based on the new provisions and handle an increase in the volume of FOIA requests. For the initial year the new provisions are implemented, the fiscal impact is expected to range from \$430,000-\$685,000. Later years are expected to have an annual fiscal impact of \$350,000-\$525,000.

State Senate. The Senate is currently evaluating the ramifications of the bill and will provide a fiscal impact estimate at a later time.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director