

BILL SUMMARY
1st Session of the 59th Legislature

Bill No.:	HB2287
Version:	INT
Request Number:	6948
Author:	Rep. Pfeiffer
Date:	3/22/2023
Impact:	\$525,000

Research Analysis

HB 2287 creates the position of Public Access Counselor within the Office of the Attorney General. The measure allows a person whose request to inspect or copy a public record is denied by a public body to file a request for review with the Public Access Counselor within 60 days of the denial. The request for review must be in writing and contain a copy of the request for records and any responses from the public body. The measure prohibits a person whose request to inspect a public record is made for a commercial purpose from filing a request for review by the Public Access Counselor. The Public Access Counselor may determine if the denial of the request for review made by the public body is a violation. The Public Access Counselor is to forward a copy of the request to the public body within 7 business days and specify the records or documents that the public body is to furnish to facilitate the review. If a public body fails to comply, the Attorney General may issue a subpoena to any person or public body having the records. The Attorney General shall examine the issues and the records, shall make findings of fact and conclusions of law, and shall issue to the requester and the public body an opinion in response to the request for review within sixty (60) days after its receipt. The opinion shall be binding upon both the requester and the public body. A public body that discloses records in accordance with an opinion of the Attorney General is immune from all liabilities and not be liable for penalties.

Prepared By: Brad Wolgamott

Fiscal Analysis

This measure relates to open records, creates the Public Access Counselor within the Office of the Attorney General (OAG), and provides instructions and procedures for filing. The OAG estimates that they would need to hire an additional four people to fully implement the provisions of HB2287. Those staff would include a paralegal, two staff attorneys/mediators, and one assistant AG/supervising attorney at a cost of \$525,000 per year. This cost may create a fiscal impact on state budget.

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Other Considerations

None.

