

Department of Planning and Budget 2015 Fiscal Impact Statement

1. **Bill Number:** SB1032S3

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** McDougle

3. **Committee:** Passed Both Houses

4. **Title:** Alcoholic beverage control

5. **Summary:** Eliminates the Alcoholic Beverage Control Board (ABC) and replaces it with the Virginia Alcoholic Beverage Control Authority.

The bill provides the Board of Directors and the Chief Executive Officer of the Authority shall be appointed by the Governor and confirmed by the affirmative vote of a majority of those voting in each house of the General Assembly. The Board of Directors will consist of five citizens at large who must meet at least every 60 days for the transaction of its business. The bill sets eligibility requirements for appointment, including background checks. Among other things, the bill also (i) provides for the transfer of current ABC employees to the Authority, (ii) continues such employees' participation in the state health plan and VRS, (iii) allows for the Gubernatorial appointment of a confidential assistant to the Chief Executive Officer and (iv) sets out the powers and duties of the Authority and the Chief Executive Officer. The bill contains numerous technical amendments. The bill has a delayed effective date of July 1, 2018, except for provisions of the thirteenth and fourteenth enactments which will become effective on July 1, 2015.

6. **Budget Amendment Necessary:** No

7. **Fiscal Impact Estimates:** Final (Indeterminate) (see Item #8)

8. **Fiscal Implications:** The bill eliminates the Alcoholic Beverage Control Board (ABC) and creates an "Authority." It also provides that before the "Authority" implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits that would result in an increase in the retail price of distilled spirits sold to the public, the Authority must provide at least 45 days' public notice before such a price increase takes effect; provide the opportunity for submission of written comments regarding the proposed price increase; conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and consider any written or verbal comments before implementing such a price increase.

Currently, ABC has 1,033 classified full-time employees with approximately 12 percent eligible for retirement today and an additional 12 percent eligible for retirement within the next five years. According to the agency, additional expenses may be incurred due to Workforce Transition Act (WTA) benefits payable to those employees who opt-out of the transfer to the "Authority." It is difficult to quantify the number of classified employees who would opt-out of the transfer and the benefits payable to those employees. Benefits paid

would be dependent on years of service, Virginia Law Officer Retirement Systems benefits (VALORS), and other variables.

The provisions of the bill will not become effective until July 1, 2018 except for provisions requiring ABC to submit a report on total operational and administrative costs by October 15th of each year and a study by the Virginia Freedom of Information Advisory Council. The bill also provides that ABC and its successor in interest shall continue to receive IT infrastructure and security services until July 1, 2019, unless it is part of the Commonwealth's disentanglement plan pursuant to the Comprehensive Infrastructure Agreement with Northrop Grumman.

Currently, as a state agency, ABC receives technology support from the Virginia Information Technology Agency (VITA). Under the provisions of the bill, the agency would not be required to pay the annual VITA service fee of approximately \$8 million in FY 2020; however, the newly created "Authority" would have to contract with an outside vendor for information technology services. VITA estimates the "Authority" will have annual reoccurring costs of \$7 million and \$8 million, for vendor and/or staff support and other operating expenses. The bulk of the almost \$8 million ABC pays VITA is for services used and a smaller portion, about \$1.1 million, is for allocated or "stranded expenses". According to VITA, the "stranded expenses" from ABC conversion to an "Authority" will likely be spread among existing customers. The "Authority" would also incur cost to relocate and house Authority servers and reinstitute a Help Desk. The current annual VITA cost for these services is \$3.1 million. VITA estimates that future cost associated with these services could be approximately 25 percent higher with another vendor.

For VITA purposes, the "Authority" would be considered "out of scope" and much of the technology equipment (laptops, phones, servers, etc.) that the agency currently uses would be returned to VITA. The "Authority" would then be responsible for re-acquiring the necessary technology to operate. ABC estimates that the one-time cost to repurchase the laptops and servers would be between \$4 million and \$5 million, which is in addition to the VITA service fees and annual operating costs noted above. According to ABC, the upfront costs of transferring to an "Authority" will likely reduce the amount of profits transferred to the general fund in FY2017 and FY2018 as the agency transitions to an "Authority."

The bill provides an exemption of the "Authority" from Virginia Personnel Act and the Virginia Public Procurement Act. As a result of the exemption, the bill may have a small impact on the Department of General Services (DGS).

Currently, ABC is included in the Commonwealth's integrated real estate portfolio management system managed by the DGS. DGS leverages the Commonwealth's real estate lease needs by identifying collocation opportunities in order to leverage leased space and drive down cost per square foot. The "Authority" would not be required but would have the option to use DGS services. If the "Authority" opts not to take advantage of such opportunities, there could be a small fiscal impact on DGS, the "Authority" and potentially other state agencies. The integrated system has provided cost savings and avoidance of an estimated \$126 Million since the program begun in 2005. ABC's share of the savings/avoidance was about \$923,000 during the same period.

The bill contains language requiring the "Authority" to submit a 6 year plan of its projected revenue and expenditure activity and a quarterly report detailing law enforcement activities. Other language amendments address the disclosure of records containing proprietary

information, cause for removing Board members and provisions on how state moneys of the “Authority” are to be expended.

The Governor’s amendments to this bill (i) allow the Governor to appoint the chairman and vice chairman of the Board, (ii) increase the number of board members from three to five, (iii) set the compensation for board members, and (iv) appoint a special assistant to the Chief Executive Officer. Both the House and Senate accepted the Governor’s amendments.

9. Specific Agency or Political Subdivisions Affected: Alcoholic Beverage Control, Virginia Information Technologies Agency, Department of General Services, Department of Human Resource Management, state agencies

10. Technical Amendment Necessary: No

11. Other Comments: Similar to HB1776

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