

Department of Planning and Budget

2017 Fiscal Impact Statement

1. Bill Number: HB1540 – ER

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

2. Patron: LeMunyon

3. Committee: Passed both houses

4. Title: Virginia Freedom of Information Act (FOIA); public access to meetings of public bodies.

5. Summary: Virginia Freedom of Information Act (FOIA); public access to meetings of public bodies. Revises FOIA's various open meeting exemptions relating to legal matters, litigation, certain museums, and the Virginia Commonwealth University Health System Authority (VCUHS). The bill also (i) clarifies where meeting notices and minutes are to be posted, (ii) requires copies of proposed agendas to be made available, (iii) eliminates reporting to the Joint Commission on Technology and Science (JCOTS) when a state public body convenes an electronic communication meeting, and (iv) makes technical corrections to several open meeting exemptions to provide context for those meeting exemptions that currently only cross-reference corollary records exemptions. The bill also clarifies closed meeting procedures. The bill contains numerous technical corrections. This bill is a recommendation of the Freedom of Information Advisory Council pursuant to the HJR 96 FOIA study (2014-2016).

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: NO FISCAL IMPACT

8. Fiscal Implications: The bill is primarily technical in nature. The FOIA Council and several state agencies were contacted regarding this bill and no substantive fiscal impact to state government has been identified. VCUHS and JCOTS have indicated that they will not be negatively impacted by this bill. The Commission on Local Government will submit an estimate of local fiscal impact.

9. Specific Agency or Political Subdivisions Affected: All public bodies including local government and local school boards

10. Technical Amendment Necessary: No

11. Other Comments: HB 1539 and HB 1540 are in response to HJR 96, which was passed in the 2014 Session of the General Assembly. HJR 96 directed the Virginia Freedom of Information Advisory Council (FOIA Council) to study all exemptions contained in the Virginia Freedom of Information Act (FOIA) to determine the continued applicability or appropriateness of such exemptions and whether FOIA should be amended to eliminate any exemption from FOIA that the FOIA Council determines is no longer applicable or appropriate.