

**Department of Planning and Budget
2017 Fiscal Impact Statement**

1. **Bill Number:** HB2401

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. **Patron:** Morris

3. **Committee:** Committee Referral Pending

4. **Title:** Virginia Freedom of Information Act; minutes of closed meetings required; audio recordings.

5. **Summary:** The bill provides that a public body shall (i) take closed meeting minutes, (ii) also make an audio recording of the entirety of every meeting that is closed to the public, and (iii) use a means of recording that fully captures and can clearly reproduce all statements made during a closed meeting. The bill provides that the minutes or recordings made shall not be subject to the disclosure provisions of FOIA.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Indeterminate; see item #8.

8. **Fiscal Implications:** Given the definitions of "Public body," "Meeting," and "Closed meeting" in Code of Virginia § 2.2-3701, and the list of purposes for which closed meetings can be held in § 2.2-3711, closed meetings are commonly held by many agencies in the Commonwealth, including but not limited to state legislative bodies, authorities, boards, bureaus, commissions, and districts, as well as many political subdivisions in Virginia outside of state government.

This bill has the potential to increase costs for the applicable agencies and political subdivisions. In order to manage the recording, processing, and storage of all closed meetings for all Commonwealth public bodies, additional staff time may be needed by various entities. In addition, the provisions of this bill would require each public body to record closed meetings in a manner that will "use a means of recording that fully captures and can clearly reproduce all statements made" which would require the purchase of recording equipment that can accomplish this as well as the potential need to make technical enhancements to meeting rooms which would further increase costs. Finally, the recordings required by this bill would increase the use of digital and/or physical storage which will add costs to the applicable state agencies, localities, and other political subdivisions. The variability of these factors along with the difficulty in predicting the number and duration of closed meetings in any given year make the fiscal impact of this bill indeterminate. While the impact for some public bodies may be minimal, it may be substantial for others.

9. **Specific Agency or Political Subdivisions Affected:** All public bodies that may hold closed meetings which includes the Senate, House of Delegates, any other legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.