

## Department of Planning and Budget 2019 Fiscal Impact Statement

**1. Bill Number:** SB1431

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

**2. Patron:** Mark D. Obenshain

**3. Committee:** General Laws and Technology

**4. Title:** Virginia Freedom of Information Act; training requirements; proceedings for enforcement.

**5. Summary:** Requires the Virginia Freedom of Information Advisory Council to provide, and local elected officials to complete, training on the provisions of the Virginia Freedom of Information Act. The bill requires local elected officials to complete such training at least once every two years while they are in office. The bill also eliminates the three-day notice requirement for a hearing on a petition for mandamus or injunction alleging a violation of the Act. The bill contains technical amendments.

**6. Budget Amendment Necessary:** Yes.

**7. Fiscal Impact Estimates:** Preliminary, see below.

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2019	\$0	0	n/a
2020	\$88,000	1	General Fund
2021	\$88,000	1	General Fund
2022	\$88,000	1	General Fund
2023	\$88,000	1	General Fund
2024	\$88,000	1	General Fund
2025	\$88,000	1	General Fund

**8. Fiscal Implications:** The Division of Legislative Services would be required to hire an additional employee to implement SB 1431, as introduced. The annual cost to the Division under the introduced bill would be \$88,000, which is the estimated cost of salary and benefits for one FTE employee. By providing that FOIA training to local elected officials may be provided through an online training course and stipulating that the bill's provisions apply initially to local elected officials holding office on July 1, 2020, the fiscal impact to the Division would be eliminated. The fiscal impact to the Division arises because the introduced bill could require the Division each year to provide in-person training to an estimated 4,000-5,000 local elected officials. Additionally, implementation of the bill requires the Division to develop a FOIA training module targeted to local elected officials as one currently does not exist. It is the Division's understanding that amendments or a

substitute will be offered that (i) provide that the FOIA training can be offered through an online course and (ii) stipulate the bill's provisions apply initially to local elected officials holding office on July 1, 2020, (as opposed to July 1, 2019), which will eliminate the fiscal impact of the bill.

**9. Specific Agency or Political Subdivisions Affected:** Virginia Freedom of Information Advisory Council; The Division of Legislative Services; Local elected officials.

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

**11. Other Comments:**