

State Corporation Commission 2014 Fiscal Impact Statement

1. **Bill Number:** HB787

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

2. **Patron:** LeMunyon

3. **Committee:** Commerce and Labor

4. **Title:** Freedom of Information Act; application to the State Corporation Commission; exemptions; proceeding

5. **Summary:** Freedom of Information Act; application to the State Corporation Commission; exemptions; proceedings for enforcement. Provides that the State Corporation Commission (Commission) is a public body for the purposes of the Freedom of Information Act (FOIA), but exempts records of the Commission to the extent such records relate to activities of the Commission other than administrative activities. The bill provides, however, that disclosure of records related to the Commission's administrative activities shall not be required if (i) such records are otherwise covered by applicable legal privileges, (ii) disclosure of such records could threaten the safety or security of the Commission's employees, physical plant, or information technology assets or data, or (iii) such records are not publicly available from other public bodies under the laws of the Commonwealth. The bill also provides that records held by the clerk of the Commission related to business entities shall be held confidential in accordance with laws and regulations applicable specifically to such records. The bill defines "administrative activities" as matters related to the Commission's operational responsibilities and operational functions, including its revenues, expenditures, financial management and budgetary practices, personnel policies and practices, and procurement policies and practices. "Administrative activities" does not include the Commission's formal or informal regulatory or legal proceedings or activities, records related to which shall be governed, inter alia, by laws and regulations applicable specifically to such regulatory and legal proceedings or activities or in accordance with applicable legal privileges. The bill also grants the Commission certain exemptions from the open meeting provisions of FOIA. Finally, the bill designates the venue for FOIA petitions against the Commission. The bill reverses a case holding that FOIA is not applicable to the Commission (Christian v. State Corporation Commission, / November 2011).

6. **Budget Amendment Necessary:** No

7. **Fiscal Impact Estimates:** None on the State Corporation Commission

8. **Fiscal Implications:** None on the State Corporation Commission

9. Specific Agency or Political Subdivisions Affected: State Corporation Commission

10. Technical Amendment Necessary: No

11. Other Comments: HB787 would make the State Corporation Commission subject to the Freedom of Information Act and it specifically makes the SCC's administrative records available to the public. The Commission currently treats such records as publicly available and the legislation codifies current practice. The Commission has consistently taken the position that such codification should occur in Title 12.1 of the Code of Virginia. This bill [lines 258-273] uses identical language offered in two bills introduced at the request of the Commission to make its administrative records available to the public through an amendment to Title 12.1 [SB119 and HB1036].

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1/15/2014