

Department of Planning and Budget

2016 Fiscal Impact Statement

1. Bill Number: HB800-H1

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Morris, R.

3. Committee: General Laws

4. Title: Virginia Freedom of Information Act (FOIA); audio recording of closed meetings required.

5. Summary: Provides that public bodies shall (i) make an audio recording of the entirety of every meeting that is closed to the public and (ii) use a means of recording that fully captures and can clearly reproduce all statements made during a closed meeting. Also requires that minutes be taken during closed meetings, but shall be separate and not part of the minutes of the open meeting in which the closed meeting took place.

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 held by public bodies are commonly held by many agencies in the Commonwealth. In order to manage the recording, processing and storage of all closed meetings for all Commonwealth public bodies, significant staff time would be necessary. If we assume that each agency that reasonably has the potential to hold closed meetings would need to hire 1/10 of an FTE per 200 FTEs at the agency, with agencies with 200 or fewer FTEs hiring 1/10 of an FTE, approximately 50 FTEs would be required throughout state government. Conservatively estimating annual salary and benefits at \$60,000 per FTE hired, that works out to \$3,000,000 per annum.

Audio recording devices capable of fully capturing and clearly reproducing all statements made during closed meetings, and storage infrastructure, would need to be purchased prior to the effective date of the bill. Assuming one recording device for each 50 FTEs at an agency that reasonably has the potential to hold closed meetings, and one recording device for agencies with 50 or fewer FTEs, and unit cost of \$75, the total cost for recording devices would be approximately \$135,000 in FY16. Assuming \$100 of storage infrastructure required per 500 FTEs at each agency that reasonably has the potential to hold closed meetings, with a \$100 minimum per agency, produces \$25,000 in additional expenditure in FY16.

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: None.

11. Other Comments: The original bill specified that the recordings be preserved “for a period of no less than two years.” The substitute bill does not specify how long the recordings must be preserved. The estimated cost for required storage infrastructure remains the same in the fiscal impact statement using the assumption that the recordings would still need to be stored.

Date: 2/11/16