



Legislative Budget Office

Michelle Weber, Director
State Office Building Room B23
100 Rev. Dr. Martin Luther King, Jr. Blvd
St. Paul, MN 55155

Date: September 24, 2020

To: Representative Paul Marquart
Representative Greg Davids
Representative Lyndon Carlson, Sr.
Representative Pat Garafalo
Representative Steve Drazkowski
Representative Sandra Masin
Representative Joe McDonald

Senator Roger Chamberlain
Senator Ann Rest
Senator Julie Rosen
Senator Richard J. Cohen
Senator Dan Hall
Senator Patricia Torres Ray

From: Michelle Weber, LBO Director

Subject: Local Impact Note Request: HF3200-0 (Freiberg) – Open Meeting Law: audio recordings of all meetings required.

Attached is the completed local impact note for HF3200-0 (Freiberg)– Open Meeting Law: audio recordings of all meetings required, requested by Representative Lyndon Carlson Sr. The Legislative Budget Office (LBO) is charged with coordinating the development of local impact notes under Minnesota Statute 3.987.

Local impact notes focus on the impact of proposed legislation on political subdivisions, understood to include local entities such as cities, townships, counties, school districts, and charter schools.

House File 3200-0 requires all meetings of a public entity to be audio recorded or audio-visually recorded, and preserve the recordings for at least three years.

The LBO gathered data from local entities through a survey developed after meeting with the House bill author to understand the bill's intent and scope. Assistance in disseminating the survey was provided by local associations.

Based on the survey results, the total statewide local impact for HF3200 is estimated to be approximately \$15,198,000 for the first year. Ongoing costs would be more modest but were impossible to accurately estimate with the information provided from survey respondents. In certain cases, technology development costs may incur up to 20% ongoing costs for support and maintenance. Some survey respondents indicated difficulty in identifying costs associated with compliance to the Americans with Disabilities Act.

If you or your staff have any questions about the local impact note process, please do not hesitate to contact LBO Coordinator Kathryn Ho at 651-297-7146.

cc: Legislative staff
LBO staff

September 24, 2020

Local Impact Note

HF3200-0 (Freiberg)

Open Meeting Law: audio recordings of all meetings required.

Estimated average impact per local entities from survey results: \$11,911

Estimated number of local entities affected: 1,276

Estimated Local Fiscal Impact

State Cost (Savings) (Dollars in Thousands)	FY2020	FY2021	FY2022	FY2023
Estimated impact for all local entities	\$15,198	Ongoing costs not estimated	Ongoing costs not estimated	Ongoing costs not estimated

The breakdown of estimated fiscal impact for each type of local entity surveyed is shown below.

Estimated Impact by Local Entity Type (Dollars in Thousands)	FY2020	FY2021	FY2022	FY2023
School Districts	\$4,002	Ongoing costs not estimated	Ongoing costs not estimated	Ongoing costs not estimated
Cities	\$10,160	Ongoing costs not estimated	Ongoing costs not estimated	Ongoing costs not estimated
Counties	\$1,036	Ongoing costs not estimated	Ongoing costs not estimated	Ongoing costs not estimated

Bill Description

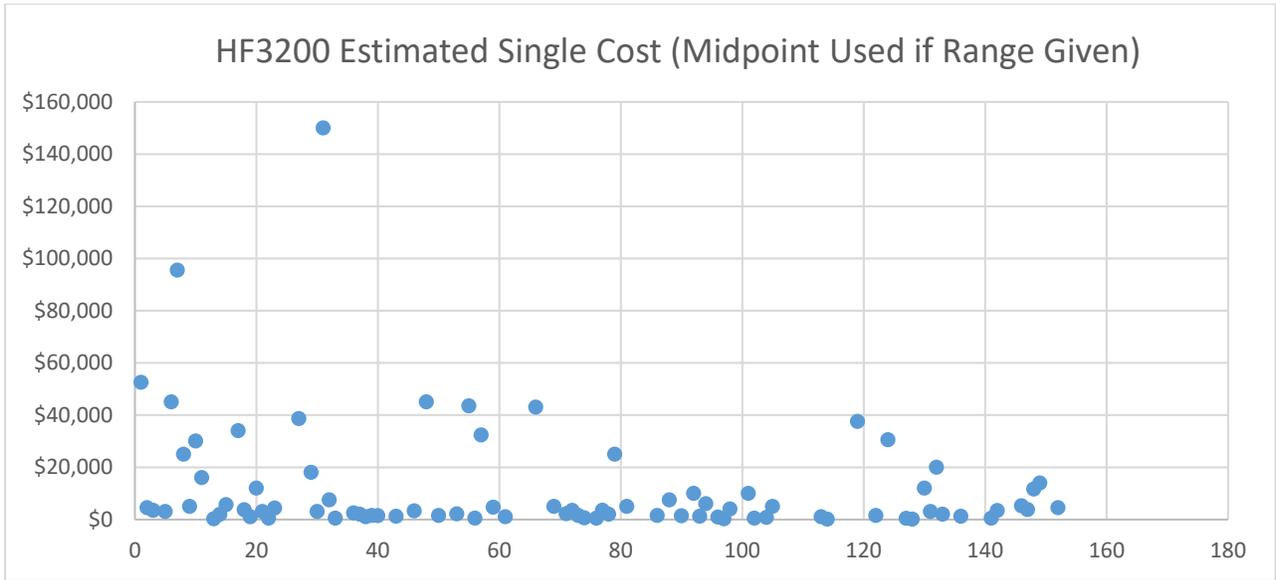
House File 3200-0 requires all meetings of a public entity to be audio recorded or audio-visually recorded, and preserve the recordings for at least three years.

Local Impact Methodology

School districts, cities and counties were surveyed to gather estimates of the proposed legislation's fiscal impact to local entities. Because charter schools are not included in Minnesota Chapter 13D.01, charter schools were not surveyed.

The LBO received 228 survey responses. Duplicates and respondents who did not identify their local entity were disqualified to avoid duplicates. 154 survey responses were used for the local impact note estimate.

Figure 1. Estimated Single Costs for HF3200



The survey asked respondents to estimate new equipment costs, personnel costs, and storage cost.

Survey

Respondents identified:

1. If they already recorded all public meetings, and if so, if they kept the recordings for at least three years.
2. If they did not already record all public meetings, the estimated yearly cost to do so and preserve the recordings for at least three years.
3. If they currently record all public meetings but do not preserve the recordings for at least three years, the estimated yearly cost to do so.
4. Any other information the respondent believed important to consider when preparing the local impact note.

Not all respondents answered every question.

Table 1: Respondents by Type

Respondent	Number of Survey Respondents
School Districts	114
Cities	26
Counties	14
Total responses	154

School Districts Average: \$8,001, with a range between \$100-\$52,500.

Cities Average \$5,219, with a range between \$225-\$18,000.

Counties Average: \$41,513, with a range \$3,000-\$150,000.

Overall average: \$11,911, with a range: \$100-\$150,000.

Those local entities already recording all public meetings and preserving them for at least three years made up 24% of the respondents. (37 out of 154 total respondents, 3 cities, 3 counties, and 31 school districts.)

The geographic location of respondents was disbursed throughout the state and included both metro and greater Minnesota local entities. Distribution of respondents: 25 from seven county metro area, 129 from greater Minnesota. Only three metro counties responded to the survey.

Assumptions

Costs considered in this estimate are limited to those related to the cost of new equipment needed for the first year, personnel costs, and storage costs related to preserving the recordings for at least three years.

Estimate of Local Costs

Not all survey respondents provided an estimate for each type of cost. The Limited number of cost breakdowns provided make it difficult to provide reliable estimates of cost breakdowns. The bulk of the cost is for equipment costs.

The survey results were extrapolated to cover the state and arrive at a statewide local cost. The total cost for each entity type was calculated by multiplying the average cost from the survey responses by the total number of that type of entity, statewide.

Other Considerations for Cost Estimates

Survey respondents noted the following additional considerations for the cost to local entities:

- Recordings would need closed-captioning or transcripts in order to comply with federal Americans with Disabilities Act requirements. Those costs are not included in the local impact note but could add considerably to local entity costs.
- Ongoing costs for personnel, storage and equipment maintenance and replacement are not included in the estimate. The state standard for executive branch agencies to budget for maintenance and support of technology projects is up to 20%. Respondents indicated long-term, ongoing replacement schedule costs that are separate from that 20%.

References:

[Minnesota Statute 13D.01 – Meetings must be open to the public; exceptions.](#)

Total number of school districts: 336 (source: Minnesota Department of Education, <https://public.education.mn.gov/MDEAnalytics/Summary.jsp>)

Total number of cities:853 (source: League of Minnesota Cities, <https://mn.gov/mnit/government/policies/geo/mn-county-identification-codes.jsp>)

Total number of counties: 87 (source: Minnesota IT Services, <https://mn.gov/mnit/government/policies/geo/mn-county-identification-codes.jsp>)