



# VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

## COMMONWEALTH OF VIRGINIA

Senator Richard H. Stuart, Chair

Maria J.K. Everett, Esq., Executive Director/Senior Attorney  
Alan Gernhardt, Esq., Staff Attorney  
foiacouncil@dls.virginia.gov

---

General Assembly Building ~ 201 N. 9th Street, Second Floor ~ Richmond, Virginia 23219  
804-225-3056 ~ (Toll Free) 1-866-448-4100 ~ (Fax) 804-371-0169 ~ <http://foiacouncil.dls.virginia.gov>

August 20, 2013

### Meeting of the Rights and Remedies Subcommittee of the FOIA Council

#### SUGGESTED AGENDA

##### *\*ANNOTATED\**

1. Call to order and introduction of subcommittee members.
2. Review of HB 2125 (Keam). *You will recall that HB 2125 would provide that FOIA requests may be made by any citizen of the United States and not just citizens of the Commonwealth. Earlier this year, in the case of *McBurney v. Young*, the U.S. Supreme Court upheld the limitation in Virginia's FOIA that only grants access rights to citizens of the Commonwealth and certain news media representatives. At its last meeting, the Subcommittee heard from Delegate Keam and other interested persons speaking both in favor of and in opposition to the bill. The Subcommittee indicated it wanted to discuss further the idea of granting rights to persons who are not citizens but have some nexus with Virginia, such as property owners and tax payers who live out of state.*
3. Review of HB 2321 (Surovell). *You will recall that HB 2321 would make the State Corporation Commission (SCC) subject to FOIA and designates venue for FOIA petitions against the SCC. In 2011, the Virginia Supreme Court held that the SCC was not subject to FOIA in the case of *Christian v. State Corporation Comm'n*. At its last meeting, the Subcommittee heard from Delegate Surovell, representatives from the SCC, and other interested parties in favor of and in opposition to the bill. The Subcommittee took no action with regard to the bill, but asked that Delegate Surovell meet with representatives of the SCC.*
4. Review of SB 1371 (Stuart). *As a reminder, at its last meeting the Subcommittee recommended laying SB 1371 on the table; the full FOIA Council took up that recommendation at its meeting June 6, 2013, and laid the bill on the table by vote of 9-1. No further action is necessary.*
5. Public Comment.
6. Discussion.
7. Set future meeting dates.

8. Adjournment.

**Subcommittee Members**

**Frosty Landon (Chair)**  
**Stephanie Hamlett**  
**Ed Jones**

**James Schliessmann**  
**Bob Tavenner**  
**David Ogburn**

The FOIA Council's web site is: <http://dls.state.va.us/foiacouncil.htm>. To assist us in providing Internet dissemination of materials, presenters are requested to submit written comments and handouts in electronic format by (i) e-mail to staff prior to meetings or (ii) diskette furnished to staff at meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to FOIA Council Subcommittee members and the public.

E-mail: [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov).