

008220404

SENATE BILL NO. 340**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee on Rules
on February 14, 2000)

(Patron Prior to Substitute—Senator Bolling)

A BILL to amend the Code of Virginia by adding in Chapter 21 of Title 2.1 an article numbered 2, consisting of sections numbered 2.1-346.2 through 2.1-346.5, relating to the Freedom of Information Act; creation of the Virginia Freedom of Information Advisory Council.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 21 of Title 2.1 an article numbered 2, consisting of sections numbered 2.1-346.2 through 2.1-346.5, as follows:

*Article 2.**Virginia Freedom of Information Advisory Council.*

§ 2.1-346.2. Virginia Freedom of Information Advisory Council; membership; terms; quorum; compensation.

A. The Virginia Freedom of Information Advisory Council (the "Council") is hereby created as an advisory council in the legislative branch to encourage and facilitate compliance with the Freedom of Information Act. The Council shall be composed of twelve members as follows: the Attorney General or his designee; the Librarian of Virginia or his designee; the Director of the Division of Legislative Services or his designee; four members appointed by the Speaker of the House of Delegates, one of whom shall be a member of the House of Delegates, and three citizen members, at least one of whom shall be or have been a representative of the news media; three members appointed by the Senate Committee on Privileges and Elections, one of whom shall be a member of the Senate, one of whom shall be or have been an officer of local government, and one citizen member; and two citizen members appointed by the Governor, one of whom shall not be a state employee. The local government representative shall be selected from a list recommended by the Virginia Association of Counties and the Virginia Municipal League. The citizen members may be selected from a list recommended by the Virginia Press Association, the Virginia Association of Broadcasters, and the Virginia Coalition for Open Government, after due consideration of such list by the appointing authorities.

B. Initial appointments to the Council shall be for the following terms: of those nonlegislative members appointed by the Speaker of the House of Delegates, one shall serve a four-year term, one shall serve a three-year term and one shall serve a two-year term; of those nonlegislative members appointed by the Senate Committee on Privileges and Elections, one shall serve a four-year term and one shall serve a three-year term; and of those members appointed by the Governor, one shall serve a four-year term and one shall serve a three-year term. Thereafter, all such appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms in the same manner as the original appointment. No member shall be eligible to serve for more than two successive four-year terms. However, after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Legislative members and other state government officials shall serve terms coincident with their terms of office.

C. The members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position. The Council shall hold meetings quarterly or upon the call of the chairman. A majority of the Council shall constitute a quorum.

D. Members of the Council shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in §§ 2.1-20.10 and 30-19.12, as appropriate.

*§ 2.1-346.3. Powers and duties of the Council.**A. The Council shall:*

1. Furnish, upon request, advisory opinions or guidelines, and other appropriate information regarding the Freedom of Information Act (§ 2.1-340 et seq.) to any person or agency of state or local government, in an expeditious manner;

2. Conduct training seminars and educational programs for the members and staff of public bodies and other interested persons on the requirements of the Freedom of Information Act;

3. Publish educational materials as it deems appropriate on the provisions of the Freedom of Information Act;

4. Request from any agency of state or local government such assistance, services and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council

60 *by an agency of state or local government shall not be released to any other party unless authorized by*
61 *such agency; and*

62 *5. Report annually on or before December 1 of each year on its activities and findings regarding the*
63 *Freedom of Information Act, including recommendations for changes in the law, to the Governor and*
64 *the General Assembly.*

65 *§ 2.1-346.4. Staff.*

66 *Staff assistance to the Council shall be provided by the Division of Legislative Services. Staff shall*
67 *perform those duties assigned to it by the Council.*

68 *§ 2.1-346.5. Cooperation of agencies of state and local government.*

69 *Every department, division, board, bureau, commission, authority or political subdivision of the*
70 *Commonwealth shall cooperate with, and provide such assistance to, the Council as the Council may*
71 *request.*

72 **2. That the provisions of this act shall expire on July 1, 2002.**