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## SENATE BILL NO. 28

Offered January 9, 2002

Prefiled December 18, 2001

*A BILL to amend and reenact §§ 30-28.18 and 30-34.14 of the Code of Virginia, relating to access to certain information prepared, stored or maintained by the Division of Legislative Services and the Division of Legislative Automated Systems; emergency.*

Patrons—Trumbo, Chichester, Marye, Stolle and Stosch; Delegates: Callahan, Council, Griffith, Parrish, Wardrup and Wilkins

Referred to Committee on Rules

**Be it enacted by the General Assembly of Virginia:****1. That §§ 30-28.18 and 30-34.14 of the Code of Virginia are amended and reenacted as follows:**

§ 30-28.18. Requests for drafting bills or resolutions; bills to conform to request; public access.

A. All requests for the drafting of bills or resolutions by the Division shall be submitted in *person*, in writing, as defined in § 1-13.32, or by voice transmission. ~~and~~ Each request shall contain a general statement respecting the policies and purposes ~~which that~~ the requester desires incorporated in and accomplished by the bill. All *written* requests ~~and required statements~~ shall be signed by the person submitting them. Neither the Director nor any employee of the Division shall reveal to any person outside of the Division, *except to the Division of Legislative Automated Systems in fulfilling its duties as provided in § 30-34.14*, the contents or nature of any request or statements except with the consent of the person signing such request; ~~however~~. *Exceptions to this general rule are as follows:*

(i) ~~1. when~~ When the Director or an employee receives a request ~~which that~~ is substantially the same as one previously received, he may, unless specifically directed not to do so by the person first submitting such request, so inform the person submitting the similar request; ~~and~~

(ii) ~~2. unless~~ Unless specifically directed otherwise, the Director or employee may reveal the nature of a request when seeking information from anyone to assist in drafting the bill; *and*

3. *Copies of all floor substitute bills, conference committee reports, and substitute bills accompanying a conference committee report shall be placed in a secure electronic file immediately following the final drafting of the legislation and may be accessed by either the Clerk of the House of Delegates or the Clerk of the Senate or their employee designees after such legislation is offered for introduction in either house.*

Bills drafted by the Division shall conform to the statements submitted with the request or ~~the any~~ supplementary ~~written~~ instructions submitted by the person who originally made the request.

B. All legislative drafting requests and accompanying documents shall be maintained by the Division as permanent records. Each of these separate files shall be considered the property of the requester and no one other than members of the Division staff shall have access to any such file without the specific approval of the requester. However, on the effective date of legislation drafted for the 1989 Session or thereafter, the file for a bill ~~which that~~ was enacted, including any amendments in the nature of a substitute or conference reports ~~which that~~ were offered for consideration shall become public property.

C. All legislative drafting requests from the Governor, a Governor's Secretary, the Lieutenant Governor, the Attorney General, or the head of any judicial, legislative, or independent agency shall be submitted to the Division on or before the same deadline applicable to members of the General Assembly for submitting legislative drafting requests for legislation to be prefiled to the Division, as established by the procedural resolution adopted by the General Assembly, or in default thereof, as adopted by the Joint Rules Committee. Requests from the Governor may also be submitted in accordance with the procedures established by the Rules Committees of the House of Delegates and the Senate for the conduct of business during a legislative session.

§ 30-34.14. Duties of Division.

The Division shall have the following duties:

1. Operate an automated data processing center and perform computing and programming services for the House of Delegates, Senate of Virginia, and the Division of Legislative Services.

2. To provide technical assistance to the General Assembly of Virginia, and to the agencies which directly serve the General Assembly of Virginia.

3. To represent the interests of the General Assembly in activities involving, obtaining and maintaining data processing services, electronic components, and other related items.

4. To perform other duties as directed by the Committees on Rules of the House of Delegates and the Senate of Virginia acting jointly.

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58      *Every document or file maintained or stored on equipment of the Division shall be considered the*  
59 *property of the person for whom the document or file is maintained or stored. Neither the Director nor*  
60 *any employee of the Division shall reveal any of this property to any person outside of the Division,*  
61 *except with the consent of the owner of the property.*  
62    **2. That an emergency exists and this act is effective from its date of passage.**