

HOUSE JOINT RESOLUTION NO. 6

Establishing a joint subcommittee to study the Virginia Public Records Act, electronic records, and their effect on the state depository system. Report.

Agreed to by the House of Delegates, February 17, 2004

Agreed to by the Senate, March 9, 2004

WHEREAS, the Virginia Public Records Act establishes "a single body of law applicable to all public officers and employees on the subject of public records management and preservation"; and

WHEREAS, The Library of Virginia is required to establish a depository system and to send to members thereof copies of state publications; and

WHEREAS, The Library currently processes, preserves, and makes available to state agencies and citizens more than 200,000 Virginia government publications as well as 37,960 cubic feet of state records, or approximately 57 million items; and

WHEREAS, the increasing utilization of electronic media for records storage and online publication poses particular challenges for ensuring better products and services at less cost to government and the consumers; and

WHEREAS, many state reports and publications are currently available on the websites of state agencies; and

WHEREAS, the Joint Subcommittee to Study the Operations, Practices, Duties and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils and Other Governmental Entities pursuant to House Joint Resolution No. 159 (2002) recommended that the Code of Virginia be amended to reduce the maximum number of copies of state publications furnished to The Library by state agencies from 100 to 20 copies to accommodate the current depository system; and

WHEREAS, the joint subcommittee found the potential for significant savings in allowing agencies to fulfill certain traditional reporting requirements through web posting and in further reducing the required number of copies of state publications submitted for the depository system; and

WHEREAS, the joint subcommittee recommended that a legislative study be created to examine the Virginia Public Records Act and develop a plan for the long-term reduction of report printing and distribution, as well as the archiving of state electronic records; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the Virginia Public Records Act, electronic records, and their effect on the state depository system. The joint subcommittee shall consist of 11 members that include six legislative members, three nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules; one citizen member at large appointed by the Speaker of the House of Delegates; one member of the Library Board appointed by the Senate Committee on Rules; the President of the Circuit Court Clerks Association; and the Director of the Division of Legislative Automated Systems and the State Records Administrator or their designees to serve ex officio with full voting privileges. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall examine the Virginia Public Records Act and the extension of its scope to (i) provide and assign authority to establish and maintain guidelines or regulations for the creation, transfer, and archival preservation of electronic state records and publications; (ii) provide and assign authority to establish and maintain procedures for the official authentication of e-records and documents; and (iii) establish a means to identify, describe, receive and manage discrete electronic government information products covered by copyright.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the State Archivist and the Director of the State Documents Program. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2004 interim and four meetings for the 2005 interim, and the direct costs of this study shall not exceed \$14,400 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee at the meeting (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2004, and for the second year by November 30, 2005, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2004 interim and 2005 interim.