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HOUSE JOINT RESOLUTION NO. 416

House Amendments in [ ] — January 30, 1997

Establishing a joint subcommittee to study the Virginia Freedom of Information Act.

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Patron—DeBoer

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Referred to Committee on Rules

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WHEREAS, the Virginia Freedom of Information Act (FOIA) was first enacted by the 1968 Session of the General Assembly; and

WHEREAS, FOIA has been the subject of at least four studies since its enactment, with each such study committee recommending important changes to ensure public access to the workings of government; and

WHEREAS, as a result of various amendments every year since 1968, there are currently 66 exceptions contained in FOIA which exempt the disclosure of certain official documents; and

WHEREAS, each year several bills are introduced which amend FOIA in some significant way; and

[~~WHEREAS, the precept of FOIA that all official records shall be open to inspection and copying has been diluted to the point that the rule is found in its exception; and~~]

WHEREAS, the importance of the right of the people in the Commonwealth to have free access to the affairs of their government cannot be understated; and

WHEREAS, with the advent of technological changes, the method of collection, processing and keeping official records has changed dramatically, with the effect, on occasion, of limiting public access to government records and meetings; and

WHEREAS, the Code of Virginia is replete with other exemptions to FOIA which are not found in FOIA itself, resulting in conflicting statutory interpretations and general confusion; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the Virginia Freedom of Information Act.

The joint subcommittee shall be composed of nine members as follows: four members of the House of Delegates to be appointed by the Speaker of the House; three members of the Senate to be appointed by the Senate Committee on Privileges and Elections; and two citizens, one press or media representative to be appointed by the Speaker of the House and one local government representative recommended by the Virginia Municipal League and the Virginia Association of Counties to be appointed by the Speaker of the House.

In conducting its study, the joint subcommittee shall also examine other provisions of the Code of Virginia affecting public access to government records and meetings in order to determine whether any revisions to the Code of Virginia or the Freedom of Information Act are desirable.

The direct costs of this study shall not exceed $5,750.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.