

# GENERAL ASSEMBLY OF VIRGINIA -- 1998 SESSION

ENROLLED

## HOUSE JOINT RESOLUTION NO. 187

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

Agreed to by the House of Delegates, February 17, 1998

Agreed to by the Senate, March 10, 1998

WHEREAS, House Joint Resolution No. 416, agreed to by the 1997 Session of the General Assembly, established a joint subcommittee to study the Virginia Freedom of Information Act; and

WHEREAS, circumstances prevented the organization of the joint subcommittee created under HJR No. 416; and

WHEREAS, the need for careful consideration of the many complex administrative and policy issues related to the Virginia Freedom of Information Act (FOIA) has not diminished, and indeed, appears greater today; and

WHEREAS, the FOIA has been the subject of at least four studies since its enactment in 1968, with each 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 over 100 exceptions contained in the FOIA which permit executive sessions or exempt the disclosure of certain official documents; and

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

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

WHEREAS, the importance of the right of the people of the Commonwealth to have free access to the affairs of their government cannot be overstated; 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 7 members, which shall include 5 legislators and 2 citizens as follows: 3 members of the House of Delegates to be appointed by the Speaker of the House according to Rule 16 of the House Rules; 2 members of the Senate to be appointed by the Senate Committee on Privileges and Elections; 1 press or media representative to be appointed by the Speaker of the House; and 1 local government representative recommended by the Virginia Municipal League and the Virginia Association of Counties to be appointed by the Senate Committee on Privileges and Elections.

In conducting its study, the joint subcommittee shall, among other things, 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 Virginia Freedom of Information Act are necessary.

The direct costs of this study shall not exceed \$6,250.

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 1999 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.

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