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SENATE BILL NO. 552

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on February 8, 2016)

(Patron Prior to Substitute—Senator Cosgrove)

A BILL to amend and reenact § 2.2-3705.8 of the Code of Virginia, relating to the Virginia Freedom of Information Act; mandatory disclosure of public employee position and salary information; exceptions.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3705.8 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3705.8. Limitation on record exclusions.

A. Neither any provision of this chapter nor any provision of Chapter 38 (§ 2.2-3800 et seq.) of this title shall be construed as denying public access to (i) contracts between a public body and its officers or employees, other than contracts settling public employee employment disputes held confidential as personnel records under § 2.2-3705.1; (ii) records of the position, job classification, and official salary or rate of pay of, and records of the allowances or reimbursements for expenses paid to, any officer, official, or employee of a public body; or (iii) the compensation or benefits paid by any corporation organized by the Virginia Retirement System or its officers or employees. When salary information is disclosed in accordance with clause (ii) the custodian shall not be required to disclose the names of the public officers, officials, or employees that correspond to that salary information.

The provisions of this subsection, however, shall not require public access to records of the official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less. The names and training records of law-enforcement officers as defined in § 9.1-101 and fire marshals as defined in § 27-30 are considered personnel records and excluded from mandatory disclosure pursuant to § 2.2-3705.1.

B. Nothing in this chapter shall be construed as denying public access to the nonexempt portions of a report of a consultant hired by or at the request of a local public body or the mayor or chief executive or administrative officer of such public body if (i) the contents of such report have been distributed or disclosed to members of the local public body or (ii) the local public body has scheduled any action on a matter that is the subject of the consultant's report.