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## SENATE BILL NO. 1344

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws  
on January 29, 2003)

(Patron Prior to Substitute—Senator Stolle)

A BILL to amend and reenact § 2.2-3709 of the Code of Virginia and to amend and reenact the second enactment of Chapter 777 of the Acts of Assembly of 1998, as amended by Chapter 909 of the Acts of Assembly of 2000 and Chapter 297 of the Acts of Assembly of 2002 relating to electronic meetings of the Board of Visitors of the University of Virginia.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-3709 of the Code of Virginia is amended and reenacted as follows:**

§ 2.2-3709. (Effective until July 1, 2004) Meetings of Board of Visitors of the University of Virginia.

A. Members of the Board of Visitors of the University of Virginia may participate by video, telephone, or video and telephone at their meetings or meetings of their committees, *including closed meetings convened in accordance with the procedures of § 2.2-3712*, where (i) at least ~~two-thirds~~ of the membership a quorum of such board or its committees is physically assembled at its regular or, primary location or other location, (ii) any such meeting is duly convened with advance public notice in accordance with § 2.2-3707, *including advance public notice of the location of the physically assembled quorum*, and (iii) a speaker phone is provided at the location where at least ~~two-thirds~~ the quorum of such membership is physically present.

No more than ~~twenty-five~~ 25 percent of all meetings held annually by such board or its committee committees, including meetings of any ad hoc committees, may be held by telephonic or video means.

B. ~~Where at least two-thirds~~ When the required quorum of such board or its committees is physically assembled at one location for the purpose of conducting a meeting authorized under this section, additional members of such board or its committees may participate in the meeting through telephonic means ~~provided if~~ the public is permitted to hear and observe such participation *during any open meeting*. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the open meeting until repairs are made and public access is restored.

C. Except as otherwise provided in this section, all meetings shall be conducted in accordance with this chapter. Any meeting conducted pursuant to this section shall not be considered an "electronic communication meeting" for purposes of § 2.2-3708; ~~provided; however~~, such board or its committees shall comply with the provisions of subsection D of § 2.2-3708, requiring minutes, recordation and preservation of the audio or audio/visual recording of the meeting. Votes taken by those participating by telephone or video shall also be publicly recorded by name in roll-call fashion and shall be included in the minutes, which shall be approved by such board or its committees in public session.

**2. That the second enactment of Chapter 777 of the Acts of Assembly of 1998, as amended by Chapter 909 of the Acts of Assembly of 2000, and Chapter 297 of the Acts of Assembly of 2002, is amended and reenacted as follows:**

2. That the provisions of this act shall expire on July 1, 2004 2005. From July 1, 1998, to July 1, 2004 2005, the Board of Visitors of the University of Virginia shall record the date and name of each board or committee meeting held pursuant to this chapter and, for each meeting, record the name of each board member who participates by video or telephone. The Board of Visitors also shall record any complaints about telephonic or video participation at meetings expressed by board members, members of the public, or members of the media. No later than January 1, 2004 2005, the Board shall provide the Secretary of Education and the General Assembly a written report containing the information required to be recorded as well as a narrative summary of the positive and negative experiences of employing telephonic and video meetings.