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HOUSE BILL NO. 1357

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws
on March 3, 2004)

(Patron Prior to Substitute—Delegate Griffith)

A BILL to amend and reenact § 2.2-3707 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 2.2-3707.01, relating to the Freedom of Information Act; application to meetings of the General Assembly.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3707 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 2.2-3707.01 as follows:

§ 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.

A. All meetings of public bodies shall be open, except as provided in §§ 2.2-3707.01 and 2.2-3711.

B. No meeting shall be conducted through telephonic, video, electronic or other communication means where the members are not physically assembled to discuss or transact public business, except as provided in §§ 2.2-3708, 2.2-3709 or as may be specifically provided in Title 54.1 for the summary suspension of professional licenses.

C. Every public body shall give notice of the date, time, and location of its meetings by placing the notice in a prominent public location at which notices are regularly posted and in the office of the clerk of the public body, or in the case of a public body that has no clerk, in the office of the chief administrator. Publication of meeting notices by electronic means shall be encouraged. The notice shall be posted at least three working days prior to the meeting. Notices for meetings of state public bodies on which there is at least one member appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.

D. Notice, reasonable under the circumstance, of special or emergency meetings shall be given contemporaneously with the notice provided members of the public body conducting the meeting.

E. Any person may annually file a written request for notification with a public body. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The public body receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the public body may provide electronic notice of all meetings in response to such requests.

F. At least one copy of all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body.

G. Nothing in this chapter shall be construed to prohibit the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting. ~~The notice provisions of this chapter shall not apply to informal meetings or gatherings of the members of the General Assembly.~~

H. Any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings.

I. Minutes shall be recorded at all open meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly, (ii) legislative interim study commissions and committees, including the Virginia Code Commission, (iii) study committees or commissions appointed by the Governor, or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies or school boards of counties, cities and towns, except where the membership of any such commission, committee or subcommittee includes a majority of the governing body of the county, city or town or school board. Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records shall be deemed public records and subject to the provisions of this chapter. ~~Audio or audio/visual records of open meetings shall be public records that shall be produced in accordance with § 2.2-3704.~~

§ 2.2-3707.01. *Meetings of the General Assembly.*

60 A. Except as provided in subsection B, public access to any meeting of the General Assembly or a
61 portion thereof shall be governed by rules established by the Joint Rules Committee and approved by a
62 majority vote of each house at the next regular session of the General Assembly. At least 60 days before
63 the adoption of such rules, the Joint Rules Committee shall (i) hold regional public hearings on such
64 proposed rules and (ii) provide a copy of such proposed rules to the Virginia Freedom of Information
65 Advisory Council.

66 B. Floor sessions of either house of the General Assembly; meetings, including work sessions, of any
67 standing or interim study committee of the General Assembly; meetings, including work sessions, of any
68 subcommittee of such standing or interim study committee; and joint committees of conference of the
69 General Assembly; or a quorum of any such committees or subcommittees, shall be open and governed
70 by this chapter.

71 C. Meetings of the respective political party caucuses of either house of the General Assembly,
72 including meetings conducted by telephonic or other electronic communication means, without regard to
73 (i) whether the General Assembly is in or out of regular or special session or (ii) whether such
74 caucuses invite staff or guests to participate in their deliberations, shall not be deemed meetings for the
75 purposes of this chapter.

76 **2. That technical assistance to the Joint Rules Committee for the implementation of the provisions**
77 **of this act shall be provided by the Virginia Freedom of Information Advisory Council, upon**
78 **request.**