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SENATE BILL NO. 156

Offered January 14, 1998

A *BILL to permit certain electronic communication meetings, notwithstanding the Virginia Freedom of Information Act.*

Patrons—Newman, Howell, Schrock and Ticer; Delegates: Almand, Bennett, Diamonstein, May, Plum and Scott

Referred to the Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. § 1. That, notwithstanding the provisions of § 2.1-343.1, public bodies in the legislative branch of state government shall be authorized to hold electronic communication meetings.

§ 2. "Electronic communication means" means any video, telephonic, or other communication method which consists of, pertains to, is based on, is operated by, or otherwise involves the control of electrons or other charge carriers to exchange, send, receive, or in any way transmit the public business in a meeting.

§ 3. "Emergency" means an unforeseen circumstance that renders the notice required by § 2.1-343 impossible or impracticable and that requires immediate action.

§ 4. For purposes of establishing a quorum, every location where a member of the public body is physically present to discuss or transact the public business through any electronic communication means in a "meeting" as defined in § 2.1-341 shall be (i) in Virginia and (ii) open and accessible to the public. After a quorum is established, members of the public body who are not physically present (i) in Virginia or (ii) at a meeting location which is open and accessible to the public, may participate in the meeting but shall not be entitled, under any circumstances, to vote on any matter authorizing the transaction of any public business.

§ 5. Notice of any meetings held pursuant to this act shall be provided in the same manner as required by § 2.1-343. All persons attending the meeting at any of the meeting locations where a member of the public body is physically present in Virginia at a location which is open and accessible to the public shall be afforded an opportunity to address the public body. Any interruption in the electronic communication of the meeting shall result in the suspension of action at the meeting until repairs are made and public access restored.

§ 6. Notice for electronic communication meetings continued to (i) address an emergency or (ii) conclude the agenda of an electronic communication meeting of the public body for which the proper notice has been given, when the date, time, place and purpose of the continued meeting are set during the meeting prior to adjournment, shall be made in the same manner as required by § 2.1-343.

Emergency meetings of the public body conducted through electronic communications means shall comply with the provisions of § 7 requiring recordation and preservation of the audio or audio/visual recording of the meeting. The basis for the emergency shall be stated in the meeting.

§ 7. An agenda and materials which will be distributed to members of the public body and which have been made available to staff in sufficient time for duplication and forwarding to all location sites where public access will be provided shall be made available to the public at the time of the meeting. Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes. In addition, the public body shall make an audio recording of the meeting, if an audio communication means is used, or an audio/visual recording, if the meeting is held by audio/visual communication means. The recording shall be preserved by the public body for a period of three years following the date of the meeting and shall be available to the public.

2. That an emergency exists and this act is in force from its passage.

3. That the provisions of this act shall expire on July 1, 1999.

INTRODUCED

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