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SENATE BILL NO. 38

Offered January 9, 2002

Prefiled December 20, 2001

A BILL to amend and reenact §§ 8, 10, 11, and 12 of the first enactment of Chapter 704 of the Acts of Assembly of 1999 and §§ 1, 13, 14 and 15 of the first enactment and the third enactment of Chapter 704 of the Acts of Assembly of 1999, as amended by Chapters 910 and 983 of the Acts of Assembly of 2000, relating to the Freedom of Information Act; electronic communication meetings.

Patrons—Newman, Bolling and Wampler; Delegates: May, Nixon and Purkey

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 8, 10, 11, and 12 of the first enactment of Chapter 704 of the Acts of Assembly of 1999 and §§ 1, 13, 14 and 15 of the first enactment of Chapter 704 of the Acts of Assembly of 1999, as amended by Chapters 910 and 983 of the Acts of Assembly of 2000, are amended and reenacted as follows:

§ 1. That, in lieu of the provisions of § 2.2-3708, (i) any public body, as defined in § 2.2-3701, (a) in the legislative branch of state government or (b) responsible to or under the supervision, direction, or control of the Secretary of Commerce and Trade pursuant to § 2.2-204 or the Secretary of Technology pursuant to § 2.2-225, or (ii) the State Board for Community Colleges established in § 23-215, shall be authorized to hold meetings via electronic communication means pursuant to this act.

§ 8. Notice for electronic communication meetings continued more than seven days after the meeting date shall be in the same manner as required by § 6. Notice for electronic communication meetings continued less than seven days from the meeting date to (i) address an emergency or (ii) conclude the agenda of the electronic communication meeting, shall be made during the meeting prior to adjournment and shall include the date, time, place, and general purpose of the continued meeting. The basis for the emergency shall be stated during the meeting prior to adjournment and included in the minutes of the meeting, if minutes are required by § ~~2.1-343~~ 2.2-3707.

§ 10. Votes taken during any meeting conducted through electronic communication means pursuant to this act shall be recorded by name in roll-call fashion and included in the minutes of the meeting, if minutes are required by § 2.2-3707.

§ 11. Any public body or the Board, when conducting an electronic communication meeting pursuant to this act, shall make an audio/visual recording of the meeting. The recording shall be preserved by the public body or the Board for a period of three years from the date of the meeting and shall be available to the public for inspection and copying pursuant to the Virginia Freedom of Information Act (§ ~~2.1-340~~ 2.2-3700 et seq.).

§ 12. It shall be a violation of this act for any entity listed in § 1, or any members of such entities, to use the provisions of this act to violate the Virginia Freedom of Information Act (§ ~~2.1-340~~ 2.2-3700 et seq.) to discuss or act upon any matters over which such entities have supervision, control, jurisdiction, authority, or advisory powers.

§ 13. By April 15, ~~2001~~ 2003, public bodies in the legislative branch of state government which conduct electronic communication meetings pursuant to this act shall file with the Joint Rules Committee, as defined in § 51.1-124.3, a report on the total number of electronic communication meetings held; the dates and purposes of the meetings; the types of electronic communication means by which the meetings were held; the number of participants, including the members of the public, at the meetings; and a summary of any public comment received about the electronic communication meetings.

§ 14. By April 15, ~~2001~~ 2003, public bodies responsible to or under the supervision, direction, or control of the Secretary of Commerce and Trade pursuant to § ~~2.1-51.40~~ 2.2-204 or the Secretary of Technology pursuant to § ~~2.1-51.46~~ 2.2-225, which conduct electronic communication meetings pursuant to this act shall file with the Secretary of Commerce and Trade or the Secretary of Technology, respectively, a report on the total number of electronic communication meetings held; the dates and purposes of the meetings; the types of electronic communication means by which the meetings were held; the number of participants, including the members of the public, at the meetings; and a summary of any public comment received about the electronic communication meetings.

§ 15. By April 15, ~~2001~~ 2003, the State Board for Community Colleges established in § 23-215 shall file with the Secretary of Education a report on the total number of electronic communication meetings held; the dates and purposes of the meetings; the types of electronic communication means by which the meetings were held; the number of participants, including the members of the public, at the meetings;

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59 and a summary of any public comment received about the electronic communication meetings.

60 **2. That the third enactment of Chapter 704 of the 1999 Acts of the Assembly, as amended by**
61 **Chapters 910 and 983 of the Acts of Assembly of 2000, is amended and reenacted as follows:**

62 3. That the provisions of this act shall expire on July 1, ~~2002~~ 2004.