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SENATE BILL NO. 1203

Offered January 8, 2003

Prefiled January 8, 2003

A BILL to amend and reenact §§ 1 and 13 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 and Chapter 429 of the Acts of Assembly of 2002; § 11 of the first enactment of Chapter 704 of the Acts of Assembly of 1999, as amended by Chapter 429 of the Acts of Assembly of 2002; and § 2 of the first enactment of Chapter 704 of the Acts of Assembly of 1999, and to repeal §§ 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 and Chapter 429 of the Acts of Assembly of 2002 relating to the Freedom of Information Act; electronic communication meetings.

Patrons—Newman, Reynolds and Ruff

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 1 and 13 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 and Chapter 429 of the Acts of Assembly of 2002; § 11 of the first enactment of Chapter 704 of the Acts of Assembly of 1999, as amended by Chapter 429 of the Acts of Assembly of 2002; and § 2 of the first enactment of Chapter 704 of the Acts of Assembly of 1999, are amended and reenacted as follows:

§ 1. That, in lieu of the provisions of § 2.2-3708, (a) any public body, as defined in § 2.2-3701, (a) (i) 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 any authority, board, bureau, commission, district or agency of the Commonwealth whose membership includes persons who reside or work more than 55 miles from the meeting location as stated in the required notice for such meeting, shall be authorized to hold meetings via electronic communication means pursuant to this act.

§ 2. "Electronic communication means" means any combined audio and visual communication method which that 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.

§ 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 3 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 (§ 2.2-3700 et seq.).

§ 13. By April 15, 2003 2004, public bodies in the legislative branch of state government which that conduct electronic communication meetings pursuant to this act shall file with the Freedom of Information Advisory Council 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 number of sites for each meeting; the types of electronic communication means by which the meetings were held; the number of participants, including the members of the public, at each the meetings; the number of remote participants; and a summary of any public comment received about the electronic communication meetings; and a summary of the public body's experience using electronic communication meetings, including logistical and technical experience. The chairman of the meeting shall make an announcement of this reporting provision during the course of any meeting held pursuant to this act.

2. That §§ 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 and Chapter 429 of the Acts of Assembly of 2002 of the Code of Virginia are repealed.

INTRODUCED

SB1203