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## SENATE BILL NO. 1203

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

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

(Patron Prior to Substitute—Senator Newman)

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; § 2 of the first enactment of Chapter 704 of the Acts of Assembly of 1999; to amend and reenact the third enactment of Chapter 704 of the 1999 Acts of Assembly, as amended by Chapters 910 and 983 of the Acts of Assembly of 2000 and Chapter 429 of the Acts of Assembly of 2002; 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.*

**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; § 2 of the first enactment of Chapter 704 of the Acts of Assembly of 1999; and the third enactment of Chapter 704 of the 1999 Acts of Assembly, as amended by Chapters 910 and 983 of the Acts of Assembly of 2000 and Chapter 429 of the Acts of Assembly of 2002 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 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, authorized by § 1 of this act to conduct electronic communication meetings shall make an audio or audio/visual recording of the any such meeting. The, which recording shall be preserved by the such public body or the Board for a period of three 3 years from the date of the meeting and. Such recording 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 September 15 of each year, public bodies in the legislative branch of state government which authorized by § 1 of this act to conduct electronic communication meetings pursuant to this act shall file with the Joint Rules Committee, as defined in § 51.1-124.3, the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science 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 the meetings each meeting; the number of remote participants; and a summary of any public comment received about the electronic communication meetings; and a written summary of the public body's experience using electronic communication meetings, including its logistical and technical experience. The chairman of the public body authorized by § 1 to conduct electronic communication meetings shall make an announcement of the report required by this section during the course of any such meeting.

**2. That 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 and Chapter 429 of the Acts of Assembly of 2002 is amended and reenacted as follows:**

3. That the provisions of this act shall expire on July 1, 20022005.

**3. 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**

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**60** of Assembly of 2002, are repealed.

**61** 4. That an emergency exists and this act is in force from its passage.