

Introduced: 2/7/83  
Referred: State Affairs and  
Judiciary

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 111

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of teleconferencing under  
7 the Administrative Procedure Act."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. INTENT. The amendments in this Act are intended to allow  
10 state agencies and the public to employ advances in teleconferencing tech-  
11 nology that can increase the efficiency and convenience of transacting  
12 business with or by a state agency. Nothing in this Act is intended to  
13 diminish the constitutional or statutory rights of the parties, or existing  
14 procedural safeguards.

15 \* Sec. 2. AS 44.62.210(a) is amended to read:

16 (a) On the date and at the time and place designated in the  
17 notice the agency shall give each interested person or his authorized  
18 representative, or both, the opportunity to present statements, argu-  
19 ments, or contentions in writing, with or without opportunity to  
20 present them orally. The state agency may accept material presented  
21 by any form of communication authorized by this chapter, unless other-  
22 wise designated in the notice, and shall consider all relevant matter  
23 so presented to it before adopting, amending or repealing a regula-  
24 tion.

25 \* Sec. 3. AS 44.62.310(a) is amended to read:

26 (a) All meetings of a legislative body, of a board of regents,  
27 or of an administrative body, board, commission, committee, subcommit-  
28 tee, authority, council, agency, or other organization, including  
29 subordinate units of the above groups, of the state or any of its

1 political subdivisions, including but not limited to municipalities,  
2 boroughs, school boards, and all other boards, agencies, assemblies,  
3 councils, departments, divisions, bureaus, commissions or organiza-  
4 tions, advisory or otherwise, of the state or local government sup-  
5 ported in whole or in part by public money or authorized to spend  
6 public money, are open to the public except as otherwise provided by  
7 this section. Attendance and participation at meetings by the public  
8 or members of a body may be by teleconferencing according to reason-  
9 able ground rules established by the body conducting the meeting. The  
10 ground rules must include guidelines for making agency materials, or  
11 summaries of them, which are to be considered at the meeting, avail-  
12 able at teleconference locations. The ground rules must also include  
13 guidelines for suspending or rescheduling a teleconference meeting if  
14 a teleconferencing system failure occurs during the meeting. The  
15 ground rules are not considered regulations and need not be adopted  
16 under AS 44.62.040 -- 44.62.290. All participants must be afforded  
17 the opportunity to hear everything transpiring at the meeting and to  
18 speak on any issue upon which oral testimony is accepted. Except when  
19 voice votes are authorized, the vote shall be conducted in such a  
20 manner that the public may know the vote of each person entitled to  
21 vote. This section does not apply to any votes required to be taken  
22 to organize the afore-mentioned bodies.

23 \* Sec. 4. AS 44.62.310(e) is amended to read:

24 (e) Reasonable public notice shall be given for all meetings  
25 required to be open under this section. The notice must include the  
26 date, time, and place of the meeting, general topics to be discussed  
27 or considered, and the location of any teleconferencing facilities  
28 which will be used.

29 \* Sec. 5. AS 44.62.312(a) is amended by adding a new paragraph to read:

1           (6) the use of teleconferencing under this chapter is for  
2 the convenience of the parties, the public, and the governmental units  
3 conducting the meetings and is to provide the broadest input and  
4 dissemination of information practicable.

5 \* Sec. 6. AS 44.62.410 is amended by adding a new subsection to read:

6           (b) Upon the mutual agreement of the parties, the agency may in  
7 its discretion use teleconferencing in the conduct of a hearing under  
8 this section.

9 \* Sec. 7. AS 44.62.600 is amended to read:

10           Sec. 44.62.600. VOTING PROCEDURE [MAIL VOTE]. When normal,  
11 in-person voting is not reasonably possible, a [A] member of an agency  
12 qualified to vote on a question may vote by mail or by teleconferenc-  
13 ing. A vote by teleconferencing must be recorded in a manner that  
14 identifies each person who has voted and on which side of the question  
15 the person voted.

16 \* Sec. 8. AS 44.62 is amended by adding a new section in Article 9 to  
17 read:

18           Sec. 44.62.635. TELECONFERENCING. (a) In addition to the spe-  
19 cific authorizations in this chapter of the use of teleconferencing,  
20 an agency may use teleconferencing for the benefit or convenience of  
21 the parties, the public, or the agency, in connection with any pro-  
22 ceeding or act authorized under this chapter, so long as all statutory  
23 and constitutional rights of the parties are either waived or ade-  
24 quately protected.

25           (b) If teleconferencing is used for consideration of an issue  
26 during a meeting or hearing, then it must be used for the entire time  
27 that that issue is being considered.

28           (c) Teleconferencing may be used to establish quorums, receive  
29 public input, and, if all voting individuals have a substantially

1 equal opportunity to evaluate all testimony and evidence, to vote on  
2 actions.

3 \* Sec. 9. AS 44.62.640 is amended by adding a new subsection to read:

4 (c) In this chapter "teleconferencing" means information ex-  
5 change by audio, video, or computerized electronic media.