

Offered: 3/16/83
Referred: Judiciary

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 111 (State Affairs)
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 public meetings and the use of
7 teleconferencing under the Administrative Procedure
8 Act."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. INTENT. The amendments in this Act are intended to allow
11 state agencies and the public to employ advances in teleconferencing tech-
12 nology that can increase the efficiency and convenience of transacting
13 business with or by a state agency. Nothing in this Act is intended to
14 diminish the constitutional or statutory rights of the parties, or existing
15 procedural safeguards.
16 * Sec. 2. AS 44.62.210(a) is amended to read:
17 (a) On the date and at the time and place designated in the
18 notice the agency shall give each interested person or the [HIS]
19 authorized representative of the person, or both, the opportunity to
20 present statements, arguments, or contentions in writing, with or
21 without opportunity to present them orally. The state agency may
22 accept material presented by any form of communication authorized by
23 this chapter, unless otherwise designated in the notice, and shall
24 consider all relevant matter so presented to it before adopting,
25 amending or repealing a regulation.
26 * Sec. 3. AS 44.62.310(a) is amended to read:
27 (a) All meetings of a legislative body, of a board of regents,
28 or of an administrative body, board, commission, committee, subcommit-
29 tee, authority, council, agency, or other organization, including

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

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

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

1 which will be used.

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

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

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

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

11 * Sec. 7. AS 44.62.600 is amended to read:

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

18 * Sec. 8. AS 44.62 is amended by adding a new section in Article 9 to
19 read:

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

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

1 (c) Teleconferencing may be used to establish quorums, receive
2 public input, and, if all voting individuals have a substantially
3 equal opportunity to evaluate all testimony and evidence, to vote on
4 actions.

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

6 (c) In this chapter "teleconferencing" means information ex-
7 change by audio or video electronic media.