

Offered: 4/13/83  
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE BILL NO. 111 (Judiciary)  
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 under the Admin-  
7 istrative 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 as defined in AS 44.62 and the public to employ advances in  
11 teleconferencing technology that can increase the efficiency and conve-  
12 nience of transacting business with or by a state agency. Nothing in this  
13 Act is intended to diminish the constitutional or statutory rights of the  
14 parties, or existing 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 the [HIS]  
18 authorized representative of the person, or both, the opportunity to  
19 present statements, arguments, or contentions in writing, with or  
20 without opportunity to present them orally. The state agency may  
21 accept material presented by any form of communication authorized by  
22 this chapter, unless otherwise designated in the notice, and shall  
23 consider all relevant matter so presented to it before adopting,  
24 amending or repealing a regulation.

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, the University of Alaska, and all other  
3 boards, agencies, assemblies, councils, departments, divisions, bu-  
4 reaus, commissions or organizations, advisory or otherwise, of the  
5 state or local government supported in whole or in part by public  
6 money or authorized to spend public money, are open to the public  
7 except as otherwise provided by this section. Attendance and parti-  
8 cipation at meetings by the public or members of a body, except ses-  
9 sions, including joint sessions, of the senate or house, may be by  
10 teleconferencing according to reasonable rules established by the body  
11 conducting the meeting. The rules shall provide that agency materials  
12 that are to be considered at the meeting are available at teleconfer-  
13 ence locations at which voting participants attend. The rules are not  
14 considered regulations and need not be adopted under AS 44.62.040 -  
15 44.62.290. Except when voice votes are authorized, the vote shall be  
16 conducted in such a manner that the public may know the vote of each  
17 person entitled to vote. This section does not apply to any votes  
18 required to be taken to organize a public body described in this  
19 subsection [THE AFORE-MENTIONED BODIES].

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

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

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

27 (6) the use of teleconferencing under this chapter is for  
28 the convenience of the parties, the public, and the governmental units  
29 conducting the meetings and is to provide the broadest input and

1 dissemination of information practicable.

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

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

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

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

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

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

22 (b) Teleconferencing may be used to establish quorums, receive  
23 public input, and, if all voting individuals have a substantially  
24 equal opportunity to evaluate all testimony and evidence, to vote on  
25 actions.

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

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