

Offered: 3/25/85
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 140 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH 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. AS 44.62.210(a) is amended to read:

10 (a) On the date and at the time and place designated in the
11 notice the agency shall give each interested person or the person's
12 authorized representative, or both, the opportunity to present state-
13 ments, arguments, or contentions in writing, with or without oppor-
14 tunity to present them orally. The state agency may accept material
15 presented by any form of communication authorized by this chapter and
16 shall consider all relevant matter presented to it before adopting,
17 amending or repealing a regulation.

18 * Sec. 2. AS 44.62.310(a) is amended to read:

19 (a) All meetings of a legislative body, of a board of regents,
20 or of an administrative body, board, commission, committee, subcommit-
21 tee, authority, council, agency, or other organization, including
22 subordinate units of the above groups, of the state or any of its
23 political subdivisions, including but not limited to municipalities,
24 boroughs, school boards, and all other boards, agencies, assemblies,
25 councils, departments, divisions, bureaus, commissions or organiza-
26 tions, advisory or otherwise, of the state or local government sup-
27 ported in whole or in part by public money or authorized to spend
28 public money, are open to the public except as otherwise provided by
29 this section. Attendance and participation at meetings by members of

1 the public or by members of a body may be by teleconferencing accord-
2 ing to regulations adopted by the commissioner of administration. The
3 regulations must include a provision that agency materials that are to
4 be considered at the meeting be made available at teleconference
5 locations. Except when voice votes are authorized or when the meeting
6 is being held by teleconference, the vote shall be conducted in such a
7 manner that the public may know the vote of each person entitled to
8 vote. This section does not apply to any votes required to be taken
9 to organize a public body described [THE BODIES SPECIFIED] in the
10 subsection.

11 * Sec. 3. AS 44.62.310(e) is amended to read:

12 (e) Reasonable public notice shall be given for all meetings
13 required to be open under this section. The notice must include the
14 date, time, and place of the meeting, general topics to be discussed
15 or considered, and the location of any teleconferencing facilities
16 that will be used.

17 * Sec. 4. AS 44.62.312(a) is amended to read:

18 (a) It is the policy of the state that

19 (1) the governmental units mentioned in AS 44.62.310(a)
20 exist to aid in the conduct of the people's business;

21 (2) it is the intent of the law that actions of those units
22 be taken openly and that their deliberations be conducted openly;

23 (3) the people of this state do not yield their sovereignty
24 to the agencies which serve them;

25 (4) the people, in delegating authority, do not give their
26 public servants the right to decide what is good for the people to
27 know and what is not good for them to know;

28 (5) the people's right to remain informed shall be protect-
29 ed so that they may retain control over the instruments they have

1 created;

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

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

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

9 * Sec. 6. AS 44.62.600 is amended to read:

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

15 * Sec. 7. AS 44.62 is amended by adding a new section to article 9 to
16 read:

17 Sec. 44.62.635. TELECONFERENCING. (a) An agency may use tele-
18 conferencing for the benefit or convenience of the parties, the pub-
19 lic, or the agency, in connection with a proceeding or act authorized
20 under this chapter if all statutory and constitutional rights of the
21 parties are waived or adequately protected.

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

25 * Sec. 8. AS 44.62.640 is amended by adding a new subsection to read:

26 (c) In this chapter "teleconferencing" means information ex-
27 change by audio or video medium.