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Referred: State Affairs

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE SENATE

2

SENATE BILL NO. 267

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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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. 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
11 in 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 person's
18 authorized representative, or both, the opportunity to present state-
19 ments, arguments, or contentions in writing, with or without oppor-
20 tunity to present them orally. The state agency may accept material
21 presented by any form of communication authorized by this chapter,
22 unless otherwise designated in the notice, and shall consider all
23 relevant matter so presented to it before adopting, amending or re-
24 pealing 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 partici-
8 partion at meetings by members of the public or by members of a body
9 may be by teleconferencing according to reasonable ground rules estab-
10 lished by the body conducting the meeting. The ground rules must
11 provide that agency materials that are to be considered at the meeting
12 are available at teleconference locations. The rules are not con-
13 sidered regulations and need not be adopted under AS 44.62.040 -
14 44.62.290. Except when voice votes are authorized, the vote shall be
15 conducted in such a manner that the public may know the vote of each
16 person entitled to vote. This section does not apply to any votes
17 required to be taken to organize a public body described [THE BODIES
18 SPECIFIED] in this subsection.

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

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

25 * Sec. 5. AS 44.62.312(a) is amended to read:

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

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

29 (2) it is the intent of the law that actions of those units

1 be taken openly and that their deliberations be conducted openly;

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

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

7 (5) the people's right to remain informed shall be protect-
8 ed so that they may retain control over the instruments they have
9 created;

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

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

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

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

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

24 * Sec. 8. AS 44.62 is amended by adding a new section to article 9 to
25 read:

26 Sec. 44.62.635. TELECONFERENCING. (a) In addition to the spe-
27 cific authorizations in this chapter of the use of teleconferencing,
28 an agency may use teleconferencing for the benefit or convenience of
29 the parties, the public, or the agency, in connection with any

1 proceeding or act authorized under this chapter, so long as all stat-
2 utory and constitutional rights of the parties are either waived or
3 adequately protected.

4 (b) Teleconferencing may be used to establish quorums, receive
5 public input, and, if all voting individuals have a substantially
6 equal opportunity to evaluate all testimony and evidence, to vote on
7 actions.

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

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