

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 140 (Finance)

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, the vote shall be
6 conducted in such a manner that the public may know the vote of each
7 person entitled to vote. The vote at a meeting held by teleconference
8 shall be taken by roll call. This section does not apply to any votes
9 required to be taken to organize a public body described in this [THE
10 BODIES SPECIFIED IN THE] 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.
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29

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 2

REQUEST

Bill/Resolution No.: CSHB 140 (Sub)
 Title: Relating to use of teleconferencing under Administrative Procedures Act

Sponsor: Governor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: _____
General Government
 BRU, Program or Subprogram(s) Affected: Telecommunications Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared By: *SLP* Sioux Plummer, Director Phone: 465-2041
 Division: Telecommunications Services Date: April 1, 1985

Approved by Commissioner: *LR* Lisa Rudd Date: 4/1/85
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CSHB 140 (Jud)
Fiscal Note Analysis
Prepared by Division of Telecommunications Services
Department of Administration
April 1, 1985

This bill will clarify the legitimate use of teleconferencing for meetings and hearings held under the Administrative Procedures Act (AS 44.62). Specifically it will permit teleconference use by publically funded bodies for presentations, discussions and testimony at public hearings, and for counting quorum and voting.

The legal clarification of teleconference use will have no direct fiscal impact. Indirectly, however, some fiscal impact may be felt as increased use of teleconferencing could save money currently expended for travel. Costs associated with the process of adopting regulations will be less than \$1,000.00 and can be covered by existing operating funds.

Clarification and the resulting increase in use of teleconferencing will allow for greater participation in public policy making. It will also encourage broader circulation of information to and from governmental bodies and the public.

Rec'd 4-25-85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____ Page 1 of 2

REQUEST
Bill/Resolution No.: CSHB 140 (Rules) FISCAL DETAIL
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Requestor: _____ BRU, Program or Subprogram(s) Affected: Telecommunications Services
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FUNDING: (Thousands of Dollars)

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OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared By: Sioux Plummer, Director Phone: 465-2041
Division: Telecommunications Services Date: April 16, 1985

Approved by Commissioner: Lisa Rudd Date: 4/24/85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CSHB 140 (Rules)
Fiscal Note Analysis
Prepared by Division of Telecommunications Services
Department of Administration
April 16, 1985

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Clarification and the resulting increase in use of teleconferencing will allow for greater participation in public policy making. It will also encourage broader circulation of information to and from governmental bodies and the public.

Position Paper


CSHB 140 (Rules)

The Department of Administration supports the passage of CSHB 140 (Rules) (An Act relating to the use of teleconferencing under the Administrative Procedures Act) because it will clarify past and present ambiguities relating to the use of teleconferencing for the conduct of State business. The legality of taking public testimony, establishing quorums and voting will be clarified specifically.

Teleconferencing has proven to be an effective communications medium when used to disseminate or gather information. Legal considerations for meetings have arisen when teleconferencing has been used for decision making requiring quorums for voting.

Passage of this bill will have no direct fiscal impact on State agencies. The potential for cost savings exists because teleconferencing provides a less expensive way for agencies to do business. Although telephone costs would increase, it could still be cheaper to meet by teleconference than to travel to meetings.

Use of teleconferencing will also enable more people to participate in the decision making process. The public and State agencies will have increased participatory opportunities without associated high travel costs as well as the ability to conduct business more quickly and efficiently.



Sioux Plummer, Director
Division of Telecommunications Services
Department of Administration

4-16-85
Date



Commissioner Lisa Rudd
Department of Administration

4/24/85
Date

KEY:
— additions to JUD C. S.
[] deletions from JUD C. S.

Original sponsor: Rules/Governor

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BY THE FINANCE COMMITTEE

CS FOR HOUSE BILL NO. 140 (Finance)

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

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STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

DIVISION OF TELECOMMUNICATIONS SERVICES

POUCH C
JUNEAU, ALASKA 99811
PHONE: (907) 465-2041

April 2, 1985

Honorable Al Adams, Chairman
House Finance Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Chairman Adams:

Enclosed is the sectional analysis of CSHB 140 (Jud) that you requested. I hope that it provides the information you and the House Finance Committee require.

It has come to my attention that the new language in Section 3 regarding voice votes is still somewhat confusing. It was House Judiciary's intent to require roll call votes when meetings are held by teleconference but to continue the use of voice votes when authorized and appropriate in face to face meetings. Enclosed is proposed language to clear up this point. I hope that you and the House Finance Committee will approve this amendment and include it in this legislation.

If you have questions or would like additional information, please call me.

Sincerely,


Sioux Plummer
Director

SKP/bb

8.0/DTS3

cc: House Finance Committee Members

James R. Shea, Deputy Commissioner for
Telecommunications
Department of Administration

Rebecca Burch, Special Assistant to
the Commissioner
Department of Administration

MEMORANDUM

State of Alaska

TO: Sioux Plummer, Director
Division of Telecommunications
Services
Department of Administration

DATE: April 2, 1985

FILE NO: 377-043-85

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch
Attorney General

SUBJECT: Proposed amendment
to correct CSHB
140(Jud) re tele-
conferencing under
the Administrative
Procedure Act

By: Peter B. Froehlich *PBF*
Assistant Attorney General
and Assistant Legislation Attorney

At the March 22, 1985 meeting of the House Judiciary Committee, at which this committee substitute was adopted, a concern was raised that voice votes (e.g., "all in favor say 'aye'") should not be used at teleconferenced meetings. To accommodate that concern, the committee inserted language into the second to the last sentence of AS 44.62.310(a) which appears on page 2, lines 5 -- 8 of CSHB 140(Jud). With the addition, that sentence reads:

Except when voice votes are authorized or when the meeting is being held by teleconference, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote.

To clarify the intent of the committee, with which we all agree, I propose that the underlined addition be deleted and a new sentence be added after the sentence which now includes the underlined addition. The two sentences would then read:

Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. All votes at meetings held by teleconference must be taken by roll call.

I have consulted with Hayden Kaden, counsel to the House Judiciary Committee, and he agrees with this approach and will contact the House Finance Committee staff.

An amendment to accomplish the correction is attached.

PBF:md

Attachment

cc: Rebecca Burch
Legislative Liaison
Dept. of Administration

Sioux Plummer, Director
Division of Telecommunications
Services

April 2, 1985
Page 2

Hayden Kaden
Counsel to House Judiciary
Committee

AMENDMENT TO CSHB 140(Jud)
RE TELECONFERENCES UNDER THE ADMINISTRATIVE PROCEDURE ACT

Page 2, lines 5 and 6:

Delete the underlined material.

Page 2, line 8:

Following "vote.", insert "All votes at meetings held
by teleconference must be taken by roll call."

CSHB 140(Jud)

(Teleconferencing under the Administrative Procedure Act)

SECTION-BY-SECTION ANALYSIS

ARTICLE 4. PROCEDURE FOR ADOPTING REGULATIONS

* Section 1 amends AS 44.62.210 which is entitled "Public Proceedings" to clarify that agencies proposing to adopt administrative regulations may accept comments from the public by any form of communication. This amendment would affirm a growing current practice.

ARTICLE 6. AGENCY MEETINGS PUBLIC

* Section 2 amends AS 44.62.310(a) to permit teleconference participation at public meetings of a public body by both members of the body and members of the public, according to regulations adopted by the commissioner of administration.

* Section 3 amends AS 44.62.310(e) to add a requirement that the notices already required for public meetings must include specific information about the meeting and about any teleconferencing that will be used.

* Section 4 adds a new paragraph to AS 44.62.312(a) stating the general policy that the use of teleconferencing is for the convenience of parties, the public, and the bodies conducting meetings.

ARTICLE 8. ADMINISTRATIVE ADJUDICATION

* Section 5 adds a new subsection to AS 44.62.410 which is entitled "Time and Place of Hearing." The new subsection authorizes the parties to an administrative adjudication to agree to use teleconferencing in conducting a hearing.

* Section 6 amends AS 44.62.600 and changes its title to "Voting Procedure." The amended section permits voting by members of an agency in an adjudication by means of teleconferencing, in addition to the currently authorized mail method. If votes are by teleconference they must be recorded to identify the way each member voted.

ARTICLE 9. GENERAL PROVISIONS

* Section 7 adds a new general section to AS 44.62 to broadly authorize the use of teleconferencing for any proceeding or act under the Administrative Procedure Act and specifically for establishing quorums, taking public input, and for voting when all voters have had an opportunity to review testimony and evi-

dence. This section, which is really the most important single section of the bill, includes a proviso that the use of teleconferencing may not violate statutory or constitutional rights of parties.

* Section 8 adds a paragraph to AS 44.62.640 to define "teleconferencing" as information exchange by audio or video media.

Position Paper

CSHB 140 (Jud)

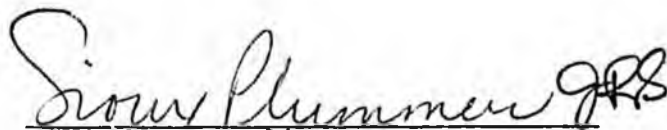
The Department of Administration supports the passage of CSHB 140 (Jud) (An Act relating to the use of teleconferencing under the Administrative Procedures Act) because it will clarify past and present ambiguities relating to the use of teleconferencing for the conduct of State business. The legality of taking public testimony, establishing quorums and voting will be clarified specifically.

Teleconferencing has proven to be an effective communications medium when used to disseminate or gather information. Legal considerations for meetings have arisen when teleconferencing has been used for decision making requiring quorums for voting.

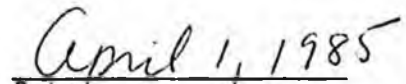
Passage of this bill will have no direct fiscal impact on State agencies other than the Department of Administration in that regulations regarding teleconferences use must be adopted by this Commissioner. The costs incurred to promulgate these regulations will be less than \$1,000.00 and can be covered by existing operating funds.

The potential for cost savings exists because teleconferencing provides a less expensive way for agencies to do business. Although telephone costs would increase, it could still be cheaper to meet by teleconference than to travel to meetings.

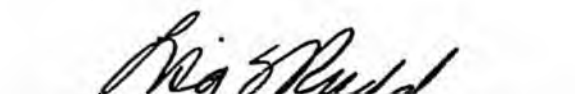
Use of teleconferencing will also enable more people to participate in the decision making process. The public and State agencies will have increased participatory opportunities without associated high travel costs as well as the ability to conduct business more quickly and efficiently.



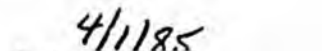
Sioux Plummer, Director
Division of Telecommunications Services
Department of Administration



Date



Commissioner Lisa Rudd
Department of Administration



Date

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

DIVISION OF TELECOMMUNICATIONS SERVICES

POUCH C
JUNEAU, ALASKA 99811
PHONE: (907) 465-2041

March 18, 1985

Honorable Mike Miller
Chairman, House Judiciary Committee
Capitol 122
Pouch V
Juneau, AK 99811

Re: HB 140 - The "Teleconferencing Bill"

Dear Mr. Chairman *Mike*

For your information, listed below are some points to consider about HB 140, an Act related to teleconferencing under the Administrative Procedures Act, better known as the "Teleconferencing Bill".

1. What will HB 140 bill do?

- Amend sections of the Administrative Procedures Act (AS 44.62) to permit the use of teleconferencing for the conduct of State business.
- Clear up the legal issues about teleconference use; specifically permitting the use of teleconferencing for quorum counting, voting and taking public testimony.
- Direct that procedures be developed for adequate public notice, availability of materials at teleconference sites, and identification of voting members.

2. Who will be affected?

- State agencies, boards and commissions
- The general public through increased opportunities to participate in government decision making from local locations.

3. How will they be affected?

- Groups presently using teleconferencing will have the opportunity to continue and to expand the types of business conducted by teleconference.
- New users will know that use of teleconferencing is "OK" from a legal standpoint.

March 18, 1985

4. What other benefits will this bill bring?

- Increased participation by State agencies in that more people will be able to participate without the associated high cost of travel.
- Increased participation by Alaskans throughout the State in public hearings and decision making.
- Potential cost savings for State agencies in using teleconferencing in lieu of travel at appropriate times.
- Cost savings to members of the public who will be able to provide input without traveling great distances to do so.
- State agency business can be conducted more quickly and efficiently.

5. Will this bill result in teleconferencing completely replace travel?

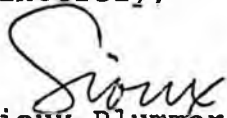
- NO! It is intended to permit teleconference use. The amount of use of this technology will remain at the discretion of the using groups.

6. How much will HB 140 cost?

- No operating or capital funds will be needed.
- Cost savings can result with passage in that teleconferencing is cheaper than travelling.

I hope this information will be helpful to you and the Judiciary Committee. Please don't hesitate to call if we can be of any further assistance.

Sincerely,


Sioux Plummer, Director

SP/dk
6.6/DTS3

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

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27 ported in whole or in part by public money or authorized to spend
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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.

Introduced: 1/28/85
Referred: House Special Committee
on Telecommunications, Judiciary
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 140

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. 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 [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 partici-
8 vation 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 in this
18 subsection [THE AFORE-MENTIONED BODIES].

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

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 which 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)
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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
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13 dissemination of information practicable.

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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 in 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.