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1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee , 4/23/1985, 8:30 am

CALL MEETING TO ORDER:

AGENDA
HOUSE RULES STANDING COMMITTEE
APRIL 23, 1985

T I M E - indicate time -

INDICATE MEMBERS PRESENT AND ABSENT:

Committee Members: Chairman M.W. Miller
Vice-Chair Wallis
Speaker Grussendorf
Rep. Fuller
Rep. Martin
Rep. Davis
Rep. Pignalberi

THE COMMITTEE CALENDAR TODAY IS:

HB 140 - "An Act relating to the use of teleconferencing
under the Administrative Procedure Act."
(Rules by Request of the Governor)

The Proposed Rules CS incorporates changes suggested by the Director of the Division of Legal Services, Bill Berrier. Included in the packets for today is an analysis from the Attorney General's Office on these changes.

Request a motion to adopt CSHB 140(Rules) and bring it before the committee for discussion.

(MIKE) - PETER B. FROHLICH, ASSISTANT ATTORNEY GENERAL IS AVAILABLE TO TESTIFY ON THE CHANGES MADE ON THE RULES CS, AS WELL AS BILLY BERRIER, DIRECTOR OF THE DIVISION OF LEGAL SERVICES.

The RULES CS MAKES 5 CHANGES TO CSHB 140(FINANCE).

1. °Page 1, line 29, after "section." ADD: except for meetings of a house of the legislature.
2. °Page 2, line 2, after "teleconferencing" DELETE: "according to regulations adopted by the commissioner of administration. The regulations must include a provision that"
3. °Page 2, line 13, after "meeting" DELETE: "general topics to be discussed or considered" ADD if the meeting is by teleconference
4. °Page 3, line 3, after "meetings" DELETE: "and is to provide the broadest input and dissemination of information practicable"
5. °Page 3, line 8, after "MAIL VOTE". DELETE: "If voting in person is not reasonably possible"

FURTHER DISCUSSION?

REQUEST APPROVAL OF THE MOTION TO PASS CSHB 140 RULES FROM COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS.



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

HOUSE RULES STANDING COMMITTEE

APRIL 23, 1985

AGENDA

- HB 140 - "An Act relating to the use of teleconferencing under the Administrative Procedure Act.
(Rules by Request of the Governor)

I N D E X

- I. MEMORANDUM (4/18/85) - Analysis of differences between CSHB 140(FIN) AND Proposed CSHB 140(RULES) - from Attorney General's Office
- II. PROPOSED CSHB 140(RULES)
- III. CSHB 140(FINANCE)
- IV. ORIGINAL VERSION HB 140
- V. ALASKA STATUTES - TITLE 44. State Government
CHAPTER 62
Administrative Procedure Act
Article 6
Sec. 44.62.310
Sec. 44.62.312
Article 8
Sec. 44.62.410
Sec. 44.62.600
- VI. BILL HISTORY - HB 140

MEMORANDUM

State of Alaska

TO: Jeannie Smith
Professional Assistant
House Rules Committee

DATE: April 18, 1985

FILE NO:

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch
Attorney General

SUBJECT: Differences between
CSHB 140(Fin) and
CSHB 140(Rls)

By: *Peter B. Froehlich*
Peter B. Froehlich
Assistant Attorney General
Legislation/Regulations Section

There are five differences between CSHB 140(Fin) and CSHB 140(Rls). Four of them involve the bill's amendments to our open meeting statutes, AS 44.62.310 and 44.62.312. The differences were suggested on April 13th by Director of Legal Services Bill Berrier and concurred in by Chairman Boucher of the Special Committee on Telecommunications; Chairman Miller, Representative Gruenberg, and Counsel Kaden of the House Judiciary Committee; and Director of Telecommunications Services of the Department of Administration; as well as by myself.

All five differences are listed as follows with page and line references to the Rules version:

- 1) Page 1, line 29, after "section." -- the phrase "except for meetings of a house of the legislature" is added. This eliminates the option of teleconferencing for meetings of a house of the legislature.
- 2) Page 2, line 2, after "teleconferencing." -- the language "according to regulations adopted by the commissioner of administration. The regulations must include a provision that" is deleted. This eliminates any possibility that the commissioner of administration would adopt regulations that could affect the use of teleconferencing by legislative committees. It also enhances flexibility in the use of teleconferencing by all agencies but preserves the commissioner's option under other authority to adopt general regulations on the use of teleconferencing by executive branch agencies only.
- 3) Page ~~2~~², line 13, after "meeting." -- the phrase "general topics to be discussed or considered" is deleted and the phrase "if the meeting is by teleconference" is added. This eliminates the burden on agencies of giving advance notice of every

possible topic to be discussed or considered at a public meeting whether it is teleconferenced or not. It also eliminates a possible technical grounds for challenge of action taken on topics not included in a notice. This change was suggested by the Senate State Affairs Committee in response to a concern raised by the City and Borough of Juneau.

- 4) Page 3, line 3, after "meetings." -- the phrase "and is to provide the broadest input and dissemination of information practicable" is deleted. This eliminates unnecessary and possibly problematic policy statement language.
- 5) Page 3, line 8, after "[MAIL VOTE]." -- the phrase "if voting in person is not reasonably possible" is deleted. This encourages use of teleconference voting as an option to in person voting by executive branch agencies in administrative adjudication.

Everyone at the April 13 meeting expressed the desire that the Rules Committee substitute of this bill reach the floor of the House as soon as possible. If I can provide any further information or assistance towards that end, please let me know.

PBF:md

cc: Rep. Red Boucher, Chair
House Special Committee on Teleconferencing

Rep. Mike M. Miller, Chair
House Judiciary Committee

Sen. Mitchell Abood, Chair
Senate State Affairs Committee

Bill Berrier, Esq.
Director of Legal Services
LAA

Hayden Kaden, Esq.
Counsel to House Judiciary Committee

Sioux Plummer, Director
Division of Telecommunications Services
Dept. of Administration

II

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 140 (Rules)

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 and all 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. ~~added:~~
30 ~~Except for meetings of a house of the legislature.~~

attendance and participation at meetings by members of the public or
by members of a body may be by teleconferencing. ~~delete:~~ [according to
regulations adopted by the commissioner of Administration. The
are to be considered at the meeting shall be made available at tele-
regulations must include a provision that]
conference locations. 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. The vote at a meeting held by
teleconference shall be taken by roll call. This section does not
apply to any votes required to be taken to organize a public body
described [THE BODIES SPECIFIED] in the subsection.

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

(e) Reasonable public notice shall be given for all meetings
required to be open under this section. The notice must include the
date, time, and place of the meeting, and ~~delete:~~ add: ~~delete:~~ [general
topics to be discussed or considered]
~~conference~~ the location of any teleconferencing facilities that will
be used.

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

(a) It is the policy of the state that

- (1) the governmental units mentioned in AS 44.62.310(a)
exist to aid in the conduct of the people's business;
- (2) it is the intent of the law that actions of those units
be taken openly and that their deliberations be conducted openly;
- (3) the people of this state do not yield their sovereignty
to the agencies which serve them;
- (4) the people, in delegating authority, do not give their
public servants the right to decide what is good for the people to
know and what is not good for them to know;
- (5) the people's right to remain informed shall be protect-
ed so that they may retain control over the instruments they have
created;



Offered: 4/8/85
Referred: Rules

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 ~~add: except for meetings of a house of the legislature~~
Attendance and participation at meetings by members of

11.

delete:

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, ^{delete:} general topics to be discussed
15 or considered, ^{add:} it the meeting is by teleconference
16 and the location of any teleconferencing facilities
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.

IV

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

VI

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 pation 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 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 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)
 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 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.

HEADINGS TITLE 44.
State Government.
CHAPTER 62.
Administrative Procedure Act.
ARTICLE 6.
Agency Meetings Public.

CITATION Sec. 44.62.310.

CATCH LINE

AGENCY MEETINGS PUBLIC.

TEXT

(a) All meetings of a legislative body, of a board of regents, or of an administrative body, board, commission, committee, subcommittee, authority, council, agency, or other organization, including subordinate units of the above groups, of the state or any of its political subdivisions, including but not limited to municipalities, boroughs, school boards, and all other boards, agencies, assemblies, councils, departments, divisions, bureaus, commissions or organizations, advisory or otherwise, of the state or local government supported in whole or in part by public money or authorized to spend public money, are open to the public except as otherwise provided by this section. 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. This section does not apply to any votes required to be taken to organize the bodies specified in this subsection.

(b) If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the exceptions contained in (c) of this section shall be determined by a majority vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session.

(c) The following excepted subjects may be discussed in an executive session:

(1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;

(2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

(3) matters which by law, municipal charter, or ordinance are required to be confidential.

(d) This section does not apply to

(1) judicial or quasi-judicial bodies when holding a meeting solely to make a decision in an adjudicatory proceeding;

(2) juries;

(3) parole or pardon boards;

(4) meetings of a hospital medical staff; or

(5) meetings of the governing body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges or discipline.

(e) Reasonable public notice shall be given for all meetings required to be open under this section.

(f) Action taken contrary to this section is void.

HISTORY

(Sec. 1 art VI (ch 1) ch 143 SLA 1959; am sec. 1 ch 48 SLA 1966; am sec. 1 ch 78 SLA 1968; am sec. 1 ch 7 SLA 1969; am secs. 1, 2 ch 98 SLA 1972; am sec. 2 ch 100 SLA 1972; am sec. 1 ch 189 SLA 1976)

HEADINGS TITLE 44.
State Government.
CHAPTER 62.
Administrative Procedure Act.
ARTICLE 6.
Agency Meetings Public.

CITATION Sec. 44.62.312.

CATCH LINE

STATE POLICY REGARDING MEETINGS.

TEXT

(a) It is the policy of the state that

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

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

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

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

(5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created.

(b) AS 44.62.310(c)(1) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and avoid unnecessary executive sessions.

HISTORY

(Sec. 3 ch 98 SLA 1972)

HEADINGS TITLE 44.
State Government.
CHAPTER 62.
Administrative Procedure Act.
ARTICLE 8.
Administrative Adjudication.

CITATION Sec. 44.62.410.

CATCH LINE

TIME AND PLACE OF HEARING.

TEXT The agency shall determine the time and place of hearing. The hearing shall be held in Juneau or Ketchikan, whichever is closer to the place where the transaction occurred or where the respondent resides, if the transaction occurred in or the respondent resides in the Southeastern Senate District; in Anchorage if the transaction occurred or the respondent resides within the South Central Senate District; in Fairbanks or Nome, whichever is closer to the place where the transaction occurred or where the respondent resides, if the transaction occurred in or the respondent resides in the Central or Northwestern Senate Districts. The agency may, if the transaction occurred in a senate district other than that of respondent's residence, select the place of hearing appropriate for either district. The agency may select a different place nearer the place where the transaction occurred or where the respondent resides, or the parties by agreement may select any place in the state.

HISTORY (Sec. 9 (ch 2) ch 143 SLA 1959)

HEADINGS TITLE 44.
State Government.
CHAPTER 62.
Administrative Procedure Act.
ARTICLE 8.
Administrative Adjudication.

CITATION Sec. 44.62.600.

CATCH LINE

MAIL VOTE.

TEXT A member of an agency qualified to vote on a question may vote by mail.

HISTORY (Sec. 28 (ch 2) ch 143 SLA 1959)

HOUSE CALENDAR:

BILL HB0140
 PAGE 00182
 DATE 01/28/85
 CHAMBER HOUSE
 TEXT HOUSE BILL NO. 140 by the Rules Committee by request of the

Governor, entitled:

"An Act relating to the use of
 teleconferencing under the
 Administrative Procedure Act."

was read the first time and referred to the House Special Committee on Telecommunications, the Judiciary and Finance Committees.

A zero fiscal note with an analysis was attached and appears in House Journal Supplement No. 10.

The Governor's transmittal letter dated January 28, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the use of teleconferencing for meetings and hearings held under the Administrative Procedure Act (AS 44.62). The bill confirms and clarifies that teleconferencing is a legally permissible means for increasing efficient public access and input to government bodies. Provisions to safeguard the constitutional and statutory rights of the public relating to hearings and public meetings are included in the bill.

The availability of new communications technology combined with our declining revenues make passage of this important measure a timely step towards economical efficient expansion of public access to the administrative process.

Sincerely,

/s/

Bill Sheffield
Governor"

HB0140
 00559
 03/11/85
 HOUSE

The House Special Committee on Telecommunications has considered HOUSE BILL NO. 140 (relating to the use of teleconferencing under the Administrative Procedure Act) and reports it back as follows: Boucher (Chairman), Goll, Wallis and Thompson recommend do pass.

HB 140 was referred to the Judiciary Committee.

HB0140
 00697
 03/25/85
 HOUSE

The Judiciary Committee has considered HOUSE BILL NO. 140 (relating to the use of teleconferencing under the Administrative Procedure Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 140 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg, Phillips and Clocksin recommend do pass.

HB 140 was referred to the Finance Committee.

HB0140
00838
04/08/85
HOUSE

The Finance Ccmmittee has considered HOUSE BILL NO. 140 (use of teleconferencing under the Administrative Procedure Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 140 (Finance) (same title) and reports it back as follows: Adams (Chairman), Duncan, Larson, Uehling, Rieger, Frank and Cotten recommend do pass.

A zero fiscal note with an analysis was attached and appears in House Journal Supplement No. 43.

HB 140 was referred to the Rules Committee for placement on the calendar.

HB0140
00890
04/11/85
HOUSE

HOUSE BILL NO. 140 (use of teleconferencing under the Administrative Procedure Act) was read the second time with the House Special Committee on Telecommunications report (page 559), the Judiciary Committee report (page 697), and the Finance Committee report (page 838).

Representative Clocksin moved and asked unanimous consent that HB 140 be removed from today's calendar and returned to the Rules Committee. There being no objection, it was so ordered.

Use of Teleconferencing

HOUSE BILL NO. 140, by the Rules Committee by Request of the Governor. Confirms and clarifies that teleconferencing is a legal means for increasing public access and input to government bodies (see Governor's message). No effective date (takes effect 90 days after Governor signs bill).

Introduced January 28 and referred to the House Special Committee on Telecommunications, Judiciary and Finance.

In his letter transmitting the bill to the House, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the use of teleconferencing for meetings and hearings held under the

Administrative Procedure Act (AS 44.62). The bill confirms and clarifies that teleconferencing is a legally permissible means for increasing efficient public access and input to government bodies. Provisions to safeguard the constitutional and statutory rights of the public relating to hearings and public meetings are included in the bill.

The availability of new communications technology combined with our declining revenues make passage of this important measure a timely step towards economical efficient expansion of public access to the administrative process.

HOUSE BILL NO. 140, (see page 138). Reported back to the House from the House Special committee on Telecommunications March 11 as follows: Boucher (Chairman), Goll, Wallis and Thompson recommended do pass. To Judiciary.

HOUSE BILL NO. 140, (see pages 188;457). Reported back to the House March 25 by Judiciary recommending it be replaced with a substitute and that it do pass. concurring: M. M. Miller (Chair), Sund, Gruenberg, Phillips and Clocksin. To Finance.

The Judiciary version deletes the "Intent" section contained in the original. The Judiciary substitute also provides that attendance and participation at meetings by members of the public or by members of a body may be by teleconferencing according to regulations adopted by the Commissioner of Administration. The original version stated that members of the public or members of a body could attend by teleconference, "according to reasonable ground rules established by the body conducting the meeting." It stated that the ground rules were not regulations and did not need to be adopted as such.

Judiciary changes the definition of "teleconferencing" to mean, "...information exchange by audio or video medium." The former version read: "...information exchange by audio, video or computerized electronic media." All other changes are clean-up or technical.

HOUSE BILL NO. 140, (see pages 188;457;542). Reported back to the House April 8 by Finance recommending it be replaced with a substitute and that it do pass. Concurring: Adams (Chair), Duncan, Larson, Uehling, Rieger, Frank, and Cotten. To Rules.

Finance adds one sentence stating that the vote at a meeting held by teleconference shall be taken by roll call.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

No. 43

HOUSE JOURNAL
SUPPLEMENT

April 8, 1985

HB
140

Revision Date: _____ Page 1 of 2

REQUEST Page 1 of 2 FISCAL DETAIL Page 1 of 2
 Bill/Resolution No.: CSHB 140 (FIN) Agency Affected: Administration
 Title: Relating to use of teleconferencing under Administrative Procedures Act Program Category Affected: _____
 Sponsor: Governor General Government
 Requestor: _____ BRU Program or Subprogram(s) Affected: Telecommunications Services
 Date of Request: _____

Page 2 of 2

CSHB 140 (FIN) Page 2 of 2
 Fiscal Note Analysis
 Prepared by Division of Telecommunications Services
 Department of Administration
 April 1, 1985

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)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
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: Sioux Plummer, Director Phone: 465-2041
 Division: Telecommunications Services Date: April 1, 1985

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

HOUSE JOURNAL SUPPLEMENT NO. 43:

COMMITTEE REPORT

HOUSE

FURTHER:

(7)

4/11/85

(taken from calendar 4/11/85)

Date: April 23, 1985

The Committee on RULES has had HB 140

"An Act relating to the use of teleconferencing under the Administrative Procedure Act."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 140 (Rules) same title
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

M.W. Miller

John A. Fuller

MEMBERS HAVING
OTHER RECOMMENDATIONS:

no rec

Terry Martin " "

M.W. Miller
CHAIRMAN

Rep. Martin's

Offered: 4/8/85
Referred: Rules

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: *minority - majority caucuses*

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 ^{? Commission? party caucuses} 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.

