

COMMITTEE REPORT

SENATE

FURTHER:

5/7/85

Date 5/7/85

Mr. President

The Committee on FINANCE considered CSHP ADMIN.

WAS OF INTEREST REGARDING UNDER THE ADMINISTRATIVE PROCEDURE ACT.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title _____
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Offered: 4/23/85
Referred: Rules

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 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. Except for meetings of a house of the legislature,

1 attendance and participation at meetings by members of the public or
2 by members of a body may be by teleconferencing. Agency materials that
3 are to be considered at the meeting shall be made available at tele-
4 conference locations. Except when voice votes are authorized, the
5 vote shall be conducted in such a manner that the public may know the
6 vote of each person entitled to vote. The vote at a meeting held by
7 teleconference shall be taken by roll call. This section does not
8 apply to any votes required to be taken to organize a public body
9 described [THE BODIES SPECIFIED] in the subsection.

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

11 (e) Reasonable public notice shall be given for all meetings
12 required to be open under this section. The notice must include the
13 date, time, and place of the meeting, and if the meeting is by tele-
14 conference the location of any teleconferencing facilities that will
15 be used.

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

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

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

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

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

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

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

1 (6) the use of teleconferencing under this chapter is for
2 the convenience of the parties, the public, and the governmental units
3 conducting the meetings.

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

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

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

8 Sec. 44.62.600. VOTING PROCEDURE [MAIL VOTE]. A member of an
9 agency qualified to vote on a question may vote by mail or by telecon-
10 ferencing. A vote by teleconferencing shall be recorded in a manner
11 that identifies each person who has voted and how the person voted.

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

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

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

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

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

18

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 2

REQUEST

Bill/Resolution No.: HA 140
 Title: Relating to use of teleconferencing
 Sponsor: Governor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

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

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:

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

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared By: F. M. White / skp Phone: 465-2041
 Division: Telecommunications Services Date: 12/5/84

Approved by Commissioner: Lisa Rudd Date: 1/11/85
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

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

House Bill
Fiscal Note Analysis
Prepared by Division of Telecommunications Services
Department of Administration
December 5, 1984

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.

Clarification and the resulting increase in use will allow for greater participation in public policy making as well as broader dissemination of information to and from governmental entities and the public.

SECTIONAL ANALYSIS FOR HOUSE BILL 140

An Act relating to the use of teleconferencing under the Administrative Procedures Act

Section 1

Under current law, when regulations are changed, the state must publish notice of the meeting and give interested persons the opportunity to submit statements or arguments advocating their position in writing. This section amends that law to allow for the submission of statements by an form of communication.

Section 2

Amends that section of the statutes which stipulates that all meetings by agencies, commissions, board, councils etc. are to be public by adding enabling language for teleconferencing of those meetings.

Section 3

Notice for public meetings that are to be teleconferenced must state that the meeting is being teleconferenced and the location of the teleconferencing facilities.

Section 4

Amends state policy regarding meetings by adding language which says that the use of teleconferencing is for the convenience of the parties, the public and governmental units conducting the meetings.

Section 6

Allows for voting to take place by teleconference.

Section 7

Adds a new section to the statutes which establishes guidelines for the use of teleconferencing and they are as follows:

- 1) To be used for the benefit and convenience of the parties, agencies or public.
- 2) May be used to establish quorums, receive public input and for authorized officials to vote

House Bill 140 does not have an effective date and there is no fiscal impact.

Offered: 4/23/85
Referred: Rules

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 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. Except for meetings of a house of the legislature,

1 attendance and participation at meetings by members of the public or
2 by members of a body may be by teleconferencing. Agency materials that
3 are to be considered at the meeting shall be made available at tele-
4 conference locations. Except when voice votes are authorized, the
5 vote shall be conducted in such a manner that the public may know the
6 vote of each person entitled to vote. The vote at a meeting held by
7 teleconference shall be taken by roll call. This section does not
8 apply to any votes required to be taken to organize a public body
9 described [THE BODIES SPECIFIED] in the subsection.

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

11 (e) Reasonable public notice shall be given for all meetings
12 required to be open under this section. The notice must include the
13 date, time, and place of the meeting, and if the meeting is by tele-
14 conference the location of any teleconferencing facilities that will
15 be used.

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

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

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

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

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

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

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

1 (6) the use of teleconferencing under this chapter is for
2 the convenience of the parties, the public, and the governmental units
3 conducting the meetings.

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

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

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

8 Sec. 44.62.600. VOTING PROCEDURE [MAIL VOTE]. A member of an
9 agency qualified to vote on a question may vote by mail or by telecon-
10 ferencing. A vote by teleconferencing shall be recorded in a manner
11 that identifies each person who has voted and how the person voted.

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

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

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

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

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

BILL SHEFFIELD
GOVERNOR



20190

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 28, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

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,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/29/85

Date April 30, 1984

Mr. President

The Committee on State Affairs considered CSHB 140(R1s)

use of teleconferencing under the Administrative Procedure Act.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Ed De Vries
Tim Kelly
Bill Ray

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
 Chairman
[Signature] Now were talkin'!!
 Chairman recommendation