

HB

140

COMMITTEE REPORT  
SENATE

FURTHER: FINANCED

4/29/85

Date April 30, 1984

Mr. President

The Committee on State Affairs considered CSHB 140(Rls)

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  
Tom Kelly  
Bill Kay  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Chairman

Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

Page 1 of 2

**REQUEST**

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

**FISCAL DETAIL**

Agency Affected: Administration  
Program Category Affected: \_\_\_\_\_

Sponsor: Governor

BRU, Program or Subprogram(s) Affected:  
Telecommunications Services

Requestor: \_\_\_\_\_

Date of Request: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	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  
Division: Telecommunications Services

Phone: 465-2041  
Date: April 16, 1985

Approved by Commissioner: L.R. Lisa Rudd  
Agency: Department of Administration

Date: 4/24/85

**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

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 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 *SPS*

Sioux Plummer, Director  
Division of Telecommunications Services  
Department of Administration

4-16-85  
Date

Lisa Rudd

Commissioner Lisa Rudd  
Department of Administration

4/24/85  
Date

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

DIVISION OF TELECOMMUNICATIONS SERVICES

BILL SHEFFIELD, GOVERNOR

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

April 29, 1985

Honorable Mitch Abood, Chairman  
Senate State Affairs  
Capitol 423  
Pouch V  
Juneau, AK 99811

Dear Senator Abood:

Enclosed is a fiscal note, position paper, analysis and a copy of the latest version of HB140, the "Teleconferencing Bill" - CSHB140 (Rules).

Essentially, the Rules version exempts House and Senate sessions from being held by teleconference, deletes the requirement for regulations, deletes the language about listing topics in public meeting notices and deletes language that was felt could cause policy problems. All changes were suggested by Bill Berrier, Director of Legal Services.

We agree with these changes and believe that the bill, in its current form, will do the job. If you have any questions or would like additional information, please call.

Sincerely,



Sioux Plummer  
Director

SKP/dk  
10.2/DTS3  
cc: Senate State Affairs Members

Jim Shea, Deputy Commissioner for  
Information Resource Management and  
Telecommunications  
Department of Administration

Rebecca Burch, Special Assistant  
to the Commissioner  
Department of Administration

# 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

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

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

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 Eoucher 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 3, 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

Jeannie Smith, Professional Assistant  
House Rules Committee

April 18, 1985  
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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

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