



LAWS OF ALASKA

1985

Source

CSHB 140(R1s)

Chapter No.

54

AN ACT

Relating to the use of teleconferencing under the Administrative Procedure Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 30, 1985
Actual Effective Date: August 28, 1985

AN ACT

Relating to the use of teleconferencing under the
Administrative Procedure Act.

* Section 1. AS 44.62.210(a) is amended to read:

(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.

* Sec. 2. AS 44.62.310(a) is amended to read:

(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 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 this 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-
0 ferencing. A vote by teleconferencing shall be recorded in a manner
1 that identifies each person who has voted and how the person voted.

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

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

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

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

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