

1 SB42  
2 165067-3  
3 By Senator Orr  
4 RFD: Finance and Taxation General Fund  
5 First Read: 03-AUG-15

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8 SYNOPSIS: This bill would allow members of  
9 governmental bodies as defined in the Alabama Open  
10 Meetings Act to participate in meetings and  
11 deliberation via electronic communications under  
12 certain circumstances.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 Relating to the Alabama Open Meetings Act; to allow  
19 members of governmental bodies to participate in meetings and  
20 deliberation via electronic communications under certain  
21 circumstances.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) Except as provided in subsection (d),  
24 members of a governmental body as defined in Section 36-25A-2,  
25 Code of Alabama 1975, that is comprised of members from two or  
26 more counties, may participate in a meeting of that  
27 governmental body by means of telephone conference, video

1 conference, or other similar communications equipment which  
2 allows all persons participating in the meeting to hear each  
3 other at the same time. Participation by such means shall  
4 constitute presence in person at the meeting for all purposes,  
5 except for the establishment of a quorum.

6 (b) Every meeting shall have one physical location  
7 available for persons wishing to be physically present, at  
8 which any interested member of the public shall be able to  
9 hear all persons who are participating remotely, and that  
10 location shall be published in a manner consistent with the  
11 Alabama Open Meetings Act.

12 (c) Utilization of electronic communication shall be  
13 done in a manner that complies with the Alabama Open Meetings  
14 Act and allowing members of the public to be present at the  
15 physical location required by subsection (b) is sufficient for  
16 compliance with the Alabama Open Meetings Act and the  
17 electronic communication does not have to be otherwise made  
18 available to members of the public.

19 (d) The members of the following governmental bodies  
20 are prohibited from participating in meetings and deliberation  
21 via electronic communications as otherwise authorized by this  
22 section: The Board of Pardons and Paroles, the Public Service  
23 Commission, standing committees of the Legislature while the  
24 Legislature is in session, a governing board taking any action  
25 under the Students First Act of 2011, any state board or  
26 agency acting in any quasi judicial capacity involving

1 employment actions or the promulgation of rules pursuant to  
2 statutory authority and the Alabama Ethics Commission.

3 (e) Any other provision of this section to the  
4 contrary notwithstanding, a majority of a quorum of the  
5 members participating in any given meeting shall be physically  
6 present at the location noticed and called for the meeting in  
7 order to conduct any business or deliberation, and only those  
8 members who are physically present may participate in an  
9 executive session of the governmental body.

10 (f) Any vote taken at a meeting utilizing the  
11 equipment contemplated by subsection (a) shall be taken as a  
12 roll call vote that allows each participant to vote  
13 individually in a manner audible to all persons participating  
14 or present at the physical location provided for in subsection  
15 (b).

16 (g) No member utilizing this section shall claim any  
17 form of reimbursement for expenses, including mileage and per  
18 diem.

19 (h) Any governmental body with specific statutory or  
20 constitutional authority to meet via electronic means under a  
21 procedure different than that set forth in this section may  
22 continue to operate under the requirements of that specific  
23 authority or may adopt a resolution opting to come under the  
24 requirements of this section.

25 Section 2. This act shall become effective on the  
26 first day of the third month following its passage and  
27 approval by the Governor, or its otherwise becoming law.

