

1 HB229
2 216428-1
3 By Representative Robbins
4 RFD: State Government
5 First Read: 02-FEB-22

8 SYNOPSIS: Under existing law, certain governmental
9 bodies may conduct meetings where certain members
10 may participate by means of telephone conference,
11 video conference, or other similar communications
12 equipment, so long as all persons participating in
13 the meeting can hear each other at the same time.
14 However, participants communicating in this manner
15 are not considered present at the meeting for
16 purposes of establishing a quorum.

17 This bill would provide if a meeting is
18 conducted utilizing electronic communication to
19 allow members to participate remotely, the meeting
20 must be conducted in such a manner as to allow
21 members of the public to also participate remotely.

23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to the Alabama Open Meetings Act; to amend
2 Section 36-25A-5.1, Code of Alabama 1975, to further provide
3 for participation by electronic communication at meetings of
4 certain governmental bodies.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 36-25A-5.1, Code of Alabama 1975,
7 is amended to read as follows:

8 "§36-25A-5.1.

9 "(a) Except as provided in subsection (d), members
10 of a governmental body, as defined in Section 36-25A-2, that
11 ~~is comprised of members from two or more counties,~~ may
12 participate in a meeting of that governmental body by means of
13 telephone conference, video conference, or other similar
14 communications equipment which allows all persons
15 participating in the meeting to hear each other at the same
16 time. Participation by such means shall constitute presence in
17 person at the meeting for all purposes, except for the
18 establishment of a quorum.

19 "(b) (1) Every meeting shall have one physical
20 location available for persons wishing to be physically
21 present, at which any interested member of the public shall be
22 able to hear all persons who are participating remotely, and
23 that location shall be published in a manner consistent with
24 this chapter.

25 (2) When a meeting of a governmental body uses
26 electronic communications equipment pursuant to subsection (a)
27 to allow members of that governmental body to participate

1 remotely, the governmental body shall allow members of the
2 public to participate remotely. The necessary information for
3 remote participation shall be published with the notice of the
4 location of the meeting pursuant to subdivision (1).

5 "(c) Utilization of electronic communication shall
6 be done in a manner that complies with this chapter and
7 allowing members of the public to be present at the physical
8 location required by subsection (b) is sufficient for
9 compliance with this chapter and the electronic communication
10 does not have to be otherwise made available to members of the
11 public.

12 "(d) The members of the following governmental
13 bodies are prohibited from participating in meetings and
14 deliberation via electronic communications as otherwise
15 authorized by this section: The Board of Pardons and Paroles,
16 the Public Service Commission, standing committees of the
17 Legislature while the Legislature is in session, a governing
18 board taking any action under the Students First Act of 2011,
19 any state board or agency acting in any quasi judicial
20 capacity involving employment actions or the ~~promulgation~~
21 adoption of rules pursuant to statutory authority, any state
22 board, agency, or other governmental body conducting a hearing
23 which could result in loss of licensure or professional
24 censure, and the Alabama Ethics Commission.

25 "(e) Any other provision of this section to the
26 contrary notwithstanding, a majority of a quorum of the
27 members participating in any given meeting shall be physically

1 present at the location noticed and called for the meeting in
2 order to conduct any business or deliberation, and only those
3 members who are physically present may participate in an
4 executive session of the governmental body.

5 "(f) Any vote taken at a meeting utilizing the
6 equipment contemplated by subsection (a) shall be taken as a
7 roll call vote that allows each participant to vote
8 individually in a manner audible to all persons participating
9 remotely or present at the physical location provided for in
10 subsection (b).

11 "(g) No member ~~utilizing~~ participating remotely in a
12 meeting by means of electronic communication under this
13 section ~~shall~~ may claim any form of reimbursement for
14 expenses, including mileage and per diem.

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

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