

1 SB126
2 165067-1
3 By Senator Orr
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 03-MAR-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.

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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, the State Board of Education, a
25 governing board taking any action under the Students First Act
26 of 2011, any state board or agency acting in any quasi
27 judicial capacity involving employment actions or the

1 promulgation of rules pursuant to statutory authority and the
2 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 Section 2. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.