

1 SB147  
2 216054-3  
3 By Senators Orr and Holley  
4 RFD: Governmental Affairs  
5 First Read: 01-FEB-22

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to meetings of governmental bodies; to  
12 amend Section 36-25A-5.1, Code of Alabama 1975, relating to  
13 meetings of governmental bodies by electronic means; to  
14 further provide for the participation by members of a  
15 governmental body at a meeting held by electronic means; to  
16 provide further for public participation at a meeting held by  
17 electronic means; and to make nonsubstantive, technical  
18 revisions to update the existing code language to current  
19 style.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 "§36-25A-5.1.

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

1 telephone conference, video conference, or other similar  
2 communications equipment which allows all persons  
3 participating in the meeting to hear each other at the same  
4 time. Participation by ~~such~~ these electronic means shall  
5 constitute presence in person at the meeting for all purposes,  
6 ~~except for the establishment of a quorum; provided, that at~~  
7 least three members, or a majority of a quorum of members,  
8 whichever is less, are physically present at the physical  
9 meeting location required by subsection (b).

10 "(2) If a member is participating in a meeting of a  
11 governmental body by electronic means as authorized in this  
12 section, the governmental body shall ensure that means of  
13 access to the electronic communication is published in the  
14 same manner as the notice of the meeting is published pursuant  
15 to this chapter.

16 "(3) The means of access shall allow members of the  
17 public to hear the meeting. A body is not required to allow  
18 the public to participate by electronic means to any extent  
19 beyond being able to hear the meeting.

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

26 "(c) ~~Utilization~~ Except as otherwise provided by  
27 this section, use of electronic communication shall be done in

1 a manner that complies with this chapter ~~and allowing members~~  
2 ~~of the public to be present at the physical location required~~  
3 ~~by subsection (b) is sufficient for compliance with this~~  
4 ~~chapter and the electronic communication does not have to be~~  
5 ~~otherwise made available to members of the public.~~

6 "(d) The members of the following governmental  
7 bodies are prohibited from participating in meetings and  
8 deliberation via electronic communications as otherwise  
9 authorized by this section:

10 "(1) The Board of Pardons and Paroles, ~~the~~.

11 "(2) The Public Service Commission, ~~standing~~.

12 "(3) Standing committees of the Legislature while  
13 the Legislature is in session, ~~a~~.

14 "(4) A governing board taking any action under the  
15 Students First Act of 2011, ~~any~~.

16 "(5) Any state board or agency acting in any quasi  
17 judicial capacity involving employment actions or the  
18 promulgation of rules pursuant to statutory authority, ~~any~~.

19 "(6) Any state board, agency, or other governmental  
20 body conducting a hearing which could result in loss of  
21 licensure or professional censure, ~~and the~~.

22 "(7) The Alabama Ethics Commission.

23 "~~(e) Any other provision of this section to the~~  
24 ~~contrary notwithstanding, a majority of a quorum of the~~  
25 ~~members participating in any given meeting shall be physically~~  
26 ~~present at the location noticed and called for the meeting in~~  
27 ~~order to conduct any business or deliberation, and only those~~

1 ~~members who are physically present may participate in an~~  
2 ~~executive session of the governmental body.~~

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

9 ~~"(g) No member utilizing this section~~ (f) A member  
10 participating in a meeting by means provided by this section  
11 ~~shall~~ may not claim any form of reimbursement for expenses  
12 relating to that meeting, including mileage and per diem.

13 "(g) If the electronic communications fail or are in  
14 any way interrupted during a meeting otherwise in compliance  
15 with this chapter, that failure shall not be grounds to  
16 challenge any action taken during the meeting.

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

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

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Senate

Read for the first time and referred to the Senate  
committee on Governmental Affairs..... 01-FEB-22

Read for the second time and placed on the calen-  
dar 1 amendment..... 08-FEB-22

Read for the third time and passed as amended .... 09-FEB-22

Yeas 29  
Nays 0

Patrick Harris,  
Secretary.