

1 SB228
2 212691-2
3 By Senator Figures
4 RFD: Governmental Affairs
5 First Read: 16-FEB-22

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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 that at every
18 meeting of a governmental body, members may
19 participate in the meeting through electronic
20 communication, and such participation by a member
21 is considered present for purposes of establishing
22 a quorum.

23 This bill would provide if a meeting is
24 conducted through electronic communication, the
25 meeting must be conducted in such a manner as to
26 allow members of the public to hear all persons

1 participating remotely and participate as otherwise
2 required by the Open Meetings Act.

3 This bill would also provide that if a
4 meeting of a governmental body is conducted through
5 electronic communication, the governmental body
6 must post a summary of the meeting in a prominent
7 location on its website or, if it has no website,
8 in any other location or using any other method
9 designed to provide reasonable notice to the
10 public. The summary shall recount the deliberations
11 conducted and the actions taken with reasonable
12 specificity to allow the public to understand what
13 happened at the meeting summarized.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 Relating to the Alabama Open Meetings Act; to amend
20 Section 36-25A-5.1, Code of Alabama 1975, to further provide
21 for participation by electronic communications at meetings of
22 certain governmental bodies.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

26 "§36-25A-5.1.

1 "(a) Except as provided in subsection ~~(d)~~ (e),
2 members of a governmental body, as defined in Section
3 36-25A-2, ~~that is comprised of members from two or more~~
4 ~~counties~~, may participate in a meeting of that governmental
5 body by means of telephone conference, video conference, or
6 other similar communications equipment which allows all
7 persons participating in the meeting to hear each other at the
8 same time. Participation by such means shall constitute
9 presence in person at the meeting for all purposes, ~~except for~~
10 including the establishment of a quorum.

11 "(b) Every meeting, except executive sessions, shall
12 ~~have one physical location available for persons wishing to be~~
13 ~~physically present, at which~~ allow any interested member of
14 the public ~~shall~~ to be able to hear all persons who are
15 participating remotely, and ~~that location shall be published~~
16 ~~in a manner consistent with this chapter~~ shall allow members
17 of the public to participate as otherwise provided by this
18 chapter.

19 "(c) Utilization of electronic communication shall
20 be done in a manner that complies with this chapter and
21 allowing members of the public to be present at the physical
22 location required by subsection (b) is sufficient for
23 compliance with this chapter and the electronic communication
24 does not have to be otherwise made available to members of the
25 public.

26 "(d) No less than 48 hours following the conclusion
27 of a meeting conducted pursuant to this section, a

1 governmental body shall post a summary of the meeting in a
2 prominent location on its website or, if it has no website, in
3 any other location or using any other method designed to
4 provide reasonable notice to the public. The summary shall
5 recount the deliberations conducted and the actions taken with
6 reasonable specificity to allow the public to understand what
7 happened during the meeting.

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

21 "~~(e)~~ ~~Any other provision of this section to the~~
22 ~~contrary notwithstanding, a majority of a quorum of the~~
23 ~~members participating in any given meeting shall be physically~~
24 ~~present at the location noticed and called for the meeting in~~
25 ~~order to conduct any business or deliberation, and only those~~
26 ~~members who are physically present may participate in an~~
27 ~~executive session of the governmental body.~~

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

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

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

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