

1 SB316  
2 217991-2  
3 By Senator Melson  
4 RFD: Governmental Affairs  
5 First Read: 17-MAR-22

SYNOPSIS: Under existing law, the Open Meetings Act provides that governmental bodies comprised of members from two or more counties may conduct meetings where certain members may participate by means of telephone conference, video conference, or other similar communication equipment if all persons participating in the meeting can hear each other at the same time. However, participants communicating in this manner are not considered present at the meeting for purposes of establishing a quorum.

This bill would authorize governmental bodies as defined to meet remotely; would provide for members of a governmental body to participate remotely in meetings which allows participants to see and hear each other for the purpose of the meeting; and would provide that, if a meeting is conducted utilizing electronic communication to allow members to participate remotely, members of

1 the public would be allowed to observe and hear the  
2 meeting remotely.

3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT

7  
8 Relating to the Alabama Open Meetings Act; to amend  
9 Section 36-25A-5.1, Code of Alabama 1975, to further provide  
10 for participation by electronic communication at meetings of  
11 governmental bodies.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§36-25A-5.1.

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

26 "(b) (1) Every meeting shall ~~have one~~ be officially  
27 convened at the location designated in the notice. The

1 physical location shall be available for persons wishing to be  
2 physically present, at which any interested member of the  
3 public shall be able to hear all persons who are participating  
4 remotely, ~~and that location shall be published in a manner~~  
5 ~~consistent with this chapter.~~

6 "(2) When a meeting of a governmental body uses  
7 electronic communications equipment pursuant to subsection (a)  
8 to allow members of that governmental body to participate  
9 remotely, the governmental body shall provide for members of  
10 the public to observe and hear the meeting remotely. The  
11 necessary information relating to remote observation of the  
12 meeting shall be published with the notice of the meeting.

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

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

1 capacity involving employment actions or the ~~promulgation~~  
2 adoption of rules pursuant to statutory authority, any state  
3 board, agency, or other governmental body conducting a hearing  
4 which could result in loss of licensure or professional  
5 censure, and the Alabama Ethics Commission.

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

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

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

23 "(h) Any governmental body with specific statutory  
24 or constitutional authority to meet via electronic means under  
25 a procedure different than that set forth in this section may  
26 continue to operate under the requirements of that specific

1 authority or may adopt a resolution opting to come under the  
2 requirements of this section."

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