

1 SB102
2 145744-2
3 By Senators Orr and Pittman
4 RFD: Finance and Taxation General Fund
5 First Read: 05-FEB-13

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the Alabama Open Meetings Act; to allow
12 members of governmental bodies, with certain exceptions, to
13 participate in meetings and deliberation via electronic
14 communications under certain circumstances.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. (a) Except as provided in subsection (d),
17 members of a governmental body as defined in Section 36-25A-2,
18 Code of Alabama 1975, with statewide jurisdiction, 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 hear each other at the same
23 time. Participation by such means shall constitute presence in
24 person at the meeting for all purposes, except for the
25 establishment of a quorum.

26 (b) Every meeting shall have one physical location
27 available for persons wishing to be physically present, at

1 which any interested member of the public shall be able to
2 hear all persons who are participating remotely, and that
3 location shall be published in a manner consistent with the
4 Alabama Open Meetings Act.

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

12 (d) The members of the following governmental bodies
13 are prohibited from participating in meetings and deliberation
14 via electronic communications as otherwise authorized by this
15 section: The Board of Pardons and Paroles, the Public Service
16 Commission, standing committees of the Legislature while the
17 Legislature is in session, the State Board of Education, and
18 the Alabama Ethics Commission.

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

26 (f) Any vote taken at a meeting utilizing the
27 equipment contemplated by subsection (a) shall be taken as a

1 roll call vote that allows each participant to vote
2 individually in a manner audible to all persons participating
3 or present at the physical location provided for in subsection
4 (b).

5 Section 2. This act shall become effective on the
6 first day of the third month following its passage and
7 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 Finance and Taxation General Fund ... 05-FEB-13

Read for the second time and placed on the calen-
dar 2 amendments..... 14-FEB-13

Read for the third time and passed as amended 16-APR-13

Yeas 28
Nays 1

Patrick Harris
Secretary