

1 SB126
2 165067-2
3 By Senator Orr
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 03-MAR-15

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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 to participate in meetings and
13 deliberation via electronic communications under certain
14 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, that is comprised of members from two or
19 more counties, may participate in a meeting of that
20 governmental body by means of telephone conference, video
21 conference, or other similar communications equipment which
22 allows all persons participating in the meeting to hear each
23 other at the same time. Participation by such means shall
24 constitute presence in person at the meeting for all purposes,
25 except for the 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, a governing board taking any action
18 under the Students First Act of 2011, any state board or
19 agency acting in any quasi judicial capacity involving
20 employment actions or the promulgation of rules pursuant to
21 statutory authority and the Alabama Ethics Commission.

22 (e) Any other provision of this section to the
23 contrary notwithstanding, a majority of a quorum of the
24 members participating in any given meeting shall be physically
25 present at the location noticed and called for the meeting in
26 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) 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 shall claim any
10 form of reimbursement for expenses, including mileage and per
11 diem.

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

18 Section 2. This act shall become effective on the
19 first day of the third month following its passage and
20 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 Fiscal Responsibility and Economic
Development..... 03-MAR-15

Read for the second time and placed on the
calendar 1 amendment..... 11-MAR-15

Read for the third time and passed as amended 17-MAR-15

Yeas 29
Nays 3

Patrick Harris
Secretary