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REVISED PROPOSED GUIDELINES

from

THE SELECT COMMITTEE ON LEGISLATIVE ETHICS

as required by AS 44.62, as amended in 1994

Revised and adopted by the Committee on February 13, 1995

**REVISED PROPOSED GUIDELINES
from
THE SELECT COMMITTEE ON LEGISLATIVE ETHICS**

Application of the

**OPEN MEETINGS
PRINCIPLES
for the
ALASKA STATE LEGISLATURE**

Adopted and revised by
the Select Committee on Legislative Ethics

February 13, 1995

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**REVISED OPEN MEETINGS PRINCIPLES
for the
ALASKA STATE LEGISLATURE**

The Open Meetings Principles apply only to legislators talking to legislators about legislative business.

Legislators shall abide by these Open Meetings Principles.

The Legislature shall adhere to the Uniform Rules concerning meetings, notice, access and scheduling.

Legislative meetings are **open to the public**. Exceptions that would allow a meeting or gathering to be closed are:

1. Any 3 legislators meeting, unless those members compose the quorum of a legislative standing committee, special committee or subcommittee and are discussing committee business. Any two legislators can speak together in private even if they constitute a quorum of a subcommittee.

2. Any number of legislators in an *executive session or *political strategy session.

3. Any number of legislators in the legislative lounge, providing that legislators, as a group, do not prioritize or formulate positions on legislative issues or take legislative action.

4. Any number of legislators discussing non-legislative business.

5. Conversations between legislators, even on legislative business, which occur under the auspices of a *non-legislative organization at a non-legislative event so long as legislators, as a group, do not prioritize or formulate positions on legislative issues or take legislative action while attending and public access is not purposefully denied. This includes debates, panels, and informational trips.

6. Additional exceptions that would allow a meeting or gathering to be closed may be found under specific meeting headings below.

Failure to comply with the Open Meetings Principles could result in a complaint being filed with or by the Select Committee on Legislative Ethics.

*See Definitions

HOUSE/SENATE FLOOR SESSION:
OPEN TO THE PUBLIC.

- o **EXCEPTIONS** that would allow a meeting to be closed:
 - o "At Eases"
 - o Executive Session

WHEN: Regular and Special sessions.

NOTICE: Announced or posted on the day preceding the next legislative day, except "at eases".

CHANGES: Changes to calendar or approval of supplemental calendar require 2/3's vote of members present.

PUBLIC ACCESS: Gallery seating open, copies of bills available, voices amplified and recorded when in session.

COMMITTEE MEETINGS: STANDING, SPECIAL, PERMANENT INTERIM, JOINT, CONFERENCE and/or TASK FORCES.
OPEN TO THE PUBLIC.

- o **EXCEPTION** that would allow a meeting to be closed:
 - o Executive Session

WHEN: Regular and Special sessions and Interim.

NOTICE: By 4:00 pm on Thursday of the preceding week to the Chief Clerk or Senate Secretary. For the first public hearing on a bill in each committee of referral, notice must be provided 5 days in advance. The number and title of all "bills pending referral" shall be specified for each committee meeting calendar.

- o **NOTICE EXCEPTION:**
 - o *The 5 day notice and prior Thursday notice requirements are shortened to 12 hours after the conference committee on the budget is appointed and during special sessions.*
 - o *The Committee on Committees and the Rules Committee, when it meets for the purpose of preparing the daily calendar, are exempt from the notice requirements.*

NOTICE OF "BILLS PREVIOUSLY HEARD": 24 hour supplemental notice is required to the Chief Clerk or Senate Secretary, which specifies number and title of "bills previously heard". The notice requirement is shortened to 12 hours after the conference committee on the budget is appointed and during special sessions.

(Committee Meetings continued)

PUBLIC ACCESS: Provide appropriate seating, appropriate number of copies of materials being discussed (but not copies of witness materials or visual aids), amplification of witnesses' and legislators' voices if necessary to be heard. Committee meetings are to be recorded.

TELECONFERENCE: All of the Public Access requirements above apply plus provide a means of informing all sites which legislators are present, when meeting is teleconferenced, and periodically identify legislators present throughout the duration of the meeting.

SUBCOMMITTEES:

OPEN TO THE PUBLIC.

o EXCEPTION that would allow a meeting to be closed:

o Executive Session

o Any two legislators can speak together in private, even if they constitute a subcommittee quorum.

WHEN: Regular and Special sessions and Interim.

NOTICE: 24 hour supplemental notice is required to the Chief Clerk or Senate Secretary. The notice requirement is shortened to 12 hours after the conference committee on the budget is appointed and during special sessions. The number and title of all "bills pending referral" shall be specified for each subcommittee meeting calendar.

NOTICE OF "BILLS PREVIOUSLY HEARD": 24 hour supplemental notice is required to the Chief Clerk or Senate Secretary, which specifies number and title of "bills previously heard". The notice requirement is shortened to 12 hours after the conference committee on the budget is appointed and during special sessions.

PUBLIC ACCESS: Provide appropriate seating, appropriate number of copies of materials being discussed (but not copies of witness materials or visual aids), amplification of witnesses' and legislators' voices if necessary to be heard.

TELECONFERENCE: All of the Public Access requirements above apply plus provide a means of informing all sites which legislators are present, when meeting is teleconferenced, and periodically identify legislators present throughout the duration of the meeting.

CAUCUS MEETINGS:

MAJORITY, MINORITY, REGIONAL, ISSUE-BASED, ETC.

OPEN TO THE PUBLIC.

(Caucus Meetings continued)

Note: Decisions will not be made on substantive issues and substantive issues will only be discussed in the context of political strategy while in a closed caucus.

- o **EXCEPTIONS:** *that would allow a meeting to be closed*
 - o *Executive Session*
 - o *Political Strategy Session*

WHEN: Regular and Special sessions and Interim.

NOTICE: 24 hour written notice of the time and place to Chief Clerk or Senate Secretary, if caucus meeting is to be open.

PUBLIC ACCESS: Provide appropriate seating, amplification of witnesses and legislator's voices if required to be heard.

TELECONFERENCE: All of the Public Access requirements above apply plus provide a means of informing all sites which legislators are present, when meeting is teleconferenced and periodically identify legislators present throughout the duration of the meeting.

MEETINGS NOT OTHERWISE DESCRIBED: of legislators on legislative business.

OPEN TO THE PUBLIC.

- o **EXCEPTIONS** *that allow a meeting to be closed:*

- o *Executive Session*
- o *Political Strategy Sessions*
- o *Any group of legislators who do not constitute a quorum of a committee or subcommittee considering the legislative business being discussed, so long as they do not, as a group, prioritize legislative issues, formulate positions on legislative issues or take legislative actions.*
- o *Any number of legislators at a gathering, trip or meeting arranged by another organization or entity to present information relating to legislative issues so long as the legislators, while attending, do not, as a group, prioritize legislative issue, formulate positions on legislative issues or take legislative actions.*

WHEN: Regular and Special sessions and Interim.

NOTICE: The open meetings above will have as much notice as practical. Notice is encouraged but not required so long as the meeting comes under one of the exceptions listed above.

PUBLIC ACCESS: Provide appropriate seating.

NO FORMAL ACTION.

GO-BETWEEN OR SERIAL MEETING:

Legislators may not use "go-betweens" or serial meetings for the purpose of evading the principles of open meetings.

Sequential individual meetings between legislators for the purpose of evaluating support for a bill prior to floor action, (the use of chit sheets), is allowed.

Nothing in these guidelines is intended to preclude a legislator from asking one or more legislators, individually, about their opinion or concerns on a particular issue or bill.

DEFINITIONS:**EXECUTIVE SESSION:**

~The specific reason for the executive session must be stated in open session and discussion in executive session must be limited to that topic.

~No formal action can be taken in executive session, except when by statute the entire proceeding is confidential.

~Legislators may exclude the public from portions of meetings which discuss the following matters:

1. Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the state;
2. Subjects that tend to prejudice the reputation and character of any person, provided that person may request a public discussion;
3. Matters which by law are required to be confidential;
4. Pending litigation with an attorney where the attorney-client privilege applies.
5. Matters involving consideration of government records that by law are not subject to public disclosure.

NON-LEGISLATIVE ORGANIZATION: An organization not affiliated with the legislature of the State of Alaska. State agencies are herein considered non-legislative organizations, along with private, non-profit and professional organizations.

(Definitions continued)

POLITICAL STRATEGY SESSION: Legislators may exclude the public from portions of meetings in which ONLY political strategy is discussed. Political strategy includes organization of the houses, committee memberships, scheduling of bills, vehicles for adoption, House-Senate relations and the like. Decisions may not be made on substantive issues in a political strategy session and substantive issues will only be discussed in the context of political strategy.

SENATE SECRETARY/CHIEF CLERK RESPONSIBILITIES:

The chief clerk and senate secretary shall publish and distribute the weekly schedule of meetings and hearings for which notice has been received. The information must be available to the public in the Capitol Building and in the LIOs. Prompt updates, including cancellations, will be issued in the same way. 24 hour notices will be posted by the door to the appropriate chamber (in session) upon receipt.