

CS FOR SENATE BILL NO. 48(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 2/11/09

Referred: Transportation, Judiciary

Sponsor(s): SENATORS THERRIAULT, Thomas

A BILL

FOR AN ACT ENTITLED

1 **"An Act exempting municipal boards, committees, commissions, or other similar bodies**
2 **from the requirements of conducting meetings open to the public when a meeting is**
3 **administrative or managerial in nature; and amending the definition of 'meeting' as it**
4 **relates to public governmental meetings."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 *** Section 1.** AS 44.62.310(d) is amended to read:

7 (d) This section does not apply to

8 (1) a governmental body performing a judicial or quasi-judicial
9 function when holding a meeting solely to make a decision in an adjudicatory
10 proceeding;

11 (2) juries;

12 (3) parole or pardon boards;

13 (4) meetings of a hospital medical staff;

14 (5) meetings of the governmental body or any committee of a hospital

1 when holding a meeting solely to act upon matters of professional qualifications,
2 privileges, or discipline;

3 (6) staff meetings or other gatherings of the employees of a public
4 entity, including meetings of an employee group established by policy of the Board of
5 Regents of the University of Alaska or held while acting in an advisory capacity to the
6 Board of Regents; [OR]

7 (7) meetings held for the purpose of participating in or attending a
8 gathering of a national, state, or regional organization of which the public entity,
9 governmental body, or member of the governmental body is a member, but only if no
10 action is taken and no business of the governmental body is conducted at the
11 meetings; or

12 (8) meetings by municipal boards, committees, commissions, or
13 other similar bodies when meeting solely to act on matters that are
14 administrative or managerial in nature.

15 * **Sec. 2.** AS 44.62.310(h) is amended to read:

16 (h) In this section,

17 (1) "governmental body" means an assembly, council, board,
18 commission, committee, or other similar body of a public entity with the authority to
19 establish policies or make decisions for the public entity or with the authority to advise
20 or make recommendations to the public entity; "governmental body" includes the
21 members of a subcommittee or other subordinate unit of a governmental body if the
22 subordinate unit consists of two or more members;

23 (2) "meeting" means a gathering of members of a governmental body
24 when

25 (A) more than three members or a majority of the members,
26 whichever is less, are present, a matter upon which the governmental body is
27 empowered to act is considered by the members collectively, and the
28 governmental body has the authority to establish policies or make decisions for
29 a public entity; or

30 (B) more than three members or a majority of the
31 members, whichever is less, are present, the gathering is prearranged for the

1 purpose of considering a matter upon which the governmental body is
2 empowered to act, and the governmental body has only authority to advise or
3 make recommendations for a public entity but has no authority to establish
4 policies or make decisions for the public entity;

5 (3) "public entity" means an entity of the state or of a political
6 subdivision of the state including an agency, a board or commission, the University of
7 Alaska, a public authority or corporation, a municipality, a school district, and other
8 governmental units of the state or a political subdivision of the state; it does not
9 include the court system or the legislative branch of state government.