

CS FOR SENATE BILL NO. 15(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 3/10/21

Referred: Judiciary

Sponsor(s): SENATOR COSTELLO

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Open Meetings Act; establishing a civil penalty for violations of**
2 **the open meeting requirements by members of governmental bodies; and relating to the**
3 **duties of the Alaska Public Offices Commission and the attorney general."**

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

5 * **Section 1.** AS 15.13 is amended by adding a new section to read:

6 **Sec. 15.13.395. Open meetings violations.** A person may file with the
7 commission an administrative complaint against a person for a violation described in
8 AS 44.62.310(i), unless the person is a member of the commission. When an
9 administrative complaint has been filed, the commission shall give the respondent due
10 notice and an opportunity to be heard. If, at the conclusion of the hearing, the
11 commission determines that the respondent engaged in the alleged violation, the
12 commission shall assess a civil penalty under AS 44.62.310(i). The commission's
13 determination under this section may be appealed to the superior court under AS 44.62
14 (Administrative Procedure Act).

1 * **Sec. 2.** AS 44.23.020 is amended by adding a new subsection to read:

2 (l) If the attorney general receives a complaint against a member of the Alaska
3 Public Offices Commission for a violation described in AS 44.62.310(i), the attorney
4 general shall give the respondent due notice and an opportunity to be heard. If, at the
5 conclusion of the hearing, the attorney general determines that the respondent engaged
6 in the alleged violation, the attorney general shall assess a civil penalty under
7 AS 44.62.310(i). The determination of the attorney general under this section may be
8 appealed to the superior court under AS 44.62 (Administrative Procedure Act). The
9 attorney general shall, by regulation, establish procedures to implement this
10 subsection, including procedures for investigating and holding hearings on complaints.

11 * **Sec. 3.** AS 44.62.310(h) is amended by adding new paragraphs to read:

12 (4) "knowingly" has the meaning given in AS 11.81.900(a);

13 (5) "public official" has the meaning given in AS 39.50.200 but does
14 not include a judicial officer.

15 * **Sec. 4.** AS 44.62.310 is amended by adding a new subsection to read:

16 (i) A member of a governmental body who is an elected or appointed public
17 official and who knowingly attends a meeting of the governmental body that violates
18 this section is liable to the state for a civil penalty not to exceed \$1,000. The Alaska
19 Public Offices Commission shall enforce this subsection under AS 15.13.395, except
20 that if a member of the Alaska Public Offices Commission is alleged to have violated
21 this subsection, the attorney general shall enforce this subsection under
22 AS 44.23.020(l). In this subsection, "governmental body" does not include a
23 community council established by a municipality.

24 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 APPLICABILITY. AS 15.13.395, added by sec. 1 of this Act, AS 44.23.020(l), added
27 by sec. 2 of this Act, AS 44.62.310(h)(4) and (5), added by sec. 3 of this Act, and
28 AS 44.62.310(i), added by sec. 4 of this Act, apply to conduct occurring on or after the
29 effective date of this Act.