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1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO. 44

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-  
6 tion of the State of Alaska relating to  
7 open meetings.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. Article I, Constitution of the State of Alaska, is amended  
10 by adding a new section to read:

11 SECTION 23. MEETINGS OPEN. The deliberations of each house of  
12 the legislature and the deliberations of the committees and subcommit-  
13 tees and of each committee of the whole shall be open to the public  
14 unless the legislative body is meeting in executive session to con-  
15 sider matters authorized by law. If a matter is appropriate to a  
16 particular legislative body, private and substantive deliberation on  
17 the matter by a quorum of that legislative body is a violation of this  
18 section. Caucuses of the legislature may meet in private to consider  
19 matters of procedure, organization, or strategy.

20 \* Sec. 2. (a) The purpose of the amendment to art. I, Constitution of  
21 the State of Alaska, proposed in sec. 1 of this resolution is to make  
22 openness in government the rule and secrecy the exception. The amendment  
23 ensures that the public is not excluded during the substantive deliberative  
24 and decision-making stages of the budgetary and lawmaking process.

25 (b) The existing open meetings law, AS 44.62.310 and 44.62.312,  
26 complies with this constitutional amendment and the amendment provides a  
27 basis for judicial enforcement of that law, notwithstanding art. II,  
28 secs. 6 and 12, Constitution of the State of Alaska.

29 (c) The existing open meeting law requires that votes be conducted in

1 a manner that allows the public to know how members voted. For executive  
2 sessions, it requires that meetings first be convened as public meetings  
3 and the question of holding an executive session be determined by a ma-  
4 jority vote of the body. Reasonable public notice is required for open  
5 meetings.

6 (d) Under existing law, a legislative body may use an executive  
7 session only to discuss

8 (1) matters, the immediate knowledge of which would clearly have  
9 an adverse effect on the finances of the government;

10 (2) subjects which tend to prejudice the reputation and charac-  
11 ter of any person, provided the person may request a public discussion; and

12 (3) matters which by law, municipal charter, or ordinance are  
13 required to be confidential.

14 (e) This amendment is not intended to prevent the free flow of ideas  
15 among legislators or their participation in public forums, community  
16 events, or social events. Meetings of less than a quorum of the  
17 legislative body that have the purpose or effect of circumventing the open  
18 meetings law would also be a violation of this section.

19 (f) In the preparation of its neutral summary under AS 15.58.-  
20 020(6)(C), the Legislative Affairs Agency shall consider the statement of  
21 legislative intent contained in (a) - (e) of this section.

22 \* Sec. 3. The amendment proposed by this resolution shall be placed  
23 before the voters of the state at the next general election in conformity  
24 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-  
25 tion laws of the state.