

Original sponsors: Brown, Ellis,  
Frank, et al.

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 44 (State Affairs)  
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. (a) Unless the legislature or a  
12 committee of the legislature is meeting in executive session to con-  
13 sider matters authorized by law, the discussions and debates of each  
14 house of the legislature and its committees shall be open to the  
15 public.

16 (b) Except as provided in (a) of this section, private and  
17 substantive discussions and debates on legislation under its juris-  
18 diction by a quorum of a house of the legislature or a committee is  
19 prohibited. A court may not prescribe rules or procedures for the  
20 conduct of legislative business or invalidate legislation because of a  
21 violation of this section. A court may impose a civil fine upon a  
22 member of the legislature for a wilful violation of this section and  
23 may impose other sanctions which the legislature may authorize. The  
24 amount of a civil fine authorized under this section may be estab-  
25 lished by law. The legislature may implement this section.

26 \* Sec. 2. (a) The purpose of the amendment to art. I, Constitution of  
27 the State of Alaska, proposed in sec. 1 of this resolution is to make  
28 openness in government the rule and secrecy the exception. The amendment  
29 ensures that the public is not excluded during the substantive deliberative

1 and decision-making stages of the budgetary and lawmaking process.

2 (b) The amendment provides a basis for judicial enforcement of the  
3 existing open meetings law in AS 44.62.310 - 44.62.312 to the extent that  
4 the provisions are consistent with the amendment proposed in sec. 1 of this  
5 resolution, notwithstanding art. II, secs. 6 and 12, Constitution of the  
6 State of Alaska.

7 (c) This amendment is not intended to prevent the free flow of ideas  
8 among legislators or their participation in public forums, community  
9 events, site visitations, or social events.

10 (d) In the preparation of its neutral summary under AS 15.58.020(6)-  
11 (C), the Legislative Affairs Agency shall consider the statement of legis-  
12 lative intent contained in (a) - (c) of this section.

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