

HOUSE BILL NO. 37

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES DAVIES, Therriault

Introduced: 1/11/93

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to open meetings of governmental bodies."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 44.62.310(a) is amended to read:

4 (a) All meetings of a governing body of an entity of the state or of a
5 political subdivision of the state [LEGISLATIVE BODY, OF A BOARD OF
6 REGENTS, OR OF AN ADMINISTRATIVE BODY, BOARD, COMMISSION,
7 COMMITTEE, SUBCOMMITTEE, AUTHORITY, COUNCIL, AGENCY, OR
8 OTHER ORGANIZATION, INCLUDING SUBORDINATE UNITS OF THE ABOVE
9 GROUPS, OF THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS,
10 INCLUDING BUT NOT LIMITED TO MUNICIPALITIES, BOROUGHES, SCHOOL
11 BOARDS, AND ALL OTHER BOARDS, AGENCIES, ASSEMBLIES, COUNCILS,
12 DEPARTMENTS, DIVISIONS, BUREAUS, COMMISSIONS OR ORGANIZATIONS,
13 ADVISORY OR OTHERWISE, OF THE STATE OR LOCAL GOVERNMENT
14 SUPPORTED IN WHOLE OR IN PART BY PUBLIC MONEY OR AUTHORIZED

1 TO SPEND PUBLIC MONEY,] are open to the public except as otherwise provided
2 by this section or another provision of law. Except for meetings of a house of the
3 legislature, attendance and participation at meetings by members of the public or by
4 members of a governing body may be by teleconferencing. Materials [AGENCY
5 MATERIALS] that are to be considered at the meeting shall be made available at
6 teleconference locations. Except when voice votes are authorized, the vote shall be
7 conducted in such a manner that the public may know the vote of each person entitled
8 to vote. The vote at a meeting held by teleconference shall be taken by roll call. This
9 section does not apply to any votes required to be taken to organize a governing
10 [PUBLIC] body described in this subsection.

11 * Sec. 2. AS 44.62.310(b) is amended to read:

12 (b) If excepted subjects are to be discussed at a meeting, the meeting must first
13 be convened as a public meeting and the question of holding an executive session to
14 discuss matters that come within the exceptions contained in (c) of this section shall
15 be determined by a majority vote of the governing body. Subjects may not be
16 considered at the executive session except those mentioned in the motion calling for
17 the executive session unless auxiliary to the main question. Action may not be taken
18 at the executive session.

19 * Sec. 3. AS 44.62.310(f) is repealed and reenacted to read:

20 (f) If members of a governing body are present together at any location or by
21 teleconference, the number of members present equals at least a quorum of the
22 governing body, and the members discuss a matter within the jurisdiction of the
23 governing body, the gathering constitutes a meeting subject to this section. If the
24 number of members present equals less than a quorum of the governing body, the
25 gathering does not constitute a meeting subject to this section. Attendance of members
26 of a governing body at a gathering of a national, regional, or state association to which
27 the members belong or to which the public entity belongs does not constitute a
28 meeting under this section. An action to enforce this section may be brought in the
29 superior court against a public entity within three years after the first day of a meeting
30 held in violation of this section. Individual members of a governing body may not be
31 named in an action to enforce this section. The court may hold that an action taken

1 by the governing body on a matter discussed at a meeting held in violation of this
2 section is void if the court finds that it is in the public interest that the action be
3 voided. If the court finds that an action is void, the governing body may discuss and
4 act on the matter at another meeting held in compliance with this section.

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

6 (g) In this section,

7 (1) "entity of the state or of a political subdivision of the state" includes
8 an agency, the legislature, an administrative body, a board or commission, the
9 University of Alaska, a public authority or corporation, a municipality, a school
10 district, and other governmental units of the state or a political subdivision of the state;

11 (2) "governing body" means the members of an entity of the state or
12 of a political subdivision of the state that consists of two or more members with the
13 authority to make decisions or recommendations for the purpose of exercising the
14 powers or duties of the entity including advisory responsibilities; "governing body"
15 does not include the members of a subcommittee or other subordinate unit of a
16 governing body unless the subordinate unit includes among its members at least a
17 quorum of the governing body.