

HOUSE BILL NO. 254
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced: 3/26/93

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to open meetings of governmental bodies; and amending Rule
2 82 of the Alaska Rules of Civil Procedure."

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

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

5 (a) All meetings of a legislative body, of a board of regents, or of an
6 administrative body, board, commission, committee, subcommittee, authority, council,
7 agency, or other organization, including subordinate units of the above groups, of the
8 state or any of its political subdivisions, including but not limited to municipalities,
9 boroughs, school boards, and all other boards, agencies, assemblies, councils,
10 departments, divisions, bureaus, commissions, or organizations, advisory or otherwise,
11 of the state or local government supported in whole or in part by public money or
12 authorized to spend public money, are open to the public except as otherwise provided
13 by this section. Except for meetings of a house of the legislature, attendance and
14 participation at meetings by members of the public or by members of a body may be

1 by teleconferencing. [AGENCY MATERIALS THAT ARE TO BE CONSIDERED
2 AT THE MEETING SHALL BE MADE AVAILABLE AT TELECONFERENCE
3 LOCATIONS.] Except when voice votes are authorized, the vote shall be conducted
4 in such a manner that the public may know the vote of each person entitled to vote.
5 [THE VOTE AT A MEETING HELD BY TELECONFERENCE SHALL BE TAKEN
6 BY ROLL CALL.] This section does not apply to any votes required to be taken to
7 organize a public body described in this subsection.

8 * Sec. 2. AS 44.62.310(c) is amended to read:

9 (c) The following excepted subjects may be discussed in an executive session:

10 (1) matters, the immediate knowledge of which would clearly have an
11 adverse effect upon the finances of the government unit;

12 (2) subjects that tend to prejudice the reputation and character of any
13 person, provided the person may request a public discussion;

14 (3) matters that [WHICH] by law, municipal charter, or ordinance are
15 required to be confidential;

16 (4) matters that are covered by the attorney-client privilege.

17 * Sec. 3. AS 44.62.310(d) is amended to read:

18 (d) This section does not apply to

19 (1) judicial or quasi-judicial bodies when holding a meeting solely to
20 make a decision in an adjudicatory proceeding;

21 (2) juries;

22 (3) parole or pardon boards; or

23 (4) [MEETINGS OF A HOSPITAL MEDICAL STAFF; OR

24 (5)] meetings of the governing body or any committee of a hospital
25 when holding a meeting solely to act upon matters of professional qualifications,
26 privileges, or discipline.

27 * Sec. 4. AS 44.62.310(f) is amended to read:

28 (f) Action taken contrary to this section is voidable by a court. In a court
29 proceeding to enforce this section all parties shall bear their own costs and
30 attorney fees [VOID].

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

1 (g) In this section, "meeting" means a gathering of two or more members of
2 a body with the authority to make joint decisions for the purpose of exercising the
3 powers or duties of the body, but only if the gathering includes at least a quorum of
4 the membership.

5 * Sec. 6. If this section receives the two-thirds vote required by art. IV, sec. 15,
6 Constitution of the State of Alaska, AS 44.62.310(f), as amended in sec. 4 of this Act, amends
7 Rule 82, Alaska Rules of Civil Procedure, by requiring parties to bear their own costs and
8 attorney fees.