

CS FOR HOUSE BILL NO. 254(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/7/93

Referred: Rules

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to open meetings of governmental bodies; and amending Rules
2 79 and 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. Materials [AGENCY MATERIALS] that are to be considered
2 at the meeting may [SHALL] be made available at teleconference locations. Except
3 when voice votes are authorized, the vote shall be conducted in such a manner that the
4 public may know the vote of each person entitled to vote. The vote at a meeting held
5 by teleconference shall be taken by roll call unless the question is approved by
6 unanimous consent. 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(e) is amended to read:

28 (e) Reasonable public notice shall be given for all meetings required to be
29 open under this section. A short notice period may be provided if, upon convening,
30 the body adopts a finding that an emergency exists that justifies the short notice
31 period. The finding must describe the nature of the emergency. The notice must

1 include the date, time, subjects to be considered, and place of the meeting and, if the
2 meeting is by teleconference, the location of any teleconferencing facilities that will
3 be used. In addition to the publication required by AS 44.62.175(a) in the Alaska
4 Administrative Journal, the notice may be given by using a combination of print and
5 broadcast media.

6 * Sec. 5. AS 44.62.310(f) is amended to read:

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

10 * Sec. 6. AS 44.62.310 is amended by adding a new subsection to read:

11 (g) In this section, "meeting" means a gathering of two or more members of
12 a body with the authority to make joint decisions for the purpose of exercising the
13 powers or duties of the body, but only if the gathering includes at least a quorum of
14 the membership; attendance of members of a body at a social function or gathering of
15 a national, regional, or state association to which the members belong or to which the
16 public entity belongs does not constitute a meeting unless members attend for the
17 purpose of circumventing this section.

18 * Sec. 7. If this section receives the two-thirds vote required by art. IV, sec. 15,
19 Constitution of the State of Alaska, AS 44.62.310(f), as amended in sec. 5 of this Act, amends
20 Rule 79 and Rule 82, Alaska Rules of Civil Procedure, by requiring parties to bear their own
21 costs and attorney fees.