

HCR

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STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.	3-24-88	1:30 p.m.
H. JUD.	2-24-88	1:30 p.m.

5-0433X

Cook

2/22/88

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

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IN THE HOUSE BY THE JUDICIARY COMMITTEE
CS FOR SS FOR HOUSE CONCURRENT RESOLUTION NO. 11 (Judiciary)
IN THE LEGISLATURE OF THE STATE OF ALASKA
FIFTEENTH LEGISLATURE - SECOND SESSION

Proposing an amendment to Rule 22 of the
Alaska State Legislature relating to
caucus and other informal meetings.

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

* Section 1. Rule 22(a) of the Uniform Rules of the Alaska State Legis-
lature is amended to read:

(a) All meetings of a legislative body, including a committee or
subcommittee, are open to all legislators, whether or not they are
members of the particular legislative body that is meeting, and to the
general public except as provided in (b) of this rule. A quorum of a
legislative body may not engage in private and substantive delib-
eration on a matter within the jurisdiction of the body. Caucuses of
the legislature may meet in private to consider matters of procedure,
organization, or strategy.

*could be
better
written*

A M E N D M E N T

Offered in the HOUSE

By Taylor

TO: CSSHCR 11 (Judiciary)

Page 1, line 5:

Delete "an amendment"

Insert "amendments"

Page 1, line 7:

Delete "caucus and other informal"

Page 1, lines 9 - 18:

Delete all material and insert:

"* Section 1. Rule 22(b) of the Uniform Rules of the Alaska State Legislature is amended to read:

(b) A legislative body may call an executive session at which members of the general public may be excluded for the following reasons:

(1) discussion of matters, the immediate knowledge of which would adversely affect the finances of a government unit;

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

(3) discussion of a matter that [MAY,] by law is [, BE] required to be confidential.

* Sec. 2. Rule 22(c) of the Uniform Rules of the Alaska State Legislature is amended to read:

(c) When a legislative body desires to call an executive session in accordance with (b) of this rule, the body shall first convene as a public meeting and the question of holding an executive session shall be determined by a majority vote of the members present. Subjects may not be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Action may not be taken at the executive session.

* Sec. 3. Rule 22 of the Uniform Rules of the Alaska State Legislature is amended by adding new subsections to read:

(e) Unless notice is given under Rule 23, reasonable public notice shall be given for each meeting required to be open under this rule. The notice must include the date, time, and place of the meeting.

(f) A vote taken contrary to this rule is void.

(g) This rule does not apply to a meeting of a subcommittee."

A M E N D M E N T

Offered in the HOUSE

By Brown

TO: CS For HCR 11 (Judiciary)

Title Change: Proposing an amendment to Rule 22 of the
Alaska State Legislature relating to open
meetings [CAUCUS AND OTHER INFORMAL
MEETINGS].

HOUSE COMMITTEE REPORT

(7)

Date referred: 3/30/87

FURTHER REFERRALS: Judiciary

DATE: 5-16-87

The State Affairs Committee has considered SSHCR 11

Proposing an amendment to Rule 22 of the Alaska State Legislature relating to caucus and other informal meetings.

RECOMMENDS:

- replace with CS # 55 HCR 11 (SA) the same title
- attached amendment(s) a new title

- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature] ND ASFC

[Signature]

Chairman's signature

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: HCR 11
Publish Date: 2/20/87

Revision Date: _____
Title: Proposing an amendment to Rule 22 of the Uniform Rules. . .caucus and other meetings
Sponsor: Representative Kay Brown
Requestor: Representative Kay Brown

Agency Affected: Legislative Affairs Agency
BRU: Legislative Council
Components: Session Expenses

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact anticipated.

Prepared by: Pamela A. Stoops, Manager
Division: Administrative Services

Phone: 465-3850
Date: 5/12/87

Approved by: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency

Date: 5/12/87

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary



The League of Women Voters of Alaska is supportive of the concept of the Sponsor Substitute for House Concurrent Resolution 11.

We feel strongly that the public's business must be conducted in public.

It has been said, "In a democracy it is not sufficient to have a few trained persons who understand what it's all about; there must also be an alert citizenry to insist that knowledge, research, and action are properly integrated."

In electing representatives, citizens don't abrogate their rights to participate in the process of government.

The League feels it is not possible to have adequate citizen oversight of governmental actions, which is the bedrock our democracy was built on, unless substantive deliberations are conducted in public.

We urge swift passage of this resolution.

Rep. Ulmer



AKPIRG

ALASKA PUBLIC INTEREST RESEARCH GROUP

Post Office Box 1093 / Anchorage, Alaska 99510 / (907) 278-3661

Rep. Kay Brown
Box V
Juneau, AK 99811

7 April 1987

Dear Rep. Brown,

We would like to commend you and the co-sponsors of HCR 11 for the simple and meaningful clarification of the Uniform Rules that it represents in the area of open meetings. AKPIRG has been a principal voice in support of a more public, open legislative process.

Legislatively, one of the most serious shortcomings has been the tendency for the majority in one or the other house (or both) to meet "in caucus" and make substantive decisions about all manner of legislation. The interpretation of caucuses as not being subject to the rules meant that there was no way for the public to know how legislators were determining priorities, setting limits or anything else along these broad lines. In effect, that eliminated the public from affecting some of the most essential steps in lawmaking. Such disenfranchisement is never acceptable and is especially damaging in these times where painful decisions affecting basic services must be made in light of revenue shortfalls and revamped state priorities. Only the blind, the unthinking or the devious with ulterior motives would allow their right of access to the legislative process to be diminished in any way. And caucus meetings are a clear part of this process.


HCR 11 provides a clear definition, at a reasonable level, of what should be considered a caucus meeting or a meeting that could effectively constitute a meeting with binding impact on a majority in either house. If anything, it is still too liberal in defining the minimum as one quarter of either house. We would be happier to see a limit of 3 members in the Senate and 6 in the House. This is because it seems clear to us that the leadership of either chamber's ruling majority could be sufficient to make essentially binding, if not explicitly binding, decisions about legislation. The current version's one quarter means as much as nearly half of a narrow but firm majority and consequently seems well beyond the number needed to make meaningful commitments. Certainly in the Senate's history, the four most powerful majority leaders have "controlled" a full majority necessary to pass legislation.

In sum, we are very pleased at the approach taken by the

resolution. We would recommend a slight further reduction in the minimum levels triggering mandatory openness. And we would urge defining the term "Reasonable" on line 17 as it applies to notice. We realize this may be difficult since caucus meetings sometimes must be called on an immediate basis during full floor action, but we urge a conscientious effort to quantify it nonetheless.

Again, we commend you and the other sponsors for taking this enlightened and publicly responsive approach. We look forward to seeing it, or an improved version of it, adopted soon.

Sincerely,
On behalf of the Board of Directors,



Jeffrey R. Bohman
Executive Director

Kay Brown

Alaska State Legislature House of Representatives

M E M O R A N D U M

TO: Rep. Fran Ulmer, Chair
State Affairs Committee

DATE: May 14, 1987

FROM: Rep. Kay Brown

RE: SS HCR 11,
proposing amend-
ments to Rule 22
of the Uniform
Rules

SS HCR 11, which proposes amendments to Rule 22 of the Uniform Rules, has been referred to the House State Affairs Committee for consideration.

Thank you for scheduling a hearing on Friday, May 15 at 3:00 p.m. The resolution does not have a fiscal impact.

The Uniform Rules do not currently require all meetings involving substantive, legislative decision-making to be open to the public. Rule 22 states that "all meetings of a legislative body" must be open; however, the Legislature has interpreted this language to allow informal meetings, including caucus meetings, to occur behind closed doors.

Substantial legislative decision-making has, in the past, occurred in such closed meetings.

Excluding the public from the crucial phases of decision-making undermines the basic principles of open and democratic government. The public has a right to know how a decision was reached -- who supported the result, and why.

SS HCR 11 amends Rule 22 to make it clear that even informal meetings must be open to the public under certain circumstances. The intent of SS HCR 11 is to require a meeting to be open if "substantive decisions" could be made at the meeting which could effectively bind a majority of either house.

It was difficult to arrive at a workable definition of such a meeting. A numerical designation of the number of legislators

attending a meeting appeared to be the most workable solution. I selected one-fourth of the membership of either house or a majority of a committee or a subcommittee.

SS HCR 11 makes it clear that informal meetings must be open to the public and reasonable notice given under three circumstances:

1. when one-fourth or more of the membership of either house attends a caucus or other informal meeting and deliberates on the substance of specific bills or resolutions;

2. when a majority of a committee meets and deliberates on the substance of bills or resolutions referred to the committee;,

and

3. when a majority of a subcommittee meets and deliberates on the substance of bills or resolutions referred to the subcommittee.

Reasonable notice could consist of a note posted on a designated bulletin board. SS HCR 11 does not require compliance with the calendaring procedures, minutes and other formal requirements of Rule 23.

Attached are statements in support of SS HCR 11 from AKPIRG and the League of Women Voters.

I thank you for your courtesy in considering SS HCR 11 and request that the Committee move this resolution to the next committee of referral.

Attachments