

HCPR

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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 ~~HC~~ SS 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:

Don't Ouley

D. C. Pouch

Cliff Davidson

Mark Wilson

SIGNING OTHER RECOMMENDATIONS:

Carl Morrison NO RECS

Mark Wilson

Chairman's signature

Cor

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

IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

CS FOR SS FOR HOUSE CONCURRENT RESOLUTION NO. 11 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST 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 of the Uniform Rules of the Alaska State Legisla-
ture is amended by adding a new subsection to read:

(e) The provisions of (a) - (d) of this rule do not apply to
informal meetings, including caucus meetings, that include legisla-
tors. However, that portion of the informal meeting, including a
caucus meeting, at which a majority of the membership of either house
attends and deliberates on the substance of a specific bill or resolu-
tion is open to all legislators and to the public. In addition, an
informal meeting at which a majority of the members of a committee or
subcommittee, or of a Conference Committee, Conference Committee with
limited powers of free conference, or Free Conference Committee,
attends and deliberates on the substance of a bill or resolution that
has been referred to the committee or subcommittee is open to all
legislators and to the public. Reasonable notice of an informal
meeting or portion of a meeting that is open under this subsection
shall be provided and the subject of the meeting shall be identified.



Official Business

Alaska State Legislature

House

P.O. BOX V
State Capitol
Juneau, Alaska 99811

SS HCR 11

FILE CONTENTS

1. SS HCR 11: PROPOSING AN AMENDMENT TO RULE 22 OF THE ALASKA STATE LEGISLATURE RELATING TO CAUCUS AND OTHER INFORMAL MEETINGS
2. LETTER FROM ALASKA PUBLIC INTEREST RESEARCH GROUP TO REPRESENTATIVE BROWN, DATED APRIL 7, 1987
3. MEMORANDUM FROM REPRESENTATIVE BROWN TO REPRESENTATIVE ULMER, DATED MAY 14, 1987
4. STATEMENT FROM ALASKA LEAGUE OF WOMEN VOTERS

FISCAL NOTE

- A. LEGISLATIVE AFFAIRS AGENCY, LEGISLATIVE COUNCIL, SESSION EXPENSES: -0-

Kay Brown

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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



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



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.

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

Disunbution (by preparer):

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