

SJR

14

FISCAL NOTE

BILL NO. SJR 14

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: 01/13/92 Department Affected: Office of the Governor-Elections
 Title: Amendment to the Constitution RE: Open Meetings Legislature BRU: Division of Elections
 Sponsor: Senator Rodey Component: II-Primary and General Elections
 Requestor: Senate Judiciary Committee

COMPONENT SERIAL NO.

0	0	2	2
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

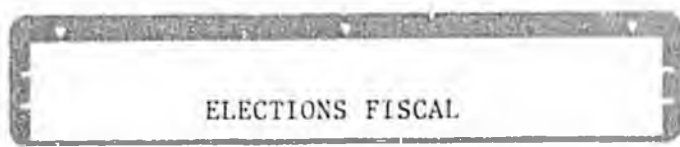
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) * This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be: 53.4.

Prepared by: Elizabeth Ziegler, Deputy Director Phone: 465-4611
 Division: Elections Date: 01/13/92
 Approved by Commissioner: Charles E. Phillips
 Agency: Office of the Governor Date: 01-13-92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).



Patrick M. Rodey
Senator

Alaska State Legislature



Senate

3111 C. St., Suite 510
Anchorage, Alaska 99503
(907) 561-7618

During Session:
P.O. Box V
Juneau, Alaska 99811
(907) 465-3793

SENATE JOINT RESOLUTION 14 - PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF ALASKA RELATING TO OPEN MEETINGS.

SJR 14 is substantially the same as CSSJR 1 (State Affairs) from 1989. It is an important and balanced piece of legislation which would guarantee the public reasonable access to the legislative process.

This proposal is a step toward making openness in government the rule and secrecy the exception by establishing a constitutional requirement rather than a statutory one.

If passed by the legislature, the proposal would be placed on the ballot in the 1992 general election for a vote.

AS 44.62.310 (Open Meetings Act) provides "All meetings of a legislative body ...shall be open". As a result of a 1986 law suit, the Superior Court found the legislature had violated the OMA and Uniform Rule 22 - the bottom line being that the OMA applied to the legislature.

After the case was reviewed the by Supreme Court, it held that the statute and rule fell within the legislature's rule making authority and the court could not enforce compliance. The matter was nonjusticiable.

As a result of the court's decision, the legislature was left in the position of being exempt from enforcement of stringent open meetings standards while requiring other governmental bodies to comply. To resolve this inconsistency and to provide a basis for judicial enforcement, a constitutional amendment should be adopted. By amending our state constitution to provide a standard for open meetings, we will establish a basis for enforcement of that standard.

SPONSOR STATEMENT/SECTIONAL



Senate

Page 2 - SJR 14
March 27, 1991

SECTIONAL ANALYSIS

Section 1(a) provides that **except for executive sessions authorized by law**, private and substantive discussions on legislation under its jurisdiction by a quorum of a house of the legislature or of a legislative committee are prohibited.

The subject of holding a caucus has raised questions in the past. This proposal makes it clear that a quorum of a committee or of a house is prohibited from holding substantive discussions on legislation regardless where the meeting is held. A group of legislators that do not constitute a quorum of a house or of a committee may discuss legislative business in private.

Section 1(b) allows the legislature or a committee to hold executive sessions authorized by law.

Section 1(c) specifies a court may not prescribe rules or procedures for conducting legislative business nor invalidate legislation because of a violation of the section.

Section 1(d) allows the court to impose civil fines and other sanctions authorized by law upon an individual member of the legislature for an intentional violation. The imposition of a civil fine on a legislator, the amount of which can be set by the legislature, is the only intrusion by the court into the legislative process under this amendment.

Section 1(e) provides for the legislature to implement this section. This allows the legislature to determine appropriate definitions and terms for implementing the open meetings law.

Page 3 - SJR 14
March 5, 1991

Section 2 addresses legislative intent. This does not go on the ballot nor into the constitution, but will be considered for the preparation of the summary which is placed in the voters pamphlet.

Section 2(a) states the purpose of the amendment and ensures the public's access to substantive deliberative and decision making stages of the legislative process.

Section 2(b) provides a basis for judicial enforcement of the existing open meeting law to the extent it is consistent with this amendment (notwithstanding legislative immunity or rule making authority as provided in article II, section 6 and 12 respectively of our State Constitution). This section makes it clear that the court must follow the schedule adopted by the legislature for the payment of a civil fine.

Section 2(c) provides the amendment is not intended to prevent the free flow of ideas among legislators, or their participation in public forums and other events.

Section 2(d) provides instructions to the Legislative Affairs Agency.

Section 3 places the amendment on the ballot for the next general election (1992).