

H B

2 5 4

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

### MEMORANDUM

March 31, 1993

**SUBJECT:** Open Meetings of Governmental Bodies (2d SS HB 37)

**TO:** Representative John Davies

**FROM:** Tamara Brandt Cook  
Director *TBC*

Here is the comparison between 2d SSHB 37 and HB 254 that you requested:

#### AS 44.62.310(a)

(1) 2d SSHB 37. The list of public entities subject to the Open Meeting statute in existing law is deleted. The statute applies to governing bodies of entities of the state or of a political subdivision of the state. Both "governing body" and "entity of the state or of a political subdivision of the state" are defined in sec. 5 of this bill. Existing law requires meetings to be open "except as otherwise provided by this section." This bill adds "or another provision of law" because specific statutes elsewhere may require closed meetings in certain cases.

(2) HB 254. The requirement in existing law that agency materials to be considered at a teleconferenced meeting be available at the teleconference locations is deleted. The requirement for roll call votes at a teleconferenced meeting is deleted.

#### AS 44.62.310(b)

(1) 2d SSHB 37. A technical change is made to this subsection to add the reference to governing body, since that is the term defined and used throughout this bill.

(2) HB 254. No change to this subsection is made.

#### AS 44.62.310(c)

(1) 2d SSHB 37. No change to this subsection is made.

(2) HB 254. A new subject is added to those permitted to be discussed in executive session: matters covered by the attorney-client privilege.

#### AS 44.62.310(d)

(1) 2d SSHB 37. No change to this subsection is made.

(2) HB 254. Meetings of a hospital medical staff is deleted from the list of meetings exempted from application of the Open Meetings statute.

AS 44.62.310(e)

(1) 2d SSHB 37. Notice of a meeting must include subjects to be considered. A requirement is added that notice be given at least 72 hours before a meeting, except when other laws or the Uniform Rules establish different requirements in this regard. A shorter notice is permitted if the governing body finds that an emergency exists that justifies the shorter notice period and if the nature of the emergency is described.

(2) HB 254. No change to this subsection is made.

AS 44.62.310(f)

(1) 2d SSHB 37. The existing provision is entirely replaced with new material. If the number of members participating in a discussion of a matter within the jurisdiction of the governing body equals at least a majority of the quorum, the discussion is a meeting subject to the Open Meeting statute. However, if only two members discuss a matter and they are less than a quorum, the discussion is not subject to the Open Meeting statute. Members of a body may not have a series of discussions, if taken together, they circumvent the Open Meeting statute. Unless members attend to circumvent the Open Meeting statute, a gathering at a social function or meeting of an association to which the members belong does not constitute a meeting.

(2) HB 254. Existing law provides that action taken in violation of the Open Meeting statute is void. Under this bill that action is voidable by a court. Parties are to bear their own costs and attorney fees. To the extent that Civil Rule 82 permits the prevailing party to receive partial attorneys fees and costs, this provision will have the effect of amending that court rule if it is approved by two-thirds vote of each house. (See sec. 6 of this bill.)

AS 44.62.310(g)

(1) 2d SSHB 37. This is entirely new material. An action to enforce the Open Meeting statute may be brought within two years after a meeting held in violation of the statute. Individual members of the governing body may not be named in the action. The court is required to hold that an action taken in violation of the statute is void unless the court finds that it is not in the public interest that the action be voided. If the court does find an action void, the governing body is authorized to meet on the matter at another meeting held in compliance with the statute.

(2) HB 254. The question of the status of an action held in violation of the Open Meeting statute is dealt with under subsection (f) in this bill. Subsection (g) is a definition of "meeting" as a gathering of at least a quorum of the members of a body with authority to make joint decisions for the purpose of exercising the powers or duties of the body.

Representative John Davies  
March 31, 1993  
Page 3

AS 44.62.310(h).

(1) 2d SSHB 37. This is the definition section for this bill.

TBC:lmb:gc  
93-098.lmb

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 26, 1993

FURTHER REFERRALS:

Date of Committee Action: 4-3-93

The JUDICIARY Committee considered:

HB 254

HOUSE BILL NO. 254

OPEN MEETING ACT

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

RECOMMENDATIONS:

be replaced with CS HB 254 (JUD)

the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note LEG. AFFAIRS AGENCY 4-2-93

zero fiscal note(s) \_\_\_\_\_

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Brian Porter</i>	✓	<i>Rec'd Act</i>		✓	
<i>Gail Phillips</i>	✓	<i>Off. Rader</i>	✓		
<i>Connette Jones</i>	✓	<i>John Donaldson</i>	✓		
		<i>Joseph [unclear]</i>		✓	

*Brian Porter*  
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO: HB 254

Revision Date: \_\_\_\_\_  
Title: "An Act relating to open meetings of governmental bodies; and amending Rule 82 of the..."  
Sponsor: Representative Al Vezey  
Requestor: Representative Al Vezey

Department Affected: Legislative Affairs Agency  
BRU: All  
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director  
Division: Administrative Services

*Pamela A. Stoops*

Phone: 465-3850  
Date: 4/2/93

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

*Warren W. Endicott*

Date: 4/2/93

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).

# Alaska State Legislature



While in Session:  
State Capitol Building  
Juneau, Alaska 99801-1182  
907-465-3719

Interim:  
119 N. Cushman  
Suite 211  
Fairbanks, Alaska 99701  
907-456-5081

Representative Al Vezey

March 27, 1993

From: Al Vezey, Representative *AV*

To: Brian Porter, Representative  
Chairman, Judiciary Committee

Subject: Hearing request HB 254 (Open Meeting Act)

I respectfully request a hearing on HB 254, "An Act relating to open meetings of governmental bodies: and amending Rule 82 of the Alaska Rules of Civil Procedure" before the Judiciary Committee at the earliest convenience of that committee and it's chairman.

Thank you for your favorable consideration of this request.

# Alaska State Legislature



While in Session:  
State Capitol Building  
Juneau, Alaska 99801-1182  
907-465-3719

Interim:  
119 N. Cushman  
Suite 211  
Fairbanks, Alaska 99701  
907-456-5081

March 29, 1993

Representative Al Vezey

## SPONSOR STATEMENT

### HB 254 OMA

HB 254 attempts to address problems with the Open Meetings Act caused by recent court decisions. For centuries a quorum of a body has been the parliamentary standard for what constitutes a meeting of a governing body. This bill establishes a quorum of a governing body as the statutory minimum for the definition of a meeting.

As the statutes exist currently, a person could literally call into a meeting where teleconferencing was allowed and then have the subsequent action of the body voided because materials were not present at the teleconference location. HB 254 reduces this overly burdensome requirement on teleconferencing by eliminating the requirements of having documents under discussion provided at all participating teleconferencing sites. This proposed change would actually reduce grounds for litigation and would encourage public agencies to teleconference their meetings.

The bill further proposed to eliminate a redundant requirement for voting when teleconferencing a meeting. This deletion reduces grounds for filing frivolous lawsuits and removes redundant requirements on how votes are taken.

In addition, this bill changes the requirement that the action of a body be voided if a violation of the open meetings act is found to have occurred. The term "shall be voided" is changed to "is voidable". In addition, in order to discourage frivolous lawsuits, this bill goes on to amend the Rules of Court by mandating that in lawsuits regarding the OMA, that both parties shall bear their own costs and fees.

Three words are deleted from (d) 5 which pertains to personnel matters and are deletion from the exemption lists of the OMA.

Section 44.62.310 (d) 5 is deleted, removing exemptions for meetings of a governing body or any committee of a hospital solely to act upon matters of professional qualification, privileges or discipline.

I urge your support of this proposed and much needed legislation.

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130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

### MEMORANDUM

April 1, 1993

**SUBJECT:** Open Meetings of Governmental Bodies (HB 254)

**TO:** Representative Vezey  
Chair, House State Affairs Committee

**FROM:** Tamara Brandt Cook *TBC*  
Director

Here is the sectional summary you requested.

Sec. 1. Two requirements in existing law are deleted: (1) that materials to be considered at a meeting be made available at teleconference locations; and (2) that a vote at a teleconferenced meeting be by roll call.

Sec. 2. Adds to the list of subjects that may be discussed in executive session matters covered by the attorney-client privilege.

Sec. 3. The category of meetings of a hospital medical staff is deleted from the list of gatherings the Open Meeting statute does not apply to.

Sec. 4. Under the existing statute action taken contrary to the Open Meeting requirements is void. In this bill the action is voidable by a court. In a court proceeding to enforce this section all parties bear their own costs and attorney fees.

Sec. 5. A definition of "meeting" is added for purposes of the Open Meeting statute. A gathering of two or more members of a body, but at least a quorum, constitutes a meeting.

Sec. 6. Because Civil Rule 82 provides for partial attorney fees and court costs to the prevailing party in most litigation, sec. 4 of this bill will amend that court rule if it is approved by art. IV, sec. 15.

TBC:pl  
93-267.plm



217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907) 586-1325, Fax (907) 463-5480

March 11, 1993

TO: Representative Al Vezey, Chair  
House State Affairs Committee

FROM: Kent Swisher, Executive Director

RE: Proposed bill to amend Open Meetings Act

Thank you for taking an interest in the Alaska Municipal League's desire to clarify provisions of the Open Meetings Act (OMA). As you and I have discussed, this is one of the League's legislative priorities for the 1993 session, and I appreciate your involvement. I am sorry I could not get back to you sooner, but I have just returned from a meeting of the National League of Cities in Washington, D.C.

Your proposed amendments to AS 44.62.310 address some, but not all, of AML's concerns with the current Open Meetings Act. As I read it, your proposal would address the following issues of concern to AML:

- Specifying that discussion among less than a quorum is not a meeting
- Providing that the court may decide whether an action taken in violation of the Open Meetings Act should be declared void or whether another remedy would be more appropriate
- Authorizing a governing body to instruct its attorney in executive session

While these are major positive steps, we are concerned that the proposal does not appear to address the following issues, which are also important to local government:

- Imposing reasonable time limits for claiming an OMA violation
- Providing that Open Meeting Act suits may be brought against the public body, but not the individual official
- Providing that officials may meet with other government officials or agencies as a group
- Authorizing meetings without prior public notice in cases of property- or life-threatening emergencies
- Providing that any number of officials from a public body may attend meetings and conferences without violating the OMA
- Clarifying that the OMA does not apply to administrative staff

Representative Al Vezey

March 11, 1993

page 2

I hope that this information is of help to you. I look forward to working and other members of the State Affairs Committee on this issue and to crafting a solution to the problems facing Alaska's public officials as they attempt to follow the provisions of the Open Meetings Act.

Thank you again for your positive interest in this matter.

LEG93:vezeyoma.311



Introduced by: Council Member Cleworth  
Date: May 20, 1991

RESOLUTION NO. 3261, As Amended

A RESOLUTION URGING THE ALASKA STATE LEGISLATURE TO ENACT AN EXEMPTION BY POPULAR ELECTION PROVISION TO THE STATE PUBLIC EMPLOYMENT RELATIONS ACT.

WHEREAS, by resolution the City of Fairbanks exercised its exemption following the adoption of PERA, but in 1984 waived the exemption by ordinance, thus becoming the first major municipality in Alaska to fall under PERA's jurisdiction; and

WHEREAS, among its many provisions PERA provides for mandatory binding arbitration concerning wages, hours and terms and conditions of employment for Class I public employees; and

WHEREAS, binding arbitration divests a local governing body of its publicly entrusted spending power and delegates the same to an individual not elected by the people and with no fiduciary duty of loyalty and responsibility to local citizens; and


WHEREAS, this divestiture effectively removes the voice of the people over how their tax dollars are to be spent in the public domain; and

WHEREAS, the cost of local government must be controlled by those who pay for it; and

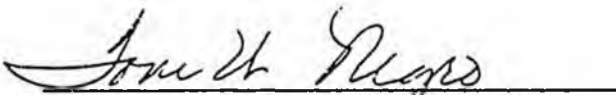
WHEREAS, an exemption by popular election amendment to PERA can restore to local citizens their constitutional entitlement of maximum local self government and the assurance that all local government powers will remain vested in those charged with the public trust.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, that the Alaska State Legislature be and hereby is urged to enact a bill providing for clarification of the municipal exemption and address a popular election provision to the state Public Employment Relations Act (PERA). A municipal exemption by popular election provision should include, but not be necessarily limited to, express statutory language to provide for a popular election to determine whether municipalities under the jurisdiction of PERA shall remain subject to its provisions. Copies of this resolution shall be forwarded by the city clerk to all legislators and the governor.

PASSED AND APPROVED this 20th day of May, 1991.

  
\_\_\_\_\_  
WAYNE S. NELSON, Mayor

ATTEST:

  
\_\_\_\_\_  
TONI W. NIGRO, City Clerk

# DIVISION OF LEGAL SERVICES

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Mail Stop 3101

130 Seward Street, Suite 409

Juneau, Alaska 99801-2105

### MEMORANDUM

April 1, 1993

**SUBJECT:** Notice of a Committee Hearing on a Bill (Uniform Rule 23)

**TO:** Representative John Davies

**FROM:** Tamara Brandt Cook  
Director *TBC*

Mr. Kurt Parkan explained that notice of a hearing on HB 254 was given in the following manner: on Monday during the floor session the committee chair gave notice of a meeting on the bill to be held this Saturday. That announcement appears in the House Journal, but no notice of the meeting was published during the week before the meeting. The meeting scheduled for Saturday will be the first hearing on this bill. Mr. Parkan asked whether this procedure complies with the notice requirements of the Uniform Rules. In my opinion, it does not.

Uniform Rule 23 applies to hearings on bills by standing, special and joint committees during the session. Subsection (a) of that rule contains two entirely distinct requirements: (1) the "preceding Thursday" requirement ("Written notice of the time, place and subject matter of all meetings of standing, special, and joint committees during a week shall be provided by the person who chairs the committee to the chief clerk or secretary by 4:00 p.m. on the preceding Thursday."); (2) the "five-day" notice requirement ("The person who chairs the committee to which a bill or resolution is first referred shall provide to the chief clerk or secretary written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing.")

Under the facts described, and assuming that written notice was delivered to the clerk along with the announcement of the meeting on Monday, the "five-day" notice requirement has been satisfied with respect to the meeting on this bill to be held on Saturday. However, the "preceding Thursday" publication requirement has not been satisfied because HB 254 was not included as a subject to be taken up during a meeting the following week.

Uniform Rule 23(b) permits a "change in the time, place, or subject matter of a meeting" by setting out requirements for notice of the change. Legislative committees

*— basic*

Representative John Davies

April 1, 1993

Page 2

have been far from consistent in applying Rule 23(b), so there is no clear precedent on the types of scheduling "changes" permitted under that subsection. However, adding, as a change in the subject of a meeting, a hearing on a bill that has never been scheduled at all under subsection (a) strikes me as circumventing the requirements of that subsection. For this reason, I do not believe that the notice described for HB 254 can properly be considered a change authorized under Rule 23(b).

The "preceding Thursday" publication rule has been treated in the past by the House as a minimum notice requirement and the House has chosen to set a more stringent "preceding Wednesday" rule for committee meeting its committees. I understand that Wednesday has been established as the deadline for notices this year also. This fact ought not to otherwise alter application of Rule 23(a).

You have also asked about waiving the requirements of Rule 23(a). Note that the "five-day" notice requirement for committees of first referral may be waived if the motion is concurred in by majority vote of the full membership of the house. The Senate has for many years permitted waiver of the "preceding Thursday" publication requirement as well, but the House has concluded that the waiver provision applies only to the "five-day" notice and not to the "preceding Thursday" notice. I agree with the past practice of the House in this regard, but, because the two bodies have interpreted the rule differently, the question of waiving the "preceding Thursday" notice could appropriately be decided by the presiding officer. It is clear, however, that waiver must be accomplished pursuant to motion concurred in by the House.

TBC:lmb:gc  
93-100.lmb

# Alaska State Legislature



## House of Representatives House Judiciary Committee

State Capitol, Room 120  
Juneau, Alaska 99801-1182  
(907) 465-4990

To: Tim Benintendi  
House Rules Committee

From: Gayle Horetski *GH*  
House Judiciary Committee

Re: HB 212 and HB 254

Date: March 29, 1993

This is to confirm our phone conversation this morning, in which I informed you that Committee Chairman Brian Porter directed me on Saturday, March 27, to add two bills--HB 212 and HB 254--to the House Judiciary Committee's schedule for this week. I revised the committee schedule, delivered a copy to the Clerk's office, posted the revised schedule, and made copies available for the public to take from a folder at the committee room entrance, all on March 27th. In addition, Representative Porter will be announcing the revision to the schedule during the session on the House floor this morning.

Please let me know if you need any additional information.



# HOMER NEWS

3482 LANDINGS STREET

HOMER, ALASKA 99603-7948

(907)235-776

Fri., April 2, 1993

Rep. Gail Phillips  
Capitol, Room 216  
State Capitol  
Juneau AK 99801-1182

FAX: 465-3472

Dear Gail:

Gail, here's the summary I promised to fax after our conversation this afternoon.

I'm a member of the board of directors of the Alaska Newspaper Association and I'm sending this message as the request of Tena Williams, of the Ketchikan Daily News, who is the board president. She is out of town.

Tomorrow, April 3, the House Judiciary Committee is discussing proposed amendments to the open-meetings act in House Bill 254. Another bill, House Bill 37, also proposes amendments to the act and these comments address that bill too.

Here's some of ANA's positions on proposed amendments:

1. ANA recognizes that a prohibition against two elected officials of the same body having any conversation outside of a legally announced, public meeting or executive session can make an innocuous conversation illegal.

If an amendment can be written to allow such a coming together but to still prohibit a subversion of the public process, ANA doesn't object. That prohibition should strictly prohibit any serial meetings.

Language also should be clear that a meeting of more than two members of the same body outside a public meeting or executive sessions is strictly illegal -- that is, ANA objects to making legal the meeting of less than a quorum but more than two.

2. Some of the language in the proposed amendments concerns ANA as well. Among them is the prospect of doing away with roll call votes during teleconferences. It's tough to have any understanding of who voted how when you're listening over the air. Keep the mandatory

roll call votes.

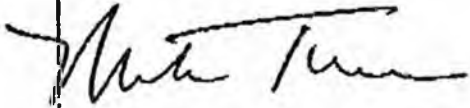
Also, during teleconferences, having the same materials available to constituents in Homer or Kenai or wherever is very important to the ability of Alaska citizens to understand the proceedings. Make sure those materials remain available.

These are among ANA concerns. I'd be happy to discuss any questions you have. I'm at 235-7767 when at work and 235-2478 at home. Please call me if you have any comments or questions.

Tena Williams is available at 225-3157 and I believe she'll be back in town next week.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Turner".

Mark Turner  
Editor

①  
A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE NORDLUND

TO: HB 254

Page 1, lines 1 and 2:

Delete "; and amending Rule 82 of the Alaska Rules of Civil Procedure"

Page 2, lines 27 - 30:

Delete all material and insert:

"\* Sec. 4. AS 44.62.310(f) is repealed and reenacted to read:

(f) An action to enforce this section may be brought in the superior court against a public entity within two years after the first day of a meeting held in violation of this section. Individual members of a governing body may not be named in an action to enforce this section in court, although a knowing violation may constitute grounds for recall or for filing an ethics complaint under other law. The court shall hold that an action taken by the governing body on a matter discussed at a meeting held in violation of this section is void unless the court finds that it is not in the public interest that the action be voided. If the court finds that an action is void, the governing body may discuss and act on the matter at another meeting held in compliance with this section."

Page 3, lines 5 - 8:

Delete all material.

3

A M E N D M E N T

OFFERED IN THE HOUSE  
TO: HB 254

BY REPRESENTATIVE NORDLUND

Page 2, after line 26:

Insert a new bill section to read:

\*\* Sec. 4. AS 44.62.310(e) is amended to read:

(e) Reasonable public notice shall be given for all meetings required to be open under this section. The notice must include the date, time, subjects to be considered, and place of the meeting and, if the meeting is by teleconference, the location of any teleconferencing facilities that will be used. In addition to the publication required by AS 44.62.175(a) in the Alaska Administrative Journal, the notice may be given by using a combination of print and broadcast media. Except as provided in other laws or in the Uniform Rules of the Alaska State Legislature, notice shall be given at least 72 hours before the meeting, except that a shorter notice period may be provided if, upon convening, the governing body adopts a finding that an emergency exists that justifies the shorter notice period. The finding must describe the nature of the emergency."

Renumber the following bill sections accordingly.

*... now state reasonable notice.*



4

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE NORDLUND

TO: HB 254

Page 2, lines 5 - 6:

Delete "[THE VOTE AT A MEETING HELD BY TELECONFERENCE SHALL BE  
TAKEN BY ROLL CALL.]"

Insert "The vote at a meeting held by teleconference shall be taken by roll call."

*or by unanimous consent.*

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE NORDLUND

TO: HB 254

Page 2, lines 1 - 3:

Delete "[AGENCY MATERIALS THAT ARE TO BE CONSIDERED AT THE MEETING SHALL BE MADE AVAILABLE AT TELECONFERENCE LOCATIONS.]"

Insert "Materials [AGENCY MATERIALS] that are to be considered at the meeting ~~shall~~ <sup>may</sup> be made available at teleconference locations."

#6

A M E N D M E N T

OFFERED IN THE HOUSE  
TO: HB 254

BY REPRESENTATIVE NORDLUND

Page 2, line 31:

Delete "a new subsection"

Insert "new subsections"

*Handwritten notes and scribbles in the upper right quadrant.*

Page 3, before line 1:

Insert a new subsection to read:

#7

"(g) If members of a governing body discuss, at a gathering or by other means, a matter within the jurisdiction of the governing body, and if the number of members participating in the discussion equals at least a majority of the quorum of the governing body, the discussion constitutes a meeting subject to this section. Notwithstanding the foregoing, if two members discuss, at a gathering or by other means, a matter within the jurisdiction of the governing body, and if two members are less than a quorum of the governing body, the discussion does not constitute a meeting subject to this section. However, the members may not engage in a series of discussions under this subsection if, taken together, the discussions circumvent the requirements of this section. Attendance of members of a governing body at a social function or gathering of a national, regional, or state association to which the members belong or to which the public entity belongs does not constitute a meeting under this section unless members attend for the purpose of circumventing this section."

#8

Reletter the following subsection accordingly.

*Handwritten scribble at the bottom of the page.*

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE NORDLUND

TO: HB 254

Page 3, lines 3 - 4:

Delete "quorum of the membership"

Insert new paragraphs to read:

"(1) quorum for a governing body composed of no more than five members; or

(2) majority of a quorum for a governing body composed of more than five members"