

**HB**

**342**



# Representative Scott Jiu Wo Kawasaki

Alaska State Legislature

District 9 Fairbanks

## MEMORANDUM

Date: Tuesday, February 19, 2008

To: Representative Bob Lynn, Chair  
House State Affairs

From: Scott Kawasaki  
Representative District 9

A handwritten signature in black ink, appearing to read "Scott Kawasaki".

*For: Scott Kawasaki*

RE: House Bill 342

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I respectfully request that you schedule a hearing in the House State Affairs Committee for HB 342, "Open Meeting Guidelines".

A copy of the bill, a sponsor statement, sectional, and additional support material are attached.

There are several people who wish to testify from various locations around the state. Please provide teleconferencing capabilities in Fairbanks, Anchorage and Mat-Su Legislative Information Offices.

If you have any questions or need additional information, please call Brodie Anderson at 465-3466.



# Representative Scott Jiu Wo Kawasaki

Alaska State Legislature

District 9 Fairbanks

## House Bill 342 Sponsor Statement

### **"An Act relating to open meetings guidelines for legislative bodies; and providing for an effective date."**

Trust is the fundamental concept necessary for a representative government. It's critical to have open government and the public must be able to see and hear the actions of their elected representatives. Any attempt to remove the public from any part of government is a violation of the public's trust.

The intent of HB 342 is to strengthen ethics legislation and increase the transparency and openness in government. HB 342 brings the Legislature into alignment with the same guidelines for open meetings that the rest of the local assemblies and councils are required to follow. The bill will remove all exemptions from the Open Meeting Act for the Alaska State Legislature. The most glaring exemption lies in the guidelines that specifically allow for closed door caucus meetings. The discussion is required to be limited to 'political strategy.' By eliminating the exemptions to the Open Meeting Act the public will have better access to the Alaska Legislature.

Alaska deserves to keep the process of deciding public policy in the open. I urge your support for strengthen ethics in the Legislature through HB342.



# Representative Scott Jiu Wo Kawasaki

Alaska State Legislature

District 9 Fairbanks

## **MEMORANDUM**

Tuesday, February 19, 2008

RE: Sectional Analysis – HB 342

To: Chairman Lynn, House State Affairs

From: Representative Scott Kawasaki

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**Section 1.** Amends AS 24.60.037(e) to permit executive session to be held under Rule 22(b) of the Uniform Rules of the Alaska State Legislature. The procedures of the executive session are covered under Rule 22(c) of the Uniform Rules of the Alaska State Legislature. The Uniform Rules of the Alaska State Legislature prevail if a conflict between AS 24.60.37(e) and the Uniform Rules of the Alaska State Legislature occur.

**Section 2.** Amends AS 24.60.037(g)(2) the definition of “legislative body” by removing all forms of Alaska State Legislature bodies from the exemptions list.

**Section 3.** Repeals AS 24.60.72(c).

**Section 4.** Establishes the effective date under AS 01.10.070(c).

In Juneau ◊ State Capitol Juneau, Alaska 99801

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**ALASKA STATE LEGISLATURE**  
**UNIFORM RULES**



ADOPTED 1981

by the

**TWELFTH LEGISLATURE - FIRST SESSION**

**AS AMENDED 1985, 1988, 1989, 1991, 1998, 2001, 2003, 2004**

**Legislative Affairs Agency**

committee. A standing, special, or joint committee which acts between legislative sessions may consider any legislative matter which is consistent with the jurisdiction of the committee. A standing, special, or joint committee which acts between legislative sessions constitutes a subcommittee of the Legislative Council for administrative purposes. A special or joint committee may expend money only in accordance with an appropriation made for the work of the committee.

(d) A committee may not be established unless authorized by law or by the Uniform Rules.

### OPEN AND EXECUTIVE SESSIONS

**Rule 22. Open and Executive Sessions.** (a) All meetings of a legislative body 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.

(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;

(3) discussion of a matter that may, by law, be required to be confidential;

(4) discussion of a matter the public knowledge of which would adversely affect the security of the state or nation, or adversely affect the security of a governmental unit or agency.

(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.

(d) The provisions of this rule may not be interpreted as permitting the exclusion of a legislator from an executive session, whether or not the legislator is a member of the body that is meeting. A legislator not a member of the body holding an executive session shall, however, be subject to the same rules of confidentiality and decorum as pertain to regular members of the body.

Open Meeting Legislation vary from state to state but three areas of importance can be compared: the application of Open Meeting Laws to state legislatures, the definition of what constitutes a "meeting" under the law, and the degree of exemptions and exceptions from the law. Alaska is included in the lists below with the other 49 states and separated by italics.

**Application:** In regards to the interpretation and application of open meeting legislation, the various states can be separated into three categories. The "Narrow" category is an approach used by state legislatures that narrowly defines the legislation to favor public transparency while the "Broad" category is an approach that broadly defines the legislation to favor secrecy for political expediency.

Narrow (19 states)

Alabama	Kansas	Montana	South Carolina
Arizona	Kentucky	New Hampshire	Tennessee
Colorado	Maine	New Jersey	Virginia
Idaho	Michigan	North Carolina	West Virginia
Illinois	Missouri	North Dakota	

Moderate (21 states)

Arkansas	Louisiana	New York	Rhode Island	Wisconsin
California	Maryland	Ohio	South Dakota	
Connecticut	Minnesota	Oklahoma	Texas	
Georgia	Mississippi	Oregon	Utah	
Florida	Nevada	Pennsylvania	Vermont	

Broad (10 states)

<i>Alaska</i>	Massachusetts
Delaware	Nebraska
Hawaii	New Mexico
Iowa	Washington
Indiana	Wyoming

**Meeting:** The definition of "meetings" is also separated into three categories. "Narrow" signifies states that have narrow definitions on what constitutes a meeting, such as inclusion of "serial" meetings" and "chance" meetings. "Broad" signifies states with no or few stipulations on the definition of a "meeting". There is a forth sections for those states that lack of judicial or legislative action.

Narrow (22 states)

Arizona	Hawaii	Minnesota	North Carolina	Wisconsin
Arkansas	Iowa	Mississippi	Rhode Island	Wyoming
Delaware	Kentucky	Missouri	Vermont	
Florida	Maine	Montana	Virginia	
Georgia	Michigan	New Hampshire	Washington	

Moderate (15 states)

California	Maryland	North Dakota
Colorado	Massachusetts	South Carolina
Connecticut	Nebraska	Texas
Idaho	New York	Utah
Indiana	Oklahoma	West Virginia

Broad (7 states)

Alabama	Tennessee
Alaska	Pennsylvania
Kansas	
New Jersey	
Ohio	

Unknown (6 states)

Illinois	South Dakota
Louisiana	
Nevada	
New Mexico	
Oregon	

**Exemptions/Exclusions:** Strong Open Meeting legislation is weakened by the exemptions and exclusions in the states. The "Narrow" category includes states that have exemptions/exclusions that are narrowly defined to limit secrecy while "Broad" signifies states that have broadly defined exclusions and exemptions.

Narrow (22 states)

Alaska	Illinois	Nebraska	North Dakota	Tennessee
Arizona	Maryland	Nevada	Pennsylvania	Utah
California	Maine	New Hampshire	Rhode Island	Vermont
Colorado	Minnesota	New Jersey	South Carolina	
Georgia	Montana	New York	South Dakota	

Moderate (20 states)

Arkansas	Indiana	Missouri	Texas
Connecticut	Kansas	Mississippi	Washington
Florida	Louisiana	New Mexico	West Virginia
Iowa	Massachusetts	Ohio	Wisconsin
Idaho	Michigan	Oregon	Wyoming

Broad (7 states)

Alabama	Oklahoma
Delaware	Virginia
Hawaii	
Kentucky	
North Dakota	

**Nancy Manly**

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**From:** Brodie Anderson  
**Sent:** Tuesday, February 19, 2008 1:21 PM  
**To:** Nancy Manly  
**Cc:** James Glisson  
**Attachments:** Brodie Anderson.vcf; LEG.HB342.Packet.S08.PDF

I would like to request a hearing in the House State Affairs for HB 342, "Guidelines for Open Meeting".

I have included electronic attachments of the complete HB 342 bill packet as requested by the House State Affairs Memorandum on Hearing Requests.

If you have any questions or need additional information, please call me at 465-3466.

Thank you for your time and consideration.

Brodie Anderson  
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Representative Scott Kawasaki  
District 9 Fairbanks  
State Capitol  
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