

CS FOR HOUSE BILL NO. 235(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/12/14

Referred: Judiciary

Sponsor(s): REPRESENTATIVE HIGGINS

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring the Alaska Public Offices Commission, employees of the commission,**
2 **and persons who file complaints with the commission to maintain the confidentiality of**
3 **certain proceedings, documents, and information."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 15.13.045 is amended by adding a new subsection to read:

6 (e) Proceedings of the commission relating to an investigation conducted
7 under this section concerning a potential violation of AS 15.13 or AS 39.50 are
8 confidential until the commission determines that a violation has occurred. Hearings
9 of the commission relating to the investigation are closed to the public until the
10 commission determines that a violation has occurred. All documents produced or
11 disclosed as a result of the commission's investigation are confidential and are not
12 public records for purposes of AS 40.25.110 - 40.25.140 until the commission
13 determines that a violation has occurred. A member or employee of the commission
14 may not knowingly make an unauthorized disclosure of information that is made

1 confidential under this section and that the member or employee acquired in the course
 2 of the member's or employee's official duties. A person who violates this subsection
 3 may be subject to prosecution under AS 11.56.860 or another law. The subject of the
 4 investigation may waive the confidentiality provisions of this subsection.

5 * **Sec. 2.** AS 15.13.380(b) is amended to read:

6 (b) A person who believes a violation of this chapter or a regulation adopted
 7 under this chapter has occurred or is occurring may file an administrative complaint
 8 with the commission within five years after the date of the alleged violation. If a
 9 member of the commission has filed the complaint, that member may not participate
 10 as a commissioner in any proceeding of the commission with respect to the complaint.
 11 The commission may consider a complaint on an expedited basis or a regular basis.
 12 **Except to the extent that the confidentiality provisions are waived by the subject**
 13 **of the complaint under (l) of this section, the complainant shall keep confidential**
 14 **the fact that the complainant has filed a complaint under this section as well as**
 15 **the contents of the complaint filed. If the commission finds that a complainant**
 16 **has violated any confidentiality provision, the commission shall immediately**
 17 **dismiss the complaint. Dismissal of a complaint under this subsection does not**
 18 **affect the right of the commission or any person other than the complainant to**
 19 **initiate a complaint based on the same factual allegations.**

20 * **Sec. 3.** AS 15.13.380 is amended by adding a new subsection to read:

21 (l) Proceedings of the commission relating to a complaint made under (b) of
 22 this section are confidential until the commission determines that a violation of this
 23 chapter has occurred. All meetings of the commission relating to a complaint are
 24 closed to the public until the commission determines that a violation has occurred. The
 25 complaint and all documents produced or disclosed as a result of the commission's
 26 investigation are confidential and are not public records for purposes of AS 40.25.110
 27 - 40.25.140 until the commission determines that a violation has occurred. A member
 28 or employee of the commission may not knowingly make an unauthorized disclosure
 29 of information that is made confidential under this section and that the member or
 30 employee acquired in the course of the member's or employee's official duties. A
 31 person who violates this subsection may be subject to prosecution under AS 11.56.860

1 or another law. The subject of the complaint may waive the confidentiality provisions
2 of this subsection.

3 * **Sec. 4.** AS 39.50.055 is amended by adding a new subsection to read:

4 (d) Proceedings of the commission relating to a complaint made under this
5 section are confidential until the commission determines that a violation of this
6 chapter has occurred. All meetings of the commission relating to a complaint are
7 closed to the public until the commission determines that a violation of this chapter
8 has occurred. Until the commission determines that a violation has occurred, the
9 complaint and all documents produced or disclosed as a result of the commission's
10 investigation are confidential and are not public records for purposes of AS 40.25.110
11 - 40.25.140. A member or employee of the commission may not knowingly make an
12 unauthorized disclosure of information that is made confidential under this section and
13 that the member or employee acquired in the course of the member's or employee's
14 official duties. A person who violates this subsection may be subject to prosecution
15 under AS 11.56.860 or another law. Except to the extent that the confidentiality
16 provisions are waived by the subject of the complaint under this subsection, the person
17 filing a complaint shall keep confidential the fact that the person has filed a complaint
18 under this section as well as the contents of the complaint filed. If the commission
19 finds that a complainant has violated any confidentiality provision, the commission
20 shall immediately dismiss the complaint. Dismissal of a complaint under this
21 subsection does not affect the right of the commission or any person other than the
22 complainant to initiate a complaint based on the same factual allegations. The subject
23 of the complaint may waive the confidentiality provisions of this subsection.