

AMENDMENT

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OFFERED IN THE SENATE
TO: SB 82

BY SENATOR KIEHL

Page 1, line 5:

Delete "division"

Insert "attorney general"

Page 1, line 11, through page 2, line 8:

Delete all material and insert:

"(b) If a complaint alleges a violation of AS 15.13 or a regulation adopted under AS 15.13, the attorney general shall refer the complaint to the Alaska Public Offices Commission. If the complaint is incomplete, the attorney general finds the complaint frivolous, or the allegations in the complaint, if true, do not constitute a violation, the attorney general may request additional information or dismiss the complaint.

(c) Excluding an alleged violation of a provision of AS 15.13 or a regulation adopted under AS 15.13, the attorney general may investigate an alleged violation of a provision of this title

(1) included in a complaint;

(2) identified by the director; or

(3) identified by the attorney general."

Page 3, line 18:

Delete "director"

Insert "attorney general"

AMENDMENT

#2

OFFERED IN THE SENATE
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BY SENATOR KIEHL

Page 2, following line 22:

Insert a new subsection to read:

"(e) The attorney general may not continue an investigation of an alleged violation of a provision of this title for longer than one year after the complaint is filed unless the attorney general requests and receives approval from the superior court. The superior court may approve a request under this subsection if the attorney general establishes a reasonable probability that the person being investigated has violated a provision of this title."

Reletter the following subsections accordingly.

Page 2, line 23:

Delete "(f)"

Insert "(g)"

Page 3, line 3:

Delete "(e)"

Insert "(f)"

Page 3, line 4:

Delete "(g)"

Insert "(h)"

AMENDMENT

#3

OFFERED IN THE SENATE
TO: SB 82

BY SENATOR KIEHL

- 1 Page 2, line 29:
- 2 Delete "may"
- 3 Insert "shall"

AMENDMENT

#4 as amended

OFFERED IN THE SENATE
TO: SB 82

BY SENATOR KIEHL

1 Page 2, line 23, through page 3, line 5:

2 Delete all material and insert:

3 "(e) When the attorney general submits a report of an investigation to the
4 division, a record of the investigation and the report are public records subject to the
5 disclosure requirements and exemptions under AS 40.25.100 - 40.25.295. Intelligence
6 information of the attorney general obtained under ~~(d)~~ of this section is not a public
7 record and is not subject to disclosure under AS 40.25.100 - 40.25.295.

8 (f) At the conclusion of an investigation under this section, the attorney
9 general shall inform the division of the result of the investigation and shall submit to
10 the division a report of the investigation. If the attorney general's investigation
11 determines that a complaint against a state agency or state employee is meritorious,
12 the division shall make a reasonable effort to work with the agency or employee to
13 take corrective action."

AMENDMENT

#5

OFFERED IN THE SENATE
TO: SB 82

BY SENATOR HUGHES

- 1 Page 1, line 7:
2 Delete "30"
3 Insert "60"
4
5 Page 1, line 8, following "after":
6 Insert "certification of"
7
8 Page 1, line 9:
9 Delete "30"
10 Insert "60"
11
12 Page 2, lines 3 - 22:
13 Delete all material and insert:
14 "(c) In conducting an investigation under this section, if the attorney general
15 has reason to believe that a person has information relevant to the investigation, the
16 attorney general may
17 (1) issue a subpoena requiring the person to provide testimony and
18 answer questions under oath, subject to penalty of perjury,
19 (A) in person, virtually, or by telephone, at the discretion of the
20 attorney general;
21 (B) at the location and date and time stated in the subpoena;
22 (C) not less than seven days after service of the subpoena,
23 unless a court order allows for expedited testimony;

1 (2) issue a subpoena duces tecum requiring the person to produce for
2 inspection, copying, and testing any books, records, documents, or electronically
3 stored information within 30 days, unless the court orders an expedited response;
4 electronically stored information shall be translated, if necessary, into a reasonably
5 useable form;

6 (3) issue interrogatories to the person, which shall be signed under
7 oath, subject to penalty of perjury, and provided to the attorney general within 30 days
8 unless a court orders an expedited response;

9 (4) obtain relevant records and information from a state agency upon
10 written request to the agency head; if the records or information requested by the
11 attorney general are required by law to remain confidential, the state agency shall
12 provide the records or information and designate them as confidential; the attorney
13 general shall keep confidential any records or information designated as confidential,
14 except when disclosure is necessary to file an action under this section or to comply
15 with state or federal law or a court order.

16 (d) The attorney general shall serve a subpoena, subpoena duces tecum, or
17 interrogatory issued under (c) of this section in the manner prescribed by
18 AS 44.62.430. The attorney general may initiate contempt proceedings in the manner
19 prescribed by AS 44.62.590 against a person who fails in whole or in part to respond
20 to a subpoena, subpoena duces tecum, or interrogatory issued under (c) of this section.

21 (e) Before serving a subpoena, subpoena duces tecum, or interrogatories, the
22 attorney general may file an ex parte petition in superior court seeking an order
23 requiring the person to respond to the subpoena, subpoena duces tecum, or
24 interrogatory sooner than permitted under (c) of this section. The order shall be issued
25 by a judge upon a showing of probable cause that a violation of this chapter, excluding
26 AS 15.13, has been committed, is being committed, or is about to be committed and
27 that there is reason to believe an expedited response may be necessary under the
28 circumstances. The order may also designate a deadline by which the recipient of a
29 subpoena, subpoena duces tecum, or interrogatory must file an action in superior court
30 to quash the subpoena.

31 (f) A person who is served with a subpoena, subpoena duces tecum, or

1 interrogatory under (c) of this section may file an action in superior court to quash the
2 subpoena, subpoena duces tecum, or interrogatory not later than 10 days after being
3 served, unless an earlier time is designated by the court under (e) of this section. An
4 action brought under this subsection shall be considered on an expedited basis. The
5 court may hear evidence and argument from the attorney general in an ex parte setting.
6 The court may quash a subpoena, subpoena duces tecum, or interrogatory only after
7 finding the subpoena, subpoena duces tecum, or interrogatory is not reasonably
8 calculated to aid in a good faith investigation of an alleged violation of this chapter."

9
10 Reletter the following subsections accordingly.

11
12 Page 2, line 23:

13 Delete "(f)"

14 Insert "(h)"

15
16 Page 3, line 3:

17 Delete "remain confidential under (e)"

18 Insert "is not a public record under (g)"

19
20 Page 3, line 4:

21 Delete "(g)"

22 Insert "(i)"

23
24 Page 3, line 10:

25 Delete "(g)"

26 Insert "(i)"

27
28 Page 3, line 14:

29 Delete "civil penalty"

30 Insert "fine"