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Explanation of changes for CS HB 235\Y

TITLE Change: Added: establishing sanctions for persons who file false complaints and frivolous, vexatious, or other complaints made in bad faith with the commission.

Section 1. Adds a new paragraph to AS 15.13.045 (e) that proceedings relating to an investigation are confidential until it is determined that a violation of AS 15.13 or AS 39.50 occurred.

Section 2. Amends AS 15.13.380(b) by adding that except to the extent that the confidentiality provisions are waived by the subject the complainant shall keep confidential the fact that they have filed a complaint under this section as well as the contents of the complaint filed. If the complainant violates any provision of the confidentiality the Commission shall immediately dismiss the complaint. However, dismissal of a complaint does not affect the right of the commission or any other person to initiate a complaint based on the same factual information.

Section 3. AS 15.13.380(g) Is amended adding new subsection (n) the this section may be appealed to the superior court by either the complainant or respondent within 30 days.

Section 4. AS 15.380 (l) is amended by adding a new paragraph that the complaint and all documents relating to an investigation are confidential until it is determined that a violation has occurred. Adds a new paragraph (m) that within 30 days after accepting a complaint, the commission shall determine whether the facts substantiate an alleged violation and whether there is credible evidence that further investigation and proceedings are warranted. The commission may delegate the duty to make the determination to an employee of the commission.

Section 5. AS 39.50.055 Is amended by adding a new subsection (d) that all proceedings, all documents relating to an investigation are confidential and closed to the public until it is determined that a violation has occurred. The commission shall determine whether the facts substantiate an alleged violation. Adds a new subsection (e) that within 30 days after accepting a complaint, the commission shall determine whether the facts substantiate an alleged violation and whether there is credible evidence that further investigation and proceedings are warranted. The commission may delegate the duty to make the determination to an employee of the commission.