

HB 127 (CSHB 127 (JUD))
AMENDMENTS TO THE OMBUDSMAN ACT

SPONSOR STATEMENT

Prepared by the Office of the Ombudsman
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The Ombudsman Act (AS 24.55) has not changed much since enactment in 1975, which speaks well for its basic structure. The ombudsman requested and obtained some modifications of the Ombudsman Act in 1990. It has become apparent that the Ombudsman Act would benefit from updates to address several issues that have arisen since 1990.

The following is a brief sectional description of the bill:

- Section 1 of CSHB 127(JUD) provides that the ombudsman may receive a step increase in salary, rather than remaining Step A of Range 26 for the ombudsman's entire term or terms.
- Section 2 clarifies the ombudsman's authority to hire additional staff using a personal services contract pursuant to AS 24.55.060(f).
- Section 3 amends a section on the ombudsman's investigatory authority to refer simply to "agency" instead of "state agency." This brings the section into conformance with the rest of the Ombudsman Act (AS 24.55), which consistently refers to the ombudsman's authority to investigate an administrative "agency."
- Section 4 prevents a general waiver of attorney-client privilege by an agency if it shares its attorney's advice with the Office of the Ombudsman in order to explain the agency's actions.
- Section 5 improves the wording of the ombudsman's existing privilege not to testify or produce records regarding matters brought to the ombudsman's attention in the course of her duties.
- Section 6 modernizes the ombudsman's procurement authority.
- Sections 7 and 8 state that sections 4 and 5 are indirect court rule amendments because they modify evidentiary rules, and that therefore sections 4 and 5 only take effect if the legislation is approved by a two-thirds majority vote of each house, as required by Art. IV, Section 15 of the Constitution of the State of Alaska.