

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-2450
LAA.Legal@akleg.gov
120 4th Street, Room 3


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 11, 2024

SUBJECT: Confidentiality (CSSB 151(FIN); Work Order No. 33-LS0052\H)

TO: Senator Donald Olson
Co-Chair of the Senate Finance Committee
Attn: Ken Alper

FROM: Claire Radford
Legislative Counsel 

Attached is the Senate Finance committee substitute for SB 151. As we discussed during our phone call on April 5, 2024, this bill contains a confidentiality provision in sec. 44.41.140 to protect the sensitive nature of documents, materials, and reports obtained or compiled by the Missing and Murdered Indigenous Persons Review Commission (commission). With the additions you requested to that section, this committee substitute also states: "The confidential status of documents, materials, or reports obtained by the commission does not preclude the discoverability or subpoena of those documents, materials, or reports from other agencies or sources. This section does not affect whether a document, material, or report obtained or compiled by the commission is otherwise publicly available." As we discussed, these sentences are unnecessary and have the potential to cause confusion.

The plain text of the bill does not change the ability of a person to request those documents, materials, or reports through discovery from the sources the commission obtained them from. Therefore, including these provisions has the potential to cause confusion when considering and interpreting other statutes without similar provisions. Other confidentiality provisions could now be inferred to change the status of similarly protected documents, materials, and reports obtained or compiled by other boards or commissions. These sentences may also cause confusion for the courts since a court does not consider statutory language superfluous.

Please let me know if you have any additional questions.

CER:mjt
24-172.mjt

Attachment