

**SENATE BILL NO. 358 am**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 5/2/98

Introduced: 4/27/98

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the disclosure of certain personnel records that include  
2 information about the use of public resources."

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

4 \* **Section 1.** AS 39.25 is amended by adding a new section to read:

5 **Sec. 39.25.085. Release of certain information in personnel records**  
6 **concerning the use of public resources.** (a) A state agency that is authorized by law  
7 to audit the state's use of public resources may request the public release to the agency  
8 of audit results contained in a confidential personnel record that relate to the improper  
9 use of public resources. The agency holding the records shall release the audit results  
10 relating to the improper use of public resources to the auditing agency unless  
11 disclosure is prohibited under this section or other law that protects the records on a  
12 basis other than that the records are personnel records.

13 (b) A state agency holding confidential personnel records that are the subject  
14 of a request for public release under (a) of this section shall notify the employee who

1 is the subject of the record of the request for public release of audit results relating to  
2 the improper use of public resources and of the procedures that the employee may use  
3 to protest the public release of the audit results. The employee may, within 10 days  
4 after receiving notice of the request to release the audit results, file with the  
5 appropriate reviewing officer a written objection to the public release. The appropriate  
6 reviewing officer or the officer's designee shall hold an informal confidential hearing  
7 and review the record to determine if the findings and conclusions relating to the  
8 improper use of public resources are based on substantial evidence and if the decision  
9 in the matter is reasonable. If the reviewing officer finds that the audit results are not  
10 based on substantial evidence or that the decision is unreasonable, the officer shall  
11 prohibit the public release of the audit results.

12 (c) The appropriate reviewing officer for employees of the executive branch,  
13 including employees of the University of Alaska, is the officer appointed by the  
14 director of the division of finance, Department of Administration, or the officer's  
15 designee. The appropriate reviewing officer for employees of the judicial branch is  
16 the administrative director of the court system. The appropriate reviewing officer for  
17 employees of the legislative branch is the

18 (1) director of the Legislative Affairs Agency for employees of the  
19 agency;

20 (2) legislative auditor for employees of the division of legislative audit;

21 (3) legislative fiscal analyst for employees of the division of legislative  
22 finance;

23 (4) ombudsman for employees of the Office of the Ombudsman.

24 (d) This section does not apply to the personnel records of legislators or to the  
25 records of employees of the legislative branch who are not specifically included in (c)  
26 of this section.

27 (e) Notwithstanding AS 39.25.110, this section applies to personnel records of  
28 employees in the classified, partially exempt, and exempt services except as provided  
29 in (d) of this section.

30 (f) In this section,

31 (1) "division of finance" means that unit of the Department of

- 1 Administration that is responsible for the financial records of the state;
- 2 (2) "resources" means funds, facilities, equipment, goods, services, or
- 3 other assets.