

HOUSE CS FOR SENATE BILL NO. 358(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 5/8/98
Referred: Rules

Sponsor(s): SENATE FINANCE COMMITTEE

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 funds. (a) A state agency that is authorized by law to
7 audit the state's use of public funds may request the public release to the agency of
8 audit results contained in a confidential personnel record that relate to the improper use
9 of public funds. The agency holding the records shall release the audit results relating
10 to the improper use of public funds to the auditing agency unless disclosure is
11 prohibited under this section or other law that protects the records on a basis other than
12 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 funds and of the procedures that the employee may use to
3 protest the public release of the audit results. The employee may, within 10 days after
4 receiving notice of the request to release the audit results, file with the appropriate
5 reviewing officer a written objection to the public release. The appropriate reviewing
6 officer or the officer's designee shall hold an informal confidential hearing and review
7 the record to determine if the findings and conclusions relating to the improper use of
8 public funds are based on substantial evidence and if the decision in the matter is
9 reasonable. If the reviewing officer finds that the audit results are not based on
10 substantial evidence or that the decision is unreasonable, the officer shall prohibit the
11 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, "division of finance" means that unit of the Department of
31 Administration that is responsible for the financial records of the state.