

SENATE BILL NO. 45

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR GREEN

Introduced: 1/29/03

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Legislative Budget and Audit Committee."**

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

3 * **Section 1.** AS 11.56 is amended by adding new sections to article 6 to read:

4 **Sec. 11.56.870. Hindering the Legislative Budget and Audit Committee in**
5 **the first degree.** (a) A person commits the crime of hindering the Legislative Budget
6 and Audit Committee in the first degree if the person violates AS 11.56.880(a) and the
7 person is a public servant.

8 (b) Each failure to comply with a request from the committee or its staff is a
9 separate violation of this section.

10 (c) Hindering the Legislative Budget and Audit Committee in the first degree
11 is a class B felony. A public employee who is convicted under this section
12 immediately forfeits the employee's office or position. In this subsection, "public
13 employee" has the meaning given in AS 39.52.960.

14 **Sec. 11.56.880. Hindering the Legislative Budget and Audit Committee in**
15 **the second degree.** (a) A person commits the crime of hindering the Legislative

1 Budget and Audit Committee in the second degree if the person knowingly directs,
2 orders, discourages, threatens, restrains, coerces, forces, or prevents a person from
3 giving full cooperation to the committee or its staff in assembling or furnishing
4 requested information to the committee or its staff.

5 (b) Each failure to comply with a request from the committee or its staff is a
6 separate violation of this section.

7 (c) Hindering the Legislative Budget and Audit Committee in the second
8 degree is a class C felony. A public employee who is convicted under this section
9 immediately forfeits the employee's office or position.

10 * **Sec. 2.** AS 24.20.201 is amended by adding a new subsection to read:

11 (c) When the Legislative Budget and Audit Committee requests information
12 from a public officer of the state or from a department of the state, the officer or the
13 department may not refuse to provide that information by claiming the information is
14 privileged unless the officer or the commissioner of the department, if the information
15 is requested from a department, asserts the privilege and the basis for the privilege
16 under oath. The committee may consider the assertion of privilege, and, if the
17 committee disagrees, the committee may seek review of the claim of privilege in the
18 superior court.