

**CS FOR SENATE BILL NO. 45(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/24/03

Referred: Finance

Sponsor(s): SENATOR GREEN

**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 legislative auditor or the  
9 legislative fiscal analyst is a separate violation of this section.

10 (c) Hindering the Legislative Budget and Audit Committee in the first degree  
11 is a class A misdemeanor. A state employee who is convicted under this section  
12 immediately forfeits the employee's office or position. In this subsection, "state  
13 employee" has the meaning given in AS 39.25.990.

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 legislative auditor or the legislative fiscal analyst in  
 4 assembling or furnishing requested information.

5 (b) Each failure to comply with a request from the legislative auditor or the  
 6 legislative fiscal analyst is a separate violation of this section.

7 (c) Hindering the Legislative Budget and Audit Committee in the second  
 8 degree is a class B misdemeanor. A state employee who is convicted under this  
 9 section immediately forfeits the employee's office or position. In this subsection,  
 10 "state employee" has the meaning given in AS 39.25.990.

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

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

21 \* **Sec. 3.** AS 39.25.020 is amended by adding a new subsection to read:

22 (b) An appointing authority may not appoint a person to state service if the  
 23 person has been convicted of a crime under AS 11.56.870 or 11.56.880.

24 \* **Sec. 4.** AS 39.90.140(3) is amended to read:

25 (3) "matter of public concern" means

26 (A) a violation of a state, federal, or municipal law, regulation,  
 27 or ordinance;

28 (B) a danger to public health or safety;

29 (C) gross mismanagement, a substantial waste of funds, or a  
 30 clear abuse of authority; [OR]

31 (D) a matter accepted for investigation by the office of the

1                   ombudsman under AS 24.55.100 or 24.55.320; or  
2   **(E) interference or any failure to cooperate with an audit or**  
3                   **other matter within the authority of the Legislative Budget and Audit**  
4                   **Committee;**

5       \* **Sec. 5.** AS 24.20.201(a)(9) and 24.20.206(1) are repealed.