

HOUSE CS FOR CS FOR SENATE BILL NO. 45(FIN) am H(efd add H)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/18/03

Offered: 5/17/03

Sponsor(s): SENATOR GREEN

REPRESENTATIVES Foster, Lynn

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Legislative Budget and Audit Committee; and providing for an**
2 **effective date."**

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

4 *** Section 1.** AS 11.56 is amended by adding a new section to article 6 to read:

5 **Sec. 11.56.870. Hindering the Legislative Budget and Audit Committee.**

6 (a) A person commits hindering the Legislative Budget and Audit Committee if the
7 person intentionally (1) fails to give, or (2) directs, orders, threatens, restrains, coerces,
8 forces, or prevents another person from giving, full cooperation to the legislative
9 auditor or the legislative fiscal analyst in assembling or furnishing requested
10 information to the committee or its staff, and the person did not reasonably believe
11 that the action or failure to act was legally justified.

12 (b) Hindering the Legislative Budget and Audit Committee is a violation,
13 punishable by a fine of not more than \$5,000.

14 *** Sec. 2.** AS 24.20.161 is amended to read:

1 **Sec. 24.20.161. Membership.** The Legislative Budget and Audit Committee
 2 is composed of 10 members: the **chairs** [CHAIRMEN] of the senate and house
 3 finance committees; one member selected from each of the senate and house finance
 4 committees and appointed by the president of the senate and the speaker of the house,
 5 respectively; and three members appointed from each house by the respective
 6 presiding officer. The **chair** [CHAIRMAN] of the finance committee may choose not
 7 to serve on the committee. If this occurs, the presiding officer of the appropriate
 8 house shall appoint a replacement from the finance committee. The membership from
 9 each house shall **meet the requirements of (b) of this section** [INCLUDE AT
 10 LEAST ONE MEMBER FROM EACH OF THE TWO MAJOR POLITICAL
 11 PARTIES]. The committee shall select its own **chair** [CHAIRMAN].

12 * **Sec. 3.** AS 24.20.161 is amended by adding a new subsection to read:

13 (b) The membership from each house must include at least one member from
 14 each of the two major political parties. The membership from each house must also
 15 include the number of minority members that is proportional to the number of
 16 minority members in the house compared to the total house membership or to one seat,
 17 whichever is greater. In calculating the number of seats the minority is entitled to,
 18 fractional numbers that represent the minority proportional entitlement to a seat shall
 19 be ignored. For purposes of this subsection, "minority" means a group of members
 20 who have organized and elected a minority leader and who constitute at least 25
 21 percent of the total house membership.

22 **Sec. 4.** AS.24.20.181 is amended to read:

23 **Sec. 24.20.181. Vacancies.** When a vacancy occurs in the statutory or
 24 appointive membership of the committee, the presiding officer of the house incurring
 25 the vacancy shall choose a successor. If the office of the president of the senate or
 26 speaker of the house of representatives becomes vacant and a vacancy from the
 27 affected house occurs among the membership of the committee, the remaining
 28 committee members from the house incurring the vacancy shall appoint a new
 29 member. **After a vacancy is filled, the membership of the house that incurred the**
 30 **vacancy must meet the requirements of AS 24.20.161(b).**

31 * **Sec. 5.** AS 24.20.201 is amended by adding a new subsection to read:

1 (c) The Legislative Budget and Audit Committee may delegate the powers
2 authorized by (a)(2) of this section to the legislative fiscal analyst and the legislative
3 auditor.

4 * **Sec. 6.** AS 39.25.020 is amended by adding a new subsection to read:

5 (b) Unless a waiver is granted by the commissioner of administration, an
6 appointing authority may not appoint a person to state service if the person has been
7 convicted under AS 11.56.870. Before granting a waiver under this subsection, the
8 commissioner shall give notice in writing to the Legislative Budget and Audit
9 Committee of the intent to grant a waiver.

10 * **Sec. 7.** AS 39.25.080(b) is amended to read:

11 (b) The following information is available for public inspection, subject to
12 reasonable regulations on the time and manner of inspection:

- 13 (1) the names and position titles of all state employees;
- 14 (2) the position held by a state employee;
- 15 (3) prior positions held by a state employee;
- 16 (4) whether a state employee is in the classified, partially exempt, or
17 exempt service;
- 18 (5) the dates of appointment and separation of a state employee;

19 [AND]

- 20 (6) the compensation authorized for a state employee; **and**
- 21 **(7) whether a state employee has been dismissed or disciplined for**
22 **a violation of AS 39.25.160(l) (interference or failure to cooperate with the**
23 **Legislative Budget and Audit Committee).**

24 * **Sec. 8.** AS 39.25.160 is amended by adding a new subsection to read:

25 (l) A state employee may not intentionally (1) fail to give, or (2) direct, order,
26 threaten, restrain, coerce, force, or prevent another person from giving, full
27 cooperation to the legislative auditor or the legislative fiscal analyst in assembling or
28 furnishing requested information to the Legislative Budget and Audit Committee or its
29 staff if the person did not reasonably believe that the action or failure to act was
30 legally justified. Violation of this section constitutes just cause for dismissal or other
31 appropriate disciplinary action.

1 * **Sec. 9.** AS 39.90.140(3) is amended to read:

2 (3) "matter of public concern" means

3 (A) a violation of a state, federal, or municipal law, regulation,
4 or ordinance;

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

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

8 (D) a matter accepted for investigation by the office of the
9 ombudsman under AS 24.55.100 or 24.55.320; **or**

10 **(E) interference or any failure to cooperate with an audit or**
11 **other matter within the authority of Legislative Budget and Audit**
12 **Committee;**

13 * **Sec. 10.** AS 24.20.201(a)(9) and 24.20.206(1) are repealed.

14 * **Sec. 11.** Sections 2 - 4 of this Act take effect January 1, 2005.