

SB

45

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 22, 2003

FURTHER REFERRALS:

Date of Committee Action: 5/16/03

The FINANCE Committee considered:

CSSB 45(JUD)

CS FOR SENATE BILL NO. 45(JUD)

LB&A CRIMES AND COOPERATION

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

Recommends it be replaced with HCS or CS for CS SB 45 (FIN)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

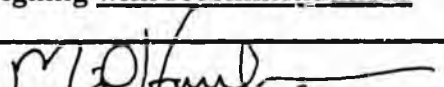
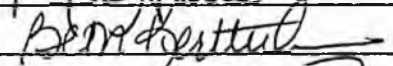

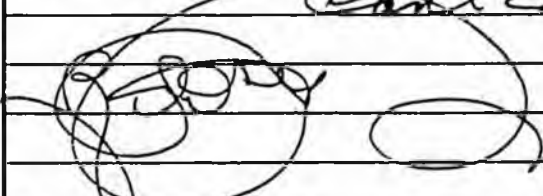
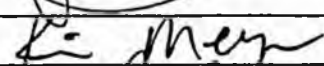
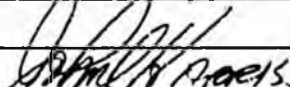
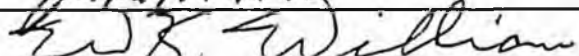
- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HSS
- LEG
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
law				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DOA	H1			✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Hanken	✓			
	KETHULA			✓	
	MOSES			✓	
	Foster	X			
	Mayo	✓			
Chair: 	Williams	✓			
Chair: 	Williams	✓			

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HCS CSSB 45 (JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to the Legislative Budget and BRU Criminal Division
Audit Committee." Component 411
 Sponsor Senator Green
 Requester Senate Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 This bill creates new crimes: Hindering the Legislative Budget and Audit Committee in the first and second degrees. Hindering the LB&A Committee in the first degree is a class A misdemeanor. Hindering the LB&A Committee in the second degree is a class B misdemeanor.

The Department of Law does not anticipate many new cases from passage of this legislation, and does not expect a measurable fiscal impact.

Prepared by: David W. Marquez Phone (907) 465-5370
 Division Attorney General's Office Date/Time 5/2/03 11:19 AM
 Approved by: Kathryn Daughhatee for Gregg D. Renkes, Attorney General Date 5/2/2003
 Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 45
 (S) Publish Date: 3/24/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to the Legislative BRU Centralized Administrative Services
Budget & Audit Committee Component Administrative Services
 Sponsor Senator Green
 Requester (H) FIN Component No. 46

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact on the Department.

Prepared by: Dan Spencer, Director
 Division: Division of Administrative Services
 Approved by: Mike Miller, Commissioner
 Agency: Department of Administration

Phone 465-5655
 Date/Time 2/20/03 11:45 AM
 Date 2/20/2003

WORK DRAFT

WORK DRAFT

WORK DRAFT

Adopted 5/14 *Called in 9-4:40*

23-LS02051W
Luckhaupt
5/15/03

HOUSE CS FOR CS FOR SENATE BILL NO. 45()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

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 a new section to article 6 to read:

4 Sec. 11.56.870. Hindering the Legislative Budget and Audit Committee.

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

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

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

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

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

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WORK DRAFT

23-LS02051W

1 auditor.

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

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

8 * Sec. 4. AS 39.25.080(b) is amended to read:

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

11 (1) the names and position titles of all state employees;

12 (2) the position held by a state employee;

13 (3) prior positions held by a state employee;

14 (4) whether a state employee is in the classified, partially exempt, or
15 exempt service;

16 (5) the dates of appointment and separation of a state employee;

17 [AND]

18 (6) the compensation authorized for a state employee; and

19 (7) whether a state employee has been dismissed or disciplined for
20 a violation of AS 39.25.160(l) (interference or failure to cooperate with the
21 Legislative Budget and Audit Committee).

22 * Sec. 5. AS 39.25.160 is amended by adding a new subsection to read:

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

30 * Sec. 6. AS 39.90.140(3) is amended to read:

31 (3) "matter of public concern" means

WORK DRAFT

WORK DRAFT

23-LS0205\W

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

(B) a danger to public health or safety;

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

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

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

* Sec. 7. AS 24.20.201(a)(9) and 24.20.206(1) are repealed.

ALASKA STATE LEGISLATURE



Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax

Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
(907) 465-3805 Fax

SENATOR LYDA GREEN
SENATE DISTRICT G

SPONSOR STATEMENT FOR SENATE BILL 45

“An act relating to the Legislative Budget and Audit Committee.”

AS 24.20.201(a)(3) states that the Legislative Budget and Audit Committee has the power to “require all state officials and agencies of state government to give full cooperation to the committee or its staff in assembling and furnishing requested information.” Unfortunately, this well-intentioned statute is unenforceable because it lacks any penalties for those who are uncooperative or who undermine the work of this committee. Senate Bill 45 is designed to remedy this by providing prosecutors with the necessary tools to deter and punish those who hinder the investigative work of the legislative budget and audit committee.

Senate Bill 45 also clarifies the process by which privilege is claimed and the process by which it is determined.

When the legislature created the Legislative Budget and Audit committee, it envisioned this committee would have full access to all information necessary to carry out their work. Senate Bill 45 helps to ensure that this vision can occur.

I urge your support and swift passage of this important legislation.

HC02 Box 7691A
Palmer, Alaska 99645
January 30, 2003

The Honorable Lyda Green
State Capital Building, Room 561
Juneau, Alaska 99508-1182

RE: SB 45

Dear Senator Green:

This correspondence is to let you know that I support SB 45.

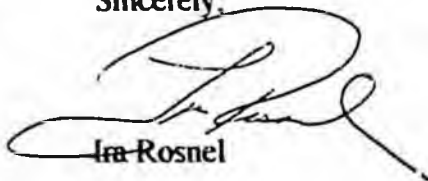
*Attached copy
of bill*

During these times of diminishing revenues, I believe that every effort must be made to maximize our ability to manage public funds while minimizing mismanagement, a problem all to common in government.

The only way that an accurate accounting can be made of each department and division in state government is by requiring state officials and bureaucrats to fully cooperate with, and address the concerns of, legislative auditors. SB 45 supports state employees' appropriate use of public funds in service to Alaskan citizens.

Thank you for your representation.

Sincerely,


Ira Rosnel

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

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Approved by: Mike Miller, Commissioner
Agency: Department of Administration

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Date/Time 2/20/03 11:45 AM
Date 2/20/2003