

HB

235

<TARGET><BILL>HB 235</BILL><SUBJECT>HB
235</SUBJECT><COMM>HSTA28</COMM></TARGET>

ALASKA STATE LEGISLATURE

Session:

State Capitol Building,
Room 424
Juneau, Alaska 99801-2186
Phone (907) 465-4230
Fax: (907) 465-3883
Toll Free: (877) 465-4976



Interim:

1292 Sadler Way
Fairbanks, Alaska 99701
Phone: (907) 452-6084
Fax: (907) 452-6096

REPRESENTATIVE PETE HIGGINS

SPONSOR STATEMENT

"An Act requiring the Alaska Public Offices Commission to maintain the confidentiality of certain proceedings, documents, and information."

Alaskans expect their elected officials to adhere to a strict set of laws and ethics codes, but, those same standards don't apply to all.

HB 235 would change that. It's unfortunate that the legislature did not include the Alaska Public Offices Commission (APOC) when it strengthened its ethics and disclosure laws in the past decade. If it had, we would not currently be in this hyper-politicized campaign era.

HB235 requires the Commission to maintain confidentiality of proceedings, documents, and information until the Commission establishes that a violation of Alaska Statutes has been determined. That is the same standard we as legislators are held to, the Executive Branch are held to, and ensures the process has been followed with no undue influence or unneeded rush to judgment.

The Commission performs a vital service to the people of the state. We recognize the need to have the findings open to the public, once the facts of the matter have been determined and there is a finding of a violation. This legislation does not detract from APOC's mission, duties, and responsibilities. The public will still be informed, and more importantly, have access to the record once the facts are known.

Unfortunately, this process has been misused by various entities on both sides of an issue, and even more so during the election cycle. These entities make allegations timed at influencing the election process and the often-times unfounded claims have real impacts to those involved. For all intents and practices, the APOC process has been high-jacked by these entities and the media influence that follows, turns the APOC into a campaign tool, which was never its intended purpose.

I urge your support on this timely and needed reform.

28-LS0392\A

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REPRESENTATIVE PETE HIGGINS

February 10, 2014

Explanation of changes for CS HB 235\N

Section 2. Amends AS 15.13.380(b) by adding that the complainant shall keep confidential the fact that a complaint and its contents. If the complainant violates any provision of the confidentiality the Commission shall immediately dismiss the complaint. However, dismissal of a complaint does not affect the right of the commission or any other person to initiate a complaint based on the same factual information.

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REPRESENTATIVE PETE HIGGINS

CSHB235 Sectional Analysis

February 12, 2014

TO VERSION N

Section 1. Adds a new paragraph to AS 15.13.045 (e) that proceedings relating to an investigation are confidential until it is determined that a violation of AS 15.13 or AS 39.50 occurred.

Section 2. Amends AS 15.13.380(b) by adding that the complainant shall keep confidential the fact that a complaint and its contents. If the complainant violates any provision of the confidentiality the Commission shall immediately dismiss the complaint. However, dismissal of a complaint does not affect the right of the commission or any other person to initiate a complaint based on the same factual information.

Section 3. Adds a new paragraph to AS 15.380 (l) that the complaint and all documents relating to an investigation are confidential until it is determined that a violation has occurred.

Section 4. Amends AS 39.50.055 by Adding a new subsection that all proceedings, all documents relating to an investigation are confidential and closed to the public until it is determined that a violation has occurred.

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REPRESENTATIVE PETE HIGGINS

HB235 Sectional Analysis

February 5, 2014

TO Version
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Section 1. Adds a new paragraph to AS 15.13.045 (e) that proceedings relating to an investigation are confidential until it is determined that a violation of AS 15.13 or AS 39.50 occurred.

Section 2. Adds a new paragraph to AS 15.380 (l) that the complaint and all documents relating to an investigation are confidential until it is determined that a violation has occurred.

Section 3. Amends AS 39.50.055 by Adding a new subsection that all proceedings, all documents relating to an investigation are confidential and closed to the public until it is determined that a violation has occurred.

FISCAL NOTE

STATE OF ALASKA
2014 LEGISLATIVE SESSION

Bill Version HB 235
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HB235-DOA-APOC-03-07-14 Dept. Affected Administration
 Title Confidentiality of APOC Complaints Appropriation Alaska Public Offices Commission
 Allocation Alaska Public Offices Commission
 Sponsor Representative Higgins
 Requester House State Affairs OMB Component Number 70

Expenditures/Revenues (Thousands of Dollars)

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

	FY15 Appropriation Requested	Included in Governor's FY15 Request	Out-Year Cost Estimates				
			FY16	FY17	FY18	FY19	FY20
OPERATING EXPENDITURES	FY15	FY15	FY16	FY17	FY18	FY19	FY20
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1156	Rcpt Svcs (DGF)						
		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES			0.0	0.0	0.0	0.0	0.0
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Estimated SUPPLEMENTAL (FY14) operating costs 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY15) costs 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
 If yes, by what date are the regulations to be adopted, amended, or repealed? 1/1/2016 Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by Paul Dauphinais, Executive Director
 Division Alaska Public Offices Commission
 Approved by Curtis Thayer, Commissioner
 Division Department of Administration

Phone 907-276-4176
 Date/Time 1/22/14 8:45 AM
 Date 3/7/2014

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB 235

Analysis

This bill amends two portions of AS 15.13 and one section of AS 39.50. In each case the bill would require that proceedings and hearings of the commission relating to a complaint filed under AS 15.13 or AS 39.50 be kept confidential and that the complaint and all documents relating to the investigation be kept confidential until the commission determines that a violation has occurred. Commission hearings regarding complaints would be closed to the public until a violation is determined to have occurred. Until a violation is determined to have occurred the complaint and all documents would not be considered as public documents for the purposes of AS 40.25.110 – .140. The subject of a complaint may waive the confidentiality provision.

As written this bill has no fiscal impact on the Alaska Public Offices Commission. No new positions, equipment, space, or funding is required for the Alaska Public Offices Commission to execute its duties if this bill is passed as written. This bill has no impact on the agency's performance measures.

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REPRESENTATIVE PETE HIGGINS Memorandum

TO: Representative Lynn House State Affairs Committee

FROM: Representative Pete Higgins 

DATE: 27 February 2014

SUBJECT: Hearing Request HB 235, *"An Act requiring the Alaska Public Offices Commission to maintain the confidentiality of certain proceedings, documents, and information."*

I respectfully request that the State Affairs Committee hear HB 235. Thomas Studler is my staff POC on this bill. His direct line is 465-6879

The following documents are provided and will be sent via email.

- HB 235\U
- HB 235 Sponsors Statement
- HB 235 Sectional Analysis
- CS for HB 235\N
- CSHB 235 Sectional Analysis
- CSHB 235 Explanation of Changes

Thank you,