

**CS FOR HOUSE BILL NO. 189(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/23/11

Referred: Rules

Sponsor(s): REPRESENTATIVES CHENAULT, Johnson

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the Alaska Gasline Development Corporation and creating an  
2 exception to the public records statute for information provided to the Alaska Gasline  
3 Development Corporation; amending the composition of the Joint In-State Gasline  
4 Development Team; and providing for an effective date."

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

6 \* **Section 1.** AS 38.34.030(a) is amended to read:

7 (a) The Joint In-State Gasline Development Team is established in the Alaska  
8 Gasline Development Corporation, a subsidiary of the Alaska Housing Finance  
9 Corporation, created under AS 18.56.086. The development team consists of four  
10 [FIVE] members as follows:

11 (1) the commissioner of transportation and public facilities, or the  
12 commissioner's designee;

13 (2) the chair of the board of directors of the Alaska Railroad  
14 Corporation or the chair's designee;

1 (3) [THE CHIEF EXECUTIVE OFFICER OF THE ALASKA  
2 NATURAL GAS DEVELOPMENT AUTHORITY;

3 (4)] the in-state gasline project coordinator; and

4 (4) [(5)] the executive director of the Alaska Housing Finance  
5 Corporation.

6 \* **Sec. 2.** AS 38.34.050 is amended by adding a new subsection to read:

7 (e) The Alaska Gasline Development Corporation may enter into a  
8 confidentiality agreement necessary to acquire information to carry out its functions.  
9 Information acquired under a confidentiality agreement is not subject to disclosure  
10 under AS 40.25.110. The Alaska Gasline Development Corporation may enter into  
11 confidentiality agreements with a public agency, as defined in AS 40.25.220, to allow  
12 release of information protected by a confidentiality agreement to that public agency.  
13 The portions of the records and files of a public agency bound by a confidentiality  
14 agreement that reflect, incorporate, or analyze information subject to a confidentiality  
15 agreement under this subsection are not public records. Confidentiality agreements  
16 entered into under this subsection are valid and binding against all parties in  
17 accordance with the terms of the confidentiality agreement.

18 \* **Sec. 3.** AS 40.25.120(a) is amended to read:

19 (a) Every person has a right to inspect a public record in the state, including  
20 public records in recorders' offices, except

21 (1) records of vital statistics and adoption proceedings, which shall be  
22 treated in the manner required by AS 18.50;

23 (2) records pertaining to juveniles unless disclosure is authorized by  
24 law;

25 (3) medical and related public health records;

26 (4) records required to be kept confidential by a federal law or  
27 regulation or by state law;

28 (5) to the extent the records are required to be kept confidential under  
29 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure  
30 or retain federal assistance;

31 (6) records or information compiled for law enforcement purposes, but

1 only to the extent that the production of the law enforcement records or information

2 (A) could reasonably be expected to interfere with enforcement  
3 proceedings;

4 (B) would deprive a person of a right to a fair trial or an  
5 impartial adjudication;

6 (C) could reasonably be expected to constitute an unwarranted  
7 invasion of the personal privacy of a suspect, defendant, victim, or witness;

8 (D) could reasonably be expected to disclose the identity of a  
9 confidential source;

10 (E) would disclose confidential techniques and procedures for  
11 law enforcement investigations or prosecutions;

12 (F) would disclose guidelines for law enforcement  
13 investigations or prosecutions if the disclosure could reasonably be expected to  
14 risk circumvention of the law; or

15 (G) could reasonably be expected to endanger the life or  
16 physical safety of an individual;

17 (7) names, addresses, and other information identifying a person as a  
18 participant in the Alaska Higher Education Savings Trust under AS 14.40.802 or the  
19 advance college tuition savings program under AS 14.40.803 - 14.40.817;

20 (8) public records containing information that would disclose or might  
21 lead to the disclosure of a component in the process used to execute or adopt an  
22 electronic signature if the disclosure would or might cause the electronic signature to  
23 cease being under the sole control of the person using it;

24 (9) reports submitted under AS 05.25.030 concerning certain  
25 collisions, accidents, or other casualties involving boats;

26 (10) records or information pertaining to a plan, program, or  
27 procedures for establishing, maintaining, or restoring security in the state, or to a  
28 detailed description or evaluation of systems, facilities, or infrastructure in the state,  
29 but only to the extent that the production of the records or information

30 (A) could reasonably be expected to interfere with the  
31 implementation or enforcement of the security plan, program, or procedures;

1 (B) would disclose confidential guidelines for investigations or  
 2 enforcement and the disclosure could reasonably be expected to risk  
 3 circumvention of the law; or

4 (C) could reasonably be expected to endanger the life or  
 5 physical safety of an individual or to present a real and substantial risk to the  
 6 public health and welfare;

7 (11) the written notification regarding a proposed regulation provided  
 8 under AS 24.20.105 to the Department of Law and the affected state agency and  
 9 communications between the Legislative Affairs Agency, the Department of Law, and  
 10 the affected state agency under AS 24.20.105;

11 (12) records that are

12 (A) proprietary, privileged, or a trade secret in accordance with  
 13 AS 43.90.150 or 43.90.220(e);

14 (B) applications that are received under AS 43.90 until notice is  
 15 published under AS 43.90.160;

16 **(13) information that is covered by a confidentiality agreement**  
 17 **between the Alaska Gasline Development Corporation created under**  
 18 **AS 18.56.086 and the provider of the information.**

19 \* **Sec. 4.** AS 38.34.050(e) and AS 40.25.120(a)(13) are repealed December 31, 2011.

20 \* **Sec. 5.** Sections 1 - 3 of this Act take effect immediately under AS 01.10.070(c).