

Introduced: 3/27/85
Referred: State Affairs
and Judiciary

BY KOPONEN, THOMPSON AND
MARROU

1 IN THE HOUSE

2

HOUSE BILL NO. 327

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the disclosure of information."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. FINDING. The legislature finds that free access to infor-
9 mation at all levels of state government and concerning issues before the
10 legislature is critical to the exercise of legislative responsibilities
11 under Article II of the Alaska constitution. The legislature further finds
12 that retaliation for testifying before a legislative committee impairs the
13 people's rights to freedom of speech and to petition the government under
14 Article I of the Alaska constitution.

15 * Sec. 2. AS 39.51.020(c) is amended to read:

16 (c) A violation of this section is a class A misdemeanor.

17 * Sec. 3. AS 39.51 is amended by adding new sections to read:

18 Sec. 39.51.040. LEGISLATIVE ACCESS TO PUBLIC INFORMATION. (a)

19 A public employee shall cooperate with the request of a legislator for
20 information or a public record under AS 09.25.110 and AS 09.25.120.

21 (b) In this section, "public employee" means an employee
22 receiving compensation for services provided to the state including
23 the University of Alaska or a political subdivision of the state.

24 (c) A violation of this section is a class A misdemeanor.

25 Sec. 39.51.050. RETALIATION PROHIBITED. (a) The public

26 employer of a person who testifies before a legislative committee may
27 not dismiss, demote, suspend, lay off, or otherwise subject the
28 employee to disciplinary action for communicating to the committee
29 information relevant to a legislative inquiry unless disclosure of the

1 information is prohibited by law.

2 (b) If an employee believes that the public employer has taken
3 disciplinary action in retaliation for the employee's communication,
4 the employee may request the legislative committee to investigate the
5 matter. The committee's investigation is not a public record under
6 AS 09.25.110. Committee meetings on the matter may be held in
7 executive session under AS 44.62.320.

8 (c) At the request of an employee, a legislative committee
9 before which the employee has testified may refer a violation of this
10 section to the attorney general. The attorney general shall investi-
11 gate each referral and report the results of the investigation to the
12 committee.

13 (d) If an employee is disciplined within 90 days after testify-
14 ing before a legislative committee, the public employer shall provide
15 the committee with information and justification for the disciplinary
16 action if the committee requests the information.

17 (e) An employee who has been disciplined in violation of (a) of
18 this section has a private cause of action against the employer for
19 reinstatement, lost wages, other compensation and damages, and for
20 reasonable attorneys fees incurred in connection with the disciplinary
21 action.

22 (f) In this section "public employer" includes the state, a
23 political subdivision of the state, a public or quasi-public
24 corporation or authority established by law, and the University of
25 Alaska.

26 (g) A violation of this section is a class A misdemeanor.