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Referred: State Affairs
and Judiciary

6-0327A

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

HOUSE BILL NO. 91

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to protection for certain public
7 employees and certain other persons who report
8 matters of public concern."

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

10 * Section 1. AS 39.90 is amended by adding new sections to read:

11 ARTICLE 2. PROTECTION FOR REPORTS OF CERTAIN MATTERS.

12 Sec. 39.90.100. PERSONS PROTECTED. (a) A public employer may
13 not discharge, threaten, or otherwise discriminate against an employee
14 regarding the employee's compensation, terms, conditions, location, or
15 privileges of employment because

16 (1) the employee, or a person acting on behalf of the
17 employee, reports to a public body or is about to report to a public
18 body a matter of public concern; or

19 (2) the employee is requested by a public body to partici-
20 pate in a court action or in an investigation, hearing, or inquiry
21 held by that public body.

22 (b) A public employer may not disqualify a public employee or
23 other person who reports a matter of public concern, or a public
24 employee on whose behalf a matter of public concern is reported,
25 because the employee or person reported the matter, from eligibility
26 to

27 (1) bid on contracts with the public employer;

28 (2) receive land under a law of the state or an ordinance
29 of the municipality; or

1 (3) receive another right, privilege, or benefit.

2 (c) The provisions of AS 39.90.100 - 39.90.120 do not

3 (1) require an employer to compensate an employee for
4 participation in a court action or in an investigation, hearing, or
5 inquiry by a public body;

6 (2) prohibit an employer from compensating an employee for
7 participation in a court action or in an investigation, hearing, or
8 inquiry by a public body;

9 (3) authorize the disclosure of information that is legally
10 required to be kept confidential; or

11 (4) diminish or impair the rights of an employee under a
12 collective bargaining agreement.

13 (d) An employer shall post notices and use other appropriate
14 means to inform employees of their protections and obligations under
15 AS 39.90.100 - 39.90.120.

16 Sec. 39.90.110. RELIEF AND PENALTIES. (a) A person who alleges
17 a violation of AS 39.90.100 may bring a civil action and the court may
18 grant appropriate relief.

19 (b) A person who violates or attempts to violate AS 39.90.100 -
20 39.90.120 is also liable for a civil fine of not more than \$10,000.
21 The attorney general may enforce this subsection.

22 (c) A person who attempts to prevent another person from making
23 a report or participating in a matter under AS 39.90.100(a) with
24 intent to impede or prevent a public inquiry on the matter is liable
25 for a civil fine of not more than \$10,000.

26 Sec. 39.90.120. DEFINITIONS. In AS 39.90.100 - 39.90.120

27 (1) "employee" or "public employee" means a person who
28 performs a service for wages or other remuneration under a contract of
29 hire, written or oral, express or implied, for a public employer;

1 (2) "employer" or "public employer" includes the state, a
2 public or quasi-public corporation or authority established by state
3 law, the University of Alaska, a municipality, a political subdivision
4 of the state, and the Alaska Railroad Corporation;

5 (3) "matter of public concern" means

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

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

9 (C) gross mismanagement, a substantial waste of funds,
10 or a clear abuse of authority;

11 (4) "public body" includes a federal, state, or municipal
12 officer or agency.