

Offered: 2/6/89  
Referred: Judiciary

6-0327E

Original sponsor: Labor and Commerce  
Committee

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 91 (State Affairs)  
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 mat-  
8 ters 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 - 39.90.130 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 - 39.90.130.  
16 Sec. 39.90.110. LIMITATION TO PROTECTIONS. An employee or other  
17 person is not entitled to the protections under AS 39.90.100 - 39.90.-  
18 130 unless the employee or other person  
19 (1) has reasonable cause to believe that the information  
20 reported is or is about to become a matter of public concern; and  
21 (2) reports the information in good faith.  
22 Sec. 39.90.120. RELIEF AND PENALTIES. (a) A person who alleges  
23 a violation of AS 39.90.100 may bring a civil action and the court may  
24 grant appropriate relief.  
25 (b) A person who violates or attempts to violate AS 39.90.100 -  
26 39.90.130 is also liable for a civil fine of not more than \$10,000.  
27 The attorney general may enforce this subsection.  
28 (c) A person who attempts to prevent another person from making  
29 a report or participating in a matter under AS 39.90.100(a) with

1 intent to impede or prevent a public inquiry on the matter is liable  
2 for a civil fine of not more than \$10,000.

3 Sec. 39.90.130. DEFINITIONS. In AS 39.90.100 - 39.90.130

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

7 (2) "employer" or "public employer" includes the state, a  
8 public or quasi-public corporation or authority established by state  
9 law, the University of Alaska, a municipality, a political subdivision  
10 of the state including a school district or rural educational atten-  
11 dance area, and the Alaska Railroad Corporation;

12 (3) "matter of public concern" means

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

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

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

18 (4) "public body" includes an officer or agency of the  
19 federal government, the state, a public or quasi-public corporation or  
20 authority established by state law including the Alaska Railroad  
21 Corporation, the University of Alaska, a political subdivision of the  
22 state including a school district or rural educational attendance  
23 area, or a municipality.

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