

**CS FOR HOUSE BILL NO. 130 (JUDICIARY)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 3/15/91**

**Referred: Rules**

**Sponsor(s): REPRESENTATIVES PARNELL, Donley, Koponen, Gruenberg, Grussendorf, Larson, Ivan**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to immunity of a municipal ombudsman and staff and privilege of a  
2 municipal ombudsman and staff not to testify about certain matters."

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

4 \* **Section 1.** AS 09.65 is amended by adding a new section to read:

5           Sec. 09.65.075 IMMUNITY OF A MUNICIPAL OMBUDSMAN AND PRIVILEGE  
6 NOT TO TESTIFY. (a) Notwithstanding AS 09.65.070, a civil action may not be brought  
7 against a municipal ombudsman or member of the ombudsman's staff for anything done, said,  
8 or omitted in performing the duties or responsibilities of the ombudsman established by ordinance  
9 or charter.

10           (b) A municipal ombudsman or member of the ombudsman's staff may not testify in  
11 court regarding a matter involving the exercise or purported exercise of official duties of the  
12 ombudsman except as may be necessary to carry out the responsibilities of the ombudsman  
13 established by ordinance or charter.

14           (c) This section applies only when the office of a municipal ombudsman has been

1 established by ordinance or charter that  
2 (1) authorizes the ombudsman to have access to all municipal records while  
3 protecting the confidentiality of records required to be kept confidential by law;  
4 (2) grants the ombudsman discretion to determine which complaints involving a  
5 municipal agency, official, or employee to investigate; and discretion to determine how to report  
6 on findings;  
7 (3) authorizes the ombudsman to issue public reports critical of any municipal  
8 agency, official, or employee; and  
9 (4) requires the ombudsman to consult with a municipal agency, official, or  
10 employee being investigated, to provide the agency, official, or employee a copy of the  
11 ombudsman's report before it is made public, and to afford the agency, official, or employee the  
12 right to submit a written response to be published with the final report.