CS FOR HOUSE BILL NO. 130 (JUDICIARY) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 4/10/91
Offered: 3/15/91
Referred: Rules

Sponsor(s): REPRESENTATIVES PARNELL, Donley, Koponen, Gruenberg, Grussendorf, Larson, Ivan, Davidson, Hudson, Baker

A BILL

FOR AN ACT ENTITLED

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

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

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

Sec. 09.65.075. IMMUNITY OF A MUNICIPAL OMBUDSMAN AND PRIVILEGE NOT TO TESTIFY. (a) Notwithstanding AS 09.65.070, a civil action may not be brought against a municipal ombudsman or member of the ombudsman's staff for anything done, said, or omitted in performing the duties or responsibilities of the ombudsman established by ordinance or charter unless the act, statement or omission constitutes gross negligence, or reckless or intentional misconduct.

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

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