

HOUSE BILL NO. 337

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KREISS-TOMKINS, Tuck, Gara

Introduced: 2/24/14

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the establishment of a central Internet website for public access to
2 the public records of state agencies and municipalities; and providing for an effective
3 date."

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

5 * **Section 1.** AS 40.25 is amended by adding new sections to read:

6 **Article 3. Central Website for Public Records.**

7 **Sec. 40.25.400. Establishment of central website.** (a) In addition to the
8 authority given to state agencies to provide electronic services and products to
9 members of the public under AS 40.25.115, the department shall develop, operate, and
10 maintain a central Internet website that contains all of the public records of state
11 agencies that existed in electronic format on December 31, 2014, or are developed or
12 received by a state agency, or by a private contractor for a state agency, on or after
13 January 1, 2015. The department may include on the Internet website public records
14 that were developed or received by a state agency, or by a private contractor for a state

1 agency, before January 1, 2015, but that did not exist in electronic format on
2 December 31, 2014.

3 (b) The department may include the public records of a municipality on the
4 central website if the municipality requests that the department include its public
5 records on the central website, and the department shall assist the municipality to
6 place its public records on the central website.

7 **Sec. 40.25.410. Requirements for website.** (a) The central website must

8 (1) allow a member of the public to access and copy a public record
9 from a computer without limiting the quantity of public records copied;

10 (2) provide public records in an understandable and useable form;

11 (3) organize the public records in a manner that identifies the general
12 nature of the public records and each public record provided on the central website;

13 (4) provide public records in an electronic format that

14 (A) can be read by computer;

15 (B) is available to the public and not privately owned or
16 operated;

17 (C) allows a user to search and sort the information in the
18 public records; and

19 (D) is able to run on more than one computer operating system.

20 (b) The department may not charge members of the public to access the
21 central website, to search the central website, or to make copies of public records on
22 the central website and may not require members of the public to use a security code,
23 including a password, to access the central website.

24 **Sec. 40.25.440. Handbook.** The department shall develop and maintain a
25 procedure handbook for a state agency to use when it develops and provides the
26 department with the agency's public records for the central website. The handbook
27 must include

28 (1) a list of acceptable electronic formats for the public records;

29 (2) the method for transferring public records to the central website;

30 and

31 (3) methods for organizing the public records.

1 **Sec. 40.25.450. State agency obligations.** A state agency shall provide the
2 department with its public records for placement on the central website and with
3 general descriptions of the categories of the state agency's records that are not public
4 records.

5 **Sec. 40.25.460. Updates.** A state agency shall provide updates of its public
6 records to the department every three months, and the department shall update the
7 central website every three months.

8 **Sec. 40.25.480. Regulations.** The department may adopt regulations to
9 implement AS 40.25.400 - 40.25.490.

10 **Sec. 40.25.490. Definitions.** In AS 40.25.400 - 40.25.490,

11 (1) "central website" means the central Internet website established
12 under AS 40.25.400;

13 (2) "computer" includes a cellular telephone and other personal
14 electronic devices;

15 (3) "department" means the Department of Administration;

16 (4) "public records" means records that are open to public inspection
17 under AS 40.25.120;

18 (5) "records" means books, papers, files, accounts, writings, including
19 drafts and memorializations of conversations, and other items, regardless of format or
20 physical characteristics, that are developed or received by a state agency or
21 municipality, or by a private contractor for a state agency or municipality, and that are
22 preserved for their informational value or as evidence of the organization or operation
23 of a state agency or municipality; in this paragraph, "items" does not include
24 proprietary software programs;

25 (6) "state agency" means a department, division, or other
26 administrative unit of the executive branch of state government; in this paragraph,
27 "other administrative unit" does not include

28 (A) the University of Alaska;

29 (B) the Alaska Railroad Corporation;

30 (C) the Alaska Housing Finance Corporation;

31 (D) the Alaska Aerospace Corporation;

1 (E) the Alaska Industrial Development and Export Authority;

2 (F) a public corporation.

3 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 TRANSITION: INITIAL AGENCY DELIVERY OF PUBLIC RECORDS. (a) By
6 July 1, 2015, a state agency shall provide to the department for the central website its public
7 records that are in electronic form on December 31, 2014.

8 (b) By January 1, 2016, a state agency shall provide to the department for the central
9 website the public records developed or received by the state agency, or by a private
10 contractor for the state agency, on or after January 1, 2015.

11 (c) If a state agency is not able to meet a date set under (a) or (b) of this section, the
12 state agency and the department shall establish a reasonable schedule for providing the public
13 records.

14 (d) In this section, "central website," "department," "public records," and "state
15 agency" have the meanings given in AS 40.25.490, enacted by sec. 1 of this Act.

16 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 TRANSITION: DELAYED AVAILABILITY. The central website established under
19 AS 40.25.400, enacted by sec. 1 of this Act, shall be available to the public on and after
20 July 1, 2016.

21 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 TRANSITION: INITIAL UPDATE OF AGENCY RECORDS. (a) On or before
24 July 1, 2016, a state agency shall provide to the department the first update of its public
25 records.

26 (b) On or before October 1, 2016, the department shall provide its first update of the
27 central website.

28 (c) In this section, "central website," "department," "public records," and "state
29 agency" have the meanings given in AS 40.25.490, enacted by sec. 1 of this Act.

30 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

1 TRANSITION: REGULATIONS. The Department of Administration may adopt
2 regulations under AS 40.25.480, enacted by sec. 1 of this Act, necessary to implement this
3 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
4 before January 1, 2015.

5 * **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

6 * **Sec. 7.** Except as provided in sec. 6 of this Act, this Act takes effect January 1, 2015.