

Original sponsor: Stevens

Offered: 3/29/66
Referred: Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 375

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to inspection of public
7 records; and providing for an effective date."

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

9 * Section 1. AS 09.25.110 is amended to read:

10 Sec. 09.25.110. INSPECTION AND COPIES OF PUBLIC RECORDS.

11 (a) Unless specifically provided otherwise by statute,
12 by ordinance, or by regulations as provided for in (b) of
13 this section, the books, records, papers, files, accounts,
14 writings, and transactions of all agencies and departments
15 of the state and all governing bodies, departments and
16 agencies of each city and borough, whether home rule or
17 otherwise, are public records and are open to inspection
18 by the public [UNDER REASONABLE RULES] during regular office
19 hours. The public officer having [THE] custody of a public
20 record [RECORDS] shall give on request and payment of
21 costs a certified copy of the public record.

22 (b) A state executive agency or the executive of a
23 political subdivision may by regulation restrict access to or
24 release of records described in (a) of this section. State
25 executive branch agencies issuing regulations restricting
26 inspection of public records must have the regulation or
27 regulations lie before a regular session of the legislature
28 for 30 days before they become effective. The legislature
29 may reject the regulations by approval of a concurrent

1 resolution by a majority of the members of each house.
2 The executive of a political subdivision, if not contrary
3 to ordinance, may issue regulations restricting public
4 inspection of records, the regulations to become effective
5 after they have been before the governing legislative body
6 of the political subdivision for 30 days.

7 * Sec. 2. AS 09.25 is amended by adding a new section to read

8 Sec. 09.25.122. PROCEDURE UPON FAILURE TO BE GRANTED
9 RIGHT OF INSPECTION. (a) If a person is refused the right
10 to inspect a public record, he may submit a sworn statement
11 of the facts regarding the refusal, including a description
12 of the record sought to be inspected and the name of the
13 person who refused to allow its inspection, to the superior
14 court in the judicial district where the record is located.

15 (b) Upon receipt of a sworn statement under (a) of
16 this section, the court shall issue an order directing the
17 person having custody of the named record to allow the com-
18 plaining party to inspect it. If, after service of the
19 order and a copy of the sworn statement, the complaining
20 party is not granted an opportunity to inspect the record
21 within the time specified, the court shall issue an order
22 directing the person having custody of the record to appear
23 before the court and show cause why he should not be
24 punished for contempt.

25 (c) The law that is applicable to contempt committed
26 by a person in the trial of a civil action before the
27 superior court applies to contempt under this section in
28 regard to

29 (1) the proceeding taken;

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(2) the penalties imposed; and

(3) the way the person charged may purge himself of the contempt.

* Sec. 3. AS 09.25 is amended by adding a new section to read:

Sec. 09.25.124. REPORTING OF REFUSALS TO ALLOW INSPECTION OF PUBLIC RECORDS. (a) The superior court shall forward to the legislative council a copy of each sworn statement received by it under sec. 122 of this chapter.

(b) The legislative council shall keep a record of all statements received under (a) of this section and shall annually submit to the legislature a report of any findings or recommendations it may have regarding the inspection of public records.

* Sec. 4. This Act takes effect on January 23, 1967.