

Introduced: 2/1/67
Referred: State Affairs,
Judiciary and Finance

BY STEVENS, ORSBCK, FINK
AND KERTTULA

1 IN THE HOUSE

2 HOUSE BILL NO. 94

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to inspection of public records; and
7 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. (a)

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

20 (b) A state executive agency or the executive of a political sub-
21 division may by regulation restrict access to or release of records
22 described in (a) of this section. State executive branch agencies
23 issuing regulations restricting inspection of public records must have
24 the regulation or regulations lie before a regular session of the
25 legislature for 30 days before they become effective. The legislature
26 may reject the regulations by approval of a concurrent resolution by a
27 majority of the members of each house. The executive of a political
28 subdivision, if not contrary to ordinance, may issue regulations re-
29 stricting public inspection of records, the regulations to become

1 effective after they have been before the governing legislative body of
2 the political subdivision for 30 days.

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

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

10 (b) Upon receipt of a sworn statement under (a) of this section,
11 the court shall issue an order directing the person having custody of
12 the named record to allow the complaining party to inspect it. If,
13 after service of the order and a copy of the sworn statement, the
14 complaining party is not granted an opportunity to inspect the record
15 within the time specified, the court shall issue an order directing the
16 person having custody of the record to appear before the court and show
17 cause why he should not be punished for contempt.

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

- 21 (1) the proceeding taken;
22 (2) the penalties imposed; and
23 (3) the way the person charged may purge himself of the
24 contempt.

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

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

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(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 January 22, 1968