

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

BY THE RULES COMMITTEE
BY REQUEST

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
21 subdivision may by regulation restrict access to or release of records
22 described in (a) of this section, except that records concerning public
23 income and the expenditure of public funds shall not be restricted.
24 State executive branch agencies issuing regulations restricting
25 inspection of public records must state in each such regulation the
26 specific public purpose served by the restriction of any public record
27 and must have the regulation or regulations lie before a regular
28 session of the legislature for 30 days before they become effective.
29 The legislature may reject the regulations by approval of a concurrent

1 resolution by a majority of the members of each house. The executive of
2 a political subdivision, if not contrary to ordinance, may issue regula-
3 tions restricting public inspection of records, except that records
4 concerning public income and the expenditure of public funds shall not
5 be restricted. Each such regulation must state the specific public
6 purpose served by the restriction of any record. The regulations
7 become effective after they have been before the governing legislative
8 body of the political subdivision for 30 days.

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

10 Sec. 09.25.122. PROCEDURE UPON FAILURE TO BE GRANTED RIGHT OF
11 INSPECTION. (a) If a person is refused the right to inspect a public
12 record not exempted under sec. 110(a) of this chapter hereof, he may
13 submit a sworn statement of the facts regarding the refusal, including
14 a description of the record sought to be inspected and the name of the
15 person who refused to allow its inspection, to the superior court in
16 the judicial district where the record is located.

17 (b) Upon receipt of a sworn statement under (a) of this section,
18 the court shall, with or without a hearing at its discretion, issue an
19 order directing the person having custody of the named record to allow
20 the complaining party to inspect it. If, after service of the order and
21 a copy of the sworn statement, the complaining party is not granted an
22 opportunity to inspect the record within the time specified, the court
23 shall issue an order directing the person having custody of the record
24 to appear before the court and show cause why he should not be punished
25 for contempt.

26 (c) The law that is applicable to contempt committed by a person
27 in the trial of a civil action before the superior court applies to
28 contempt under this section in 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 February 22, 1968