

Introduced: 2/23/70  
Referred: State Affairs and  
Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE  
BY REQUEST

2 HOUSE BILL NO. 743

3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 \* Section 1. AS 40.20 is amended by adding new sections to read:

10 ARTICLE 1. PUBLIC RECORDS

11 Sec. 40.20.001. PURPOSE. The purpose of this chapter is to  
12 provide for the orderly management of state and local records.

13 Sec. 40.20.002. FUNCTION OF DEPARTMENT. The department shall  
14 establish and administer a records management program, which will  
15 apply efficient and economical management methods to the creation,  
16 utilization, maintenance, retention, preservation and disposal of  
17 state records. To implement this function the department shall

- 18 (1) analyze, develop, and coordinate the standards and  
19 procedures for record making and record keeping;  
20 (2) insure the maintenance and security of records;  
21 (3) establish safeguards against unauthorized or unlawful  
22 removal, or loss of state records;  
23 (4) initiate action to recover state records removed  
24 without authorization;  
25 (5) establish and operate state records centers for the  
26 purposes of preserving, servicing, screening, and protecting state  
27 records which must be retained but which are not needed for the  
28 transaction of current business;  
29 (6) institute and maintain a training and information

1 program in all phases of records management to inform all state  
2 agencies of current procedures for the efficient management of records;

3 (7) make continuing surveys of paperwork operations and  
4 recommend improvements in current records management practices  
5 including the use of space, equipment and supplies;

6 (8) Initiate both forms and reports management programs  
7 as integral parts of the overall records management program;

8 (9) provide centralized microfilm service for state  
9 agencies as determined necessary by the department;

10 (10) establish standards for the preparation of schedules  
11 providing for the retention of state records of continuing value and  
12 for the prompt and orderly disposal of state records no longer  
13 possessing administrative, legal, or historical value to warrant  
14 their retention;

15 (11) obtain reports from agencies as are required for the  
16 administration of the program;

17 (12) promulgate regulations necessary to implement the  
18 provisions of this chapter.

19 Sec. 40.20.003. DUTIES OF AGENCY HEADS. The head of each agency  
20 shall

21 (1) establish and maintain an active, continuing program  
22 for the efficient management of the records of the agency;

23 (2) develop and maintain records of the organization,  
24 functions, policies, decisions, procedures and essential transactions  
25 of the agency which will furnish sufficient information to protect  
26 the legal and financial rights of the state and of persons directly  
27 affected by the agency's activities;

28 (3) submit to the department, in accordance with the  
29 standards established by it, schedules proposing the length of time

1 which records having administrative, legal or historical value shall  
2 be retained;

3 (4) dispose of records not needed for the transaction of  
4 current business in accordance with this chapter;

5 (5) cooperate with the department in conduct of surveys  
6 made by it pursuant to the provisions of this chapter;

7 (6) comply with the regulations, standards and procedures  
8 established by the department;

9 (7) appoint a records officer who shall act as liaison  
10 between the department and the agency on all matters relating to  
11 the records management program.

12 Sec. 40.20.004. RECORDS MANAGEMENT FOR LOCAL RECORDS. The  
13 governing body of each political subdivision of the state shall  
14 promote the principles of efficient records management for local  
15 records kept in accordance with state law. The governing body shall,  
16 as far as practical, follow the program established for the management  
17 of state records. The department shall, upon request of a governing  
18 body, provide advice and assistance in the establishment of a local  
19 records management program.

20 Sec. 40.20.005. ASSISTANCE TO LEGISLATIVE AND JUDICIAL BRANCHES.  
21 Upon request, the department shall assist in the establishment of  
22 records management programs in the legislative and judicial branches  
23 of state government and shall provide program services similar to  
24 those available to the executive branch of state government.

25 Sec. 40.20.006. CARE OF RECORDS. Except as otherwise provided  
26 in this chapter, records of agencies are the property of the state and  
27 shall be utilized, maintained, preserved, stored, transferred,  
28 destroyed or disposed of, and otherwise managed in accordance with  
29 the provisions of this chapter. Records shall be delivered by outgoing

1 officials and employees to their successors, and may not be removed,  
2 destroyed or disposed of, except as provided in secs. 010 - 020 of  
3 this chapter.

4 Sec. 40.20.007. STANDARD OF CLARITY, ACCURACY, AND PERMANENCY  
5 OF COPIES OR REPRODUCTIONS OF RECORDS. Whenever a public officer  
6 performing duties under this act is required or authorized by law to  
7 record, copy, recopy or replace any record, he may do so by  
8 photostatic, photographic, microphotographic, microfilm or other  
9 mechanical process which produces a clear, accurate and permanent  
10 copy or reproduction of the original record, in accordance with the  
11 latest standards approved for the reproduction of permanent records  
12 by the department.

13 Sec. 40.20.008. ALTERATION AND REPLACEMENT OF RECORDS. (a) An  
14 original record may be replaced by a reproduction made in accordance  
15 with this chapter if it is worn or damaged. Certification that the  
16 replacement is a true and correct copy of the original shall appear  
17 at the end of the reproduction.

18 (b) When records other than court records are photographed or  
19 otherwise mechanically reproduced in accordance with the provisions  
20 of this chapter and the photographic or other mechanical reproductions  
21 are placed in conveniently accessible files and provisions taken for  
22 preserving and using them, the original records from which they were  
23 made may be destroyed in accordance with sec. 010 of this chapter.  
24 Court records shall be retained in their original form for not less  
25 than six years.

26 Sec. 40.20.009. USE OF COPIES AND REPLACEMENTS AS EVIDENCE.  
27 Reproductions or replacements of records made under this chapter are  
28 considered as original records for all purposes and are admissible  
29 in evidence as original records.

1 \* Sec. 2. AS 40.20.010 is amended to read:

2       Sec. 40.20.010. DISPOSAL OF PUBLIC RECORDS. Every public  
3 officer of the state who has in his custody public records having no  
4 [CONSIDERED BY HIM TO BE WITHOUT] legal, [OR] administrative [VALUE]  
5 or historical value [INTEREST] shall compile lists of these records  
6 sufficiently detailed to identify them and submit them to the  
7 department [DEPARTMENT OF ADMINISTRATION]. The department [DEPARTMENT  
8 OF ADMINISTRATION] shall authorize the disposal and specify the method  
9 of disposal of the listed records which it finds have no legal or  
10 administrative value or historical interest. Upon the request of  
11 the legal custodian of the records, the department [DEPARTMENT OF  
12 ADMINISTRATION] may authorize in advance the periodic disposal of  
13 routine records that the department considers to have no legal, [OR]  
14 administrative [VALUE] or historical value [INTEREST]. After receipt  
15 of written authorization from the department [DEPARTMENT OF  
16 ADMINISTRATION], the legal custodian of the records may dispose  
17 [PROCEED WITH THE DISPOSAL] of the records. The legal custodian shall  
18 file in the office from which the records are drawn a descriptive  
19 list of all records disposed of and a record of the disposal itself  
20 and shall transmit copies of these documents to the department  
21 [DEPARTMENT OF ADMINISTRATION] which shall file and preserve them.  
22 No public records of the state government may be destroyed or otherwise  
23 disposed of except as provided in this section.

24 \* Sec. 3. AS 40.20.020 is repealed and re-enacted to read:

25       Sec. 40.20.020. TRANSFER OF STATE RECORDS TO THE DEPARTMENT.  
26 Each agency shall transfer to the department records in its custody  
27 which have legal, administrative or historical value, but which are  
28 not required for the transaction of the current business of the agency.  
29 The agency from which the records are transferred shall prepare a

1 list describing the records transferred in detail sufficient to  
2 identify them. Copies of the list shall be filed with the department  
3 and with the agency transferring the records. The department shall  
4 acknowledge receipt of the list. Listed records approved by the  
5 department for transfer may be transferred to a records center  
6 designated by the department. The department may transfer permanent  
7 records to the archives. The department is the legal custodian of  
8 the records in its possession.

9 \* Sec. 4. AS 40.20.030 is amended to read:

10 Sec. 40.20.030. DISPOSAL OF PUBLIC RECORDS BY POLITICAL  
11 SUBDIVISION. Any official of a public corporation or political  
12 subdivision of the state [MUNICIPALITY, INCORPORATED SCHOOL DISTRICT  
13 OR PUBLIC UTILITY DISTRICT] having in his legal custody public records  
14 which are considered by him to be without legal or administrative  
15 value or historical interest may compile lists of these records  
16 sufficiently detailed to identify them and submit the lists to the  
17 governing body of the public corporation or political subdivision  
18 [MUNICIPALITY OR DISTRICT]. The governing body may authorize the  
19 disposal and the method of disposal of such records in the list as  
20 it finds to be without legal or administrative value or historical  
21 interest. The governing body may also, upon request of the legal  
22 custodian of the records, authorize in advance the periodic disposal  
23 of routine records that the governing body considers to have no legal,  
24 [OR] administrative [VALUE] or historical value [INTEREST]. After  
25 receipt of written authorization from the governing body, the legal  
26 custodian of the records may dispose of the records. The legal  
27 custodian shall file in the office from which the records were drawn  
28 a descriptive list of the records disposed of and a record of the  
29 disposal itself. [AND SHALL TRANSMIT] Copies [COPIES] of [BOTH OF]

1 these documents shall be transmitted to the governing body which shall  
2 file and preserve them [THE LIST OF RECORDS DISPOSED OF AND THE RECORD  
3 OF THE DISPOSAL].

4 \* Sec. 5. AS 40.20 is amended by adding new sections to read:

5 Sec. 40.20.040. TRANSFER OF PUBLIC RECORDS OF POLITICAL  
6 SUBDIVISION TO THE DEPARTMENT. The governing body of a political  
7 subdivision of the state may authorize the transfer to the department,  
8 records which have legal, administrative, or historical value but  
9 which are not required for the transaction of current business. The  
10 official of the public corporation or political subdivision having  
11 custody of the records shall prepare a list describing the records  
12 transferred in detail sufficient to identify them. Copies of the list  
13 shall be filed with the department and with the public corporation or  
14 political subdivision transferring the records. The department shall  
15 acknowledge receipt of the list. Listed records approved by the  
16 department for transfer may be transferred to a records center  
17 designated by the department. The department may transfer permanent  
18 records to the archives. Records transferred remain the property of  
19 the political subdivision. The department is the legal custodian of  
20 records in its possession.

21 ARTICLE 2. GENERAL PROVISIONS

22 Sec. 40.20.100. DEFINITIONS. As used in the public records act:

23 (1) "record" means any document, paper, book, letter,  
24 drawing, map, plat, photo, photographic file, motion picture film,  
25 microfilm, microphotograph, exhibit, magnetic or paper tape, punched  
26 card, or other document of any other material, regardless of physical  
27 form or characteristics, developed or received pursuant to law or  
28 ordinance or in connection with the transaction of official business.  
29 Records include all original vouchers, receipts and other documents

1 necessary to corroborate the validity of every transaction relating  
2 to the receipt, use and disposition of all public property; all  
3 agreements and contracts to which the State of Alaska or any agency  
4 is a party; all fidelity, surety and performance bonds; all claims  
5 filed against the State of Alaska or any agency; all records and  
6 documents required by law to be filed with or kept by any agency;  
7 but the term does not include library and museum material developed  
8 or acquired and preserved solely for reference, historical or  
9 exhibition purposes, extra copies of documents preserved solely for  
10 convenience of reference, or stocks of publications and processed  
11 documents;

12 (2) "state record" means

13 (A) a record of a department, office, commission,  
14 board, public corporation, or other agency of the state government;

15 (B) a record of the state legislature;

16 (C) a record of any court;

17 (D) any other record designated or treated as a  
18 state record under state law;

19 (3) "local record" means a record of a city, borough,  
20 town, village, district, authority or other political subdivision  
21 unless the record is designated or treated as a state record under  
22 state law;

23 (4) "agency" means any department, office, commission,  
24 board or other unit, however designated, of the executive branch of  
25 state government, the former territorial government and the Russian  
26 government in Alaska;

27 (5) "records center" means a records depository within  
28 the department for the storage, and disposition of noncurrent records;

29 (6) "department" means the Department of Administration.

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\* Sec. 6. AS ~~40.18.010 - 030~~ are repealed.

\* Sec. 7. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.