

Introduced: 5/31/75
Referred: Judiciary

1 IN THE HOUSE

BY PARR

2 *SSCS 99* HOUSE BILL NO. 531 *ams*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to freedom of public information."

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

8 * Section 1. AS 39 is amended by adding a new chapter to read:

9 CHAPTER 60. FREEDOM OF PUBLIC INFORMATION.

10 Sec. 39.60.010. OFFICIAL RECORDS TO BE OPEN TO INSPECTION; EX-
11 CEPTIONS. (a) Except as otherwise specifically provided by law, all
12 official records are open to inspection and copying by citizens of this
13 state during the regular office hours of the custodian of the records.
14 Access to records shall not be denied to a citizen of this state, nor to
15 representatives of newspapers and magazines with circulation in this
16 state, and representatives of radio and television stations broadcasting
17 in or into this state; however, the custodian of the records shall take
18 all necessary precautions for their preservation and safekeeping.

19 (b) The following records are excluded from the provisions of this
20 chapter:

21 (1) memoranda, correspondence, evidence and complaints
22 related to criminal investigations, and reports submitted to the state
23 and local police in confidence;

24 (2) confidential records of all investigations of the
25 Alcoholic Beverage Control Board;

26 (3) state income tax returns, medical and mental records,
27 scholastic records and personnel records, except that access shall not
28 be denied to the person who is the subject of the records;

29 (4) memoranda, working papers and correspondence held by

SSCS 99 -1- HB 531 *ams*

1 members of the legislature or by the office of the governor or lieutenant
2 governor, attorney general or the mayor or other chief executive officer
3 of a political subdivision of the state or the president or other chief
4 executive officer of a state-supported institution of higher education;

5 (5) memoranda, working papers and records compiled specific-
6 ally for use in litigation and material furnished in confidence to public
7 offices.

8 Sec. 39.60.020. MEETINGS TO BE PUBLIC EXCEPT AS OTHERWISE PROVIDED;
9 MINUTES; INFORMATION AS TO TIME AND PLACE. Except as otherwise speci-
10 fically provided by law and except as provided in secs. 30 and 40 of this
11 chapter, all meetings shall be public meetings. Minutes shall be
12 recorded at all public meetings. Information as to the time and place of
13 each meeting shall be furnished to any citizen of this state who requests
14 the information.

15 Sec. 39.60.030. EXECUTIVE OR CLOSED MEETINGS. (a) Executive or
16 closed meetings may be held only for the following purposes:

17 (1) discussion or consideration of employment, assignment,
18 appointment, promotion, demotion, salaries, disciplining or resignation
19 of public officers, appointees or employees of a public body;

20 (2) discussion or consideration of the condition, acquisition
21 or use of real property for public purpose, or of the disposition of
22 publicly held property;

23 (3) the protection of the privacy of individuals in personal
24 matters not related to public business;

25 (4) discussion concerning a prospective business or industry
26 where no previous announcement has been made of the business' or in-
27 dustry's interest in locating in the community;

28 (5) the investing of public funds where competition or
29 bargaining are involved, where if made public initially the financial

1 interest of the governmental unit would be adversely affected;

2 (6) consultation with legal counsel and briefings by staff
3 members, consultants or attorneys, pertaining to pending litigation, or
4 legal matters within the jurisdiction of the public body, including legal
5 documents.

6 (b) No meeting shall become an executive or closed meeting unless
7 there shall have been recorded in open meeting an affirmative vote to
8 that effect by the public body holding the meeting, which motion shall
9 state specifically the purpose which is to be the subject of the meeting.

10 (c) No resolution, ordinance, rule, contract, regulation or motion
11 adopted, passed or agreed to in an executive or closed meeting shall
12 become effective unless the public body, following the meeting, recon-
13 venes in open meeting and takes a vote of the membership on the resolu-
14 tion, ordinance, rule, contract, regulation or motion.

15 (d) Nothing in this section may be construed to prevent the holding
16 of conferences between two or more public bodies, or their representa-
17 tives, but these conferences shall be subject to the same regulations
18 for holding executive or closed sessions as are applicable to any other
19 public body.

20 Sec. 39.60.040. AGENCIES TO WHICH CHAPTER INAPPLICABLE. The pro-
21 visions of this chapter are not applicable to:

22 (1) deliberations of standing and other committees of the
23 legislature; however unless such action contravenes the rules of a body
24 of the legislature under provisions of Article II, sec. 12 of the Con-
25 stitution of Alaska, when bills or other legislative matters are con-
26 sidered in executive or closed meetings, final votes shall be taken in
27 open meetings;

28 (2) legislative interim study commissions and committees;
29 however, final votes shall be taken in open meetings;

1 (3) the Alaska Legislative Council and its committees; how-
2 ever, final votes shall be taken in open meetings;

3 (4) study committees or commissions appointed by the governor;
4 however, final votes shall be taken in open meetings;

5 (5) Board of Regents of the University of Alaska; however,
6 except for the actions excluded by sec. 30 of this chapter, announce-
7 ments of the actions of the board shall be made available immediately
8 following the meetings, with the membership of the board then available
9 for discussion of actions taken, and the official minutes of the board
10 meetings shall be made available to the public not more than three
11 working days after the meetings;

12 (6) parole boards, petit juries, and grand juries;

13 (7) study commissions or study committees appointed by the
14 governing bodies of boroughs and cities; however, final votes shall be
15 taken in open meetings and no committee or commission appointed by a
16 governing body, the membership of which includes more than one member of
17 a three-member governing body or includes more than two members of a
18 governing body having four or more members, shall be considered to be
19 study commissions or study committees under the provisions of this
20 section.

21 Sec. 39.60.050. PROCEEDINGS FOR ENFORCEMENT OF CHAPTER. Any
22 person denied the rights and privileges conferred by this chapter may
23 proceed to enforce the rights and privileges by petition for injunction,
24 supported by an affidavit showing good cause, addressed to the superior
25 court having jurisdiction of such matters, of the borough or city in
26 which such rights and privileges were so denied. A petition alleging
27 denial by a board, bureau, commission, authority, district or agency of
28 the state government or by a standing or other committee of the legis-
29 lature, shall be addressed to the superior court of the city of Juneau.

1 The petition shall be heard within seven days of the date when it is
2 made. The hearing on the petition shall be given precedence on the
3 docket of the court over all cases which are not otherwise given prece-
4 dence by law.

5 Sec. 39.60.060. DEFINITIONS. In this chapter, unless the context
6 otherwise requires,

7 (1) "executive meeting" or "closed meeting" means a meeting
8 from which the public is excluded;

9 (2) "meeting" means the meetings, when sitting as a body or
10 entity, or as an informal assemblage of the constituent membership, with
11 or without minutes being taken, whether or not votes are cast, of any
12 authority, board, bureau, commission, district or agency of the state or
13 of a political subdivision of the state, including cities and boroughs,
14 municipal councils, governing bodies of boroughs, school boards and
15 planning commissions; and other organizations, corporations or agencies
16 in the state, supported wholly or principally by public funds; nothing
17 in this chapter shall be construed as to define a meeting as a chance
18 meeting of two or more members of a public body, or as an informal
19 assemblage of the constituent membership at which matters relating to
20 the exercise of official functions are not discussed;

21 (3) "official records" means all written or printed books,
22 papers, letters, documents, maps and tapes, photographs, films, sound
23 recordings, reports or other material, regardless of the physical form
24 or characteristics, made and received in pursuance of law by the public
25 officers of the state and its boroughs, municipalities and subdivisions
26 of government in the transaction of public business;

27 (4) "open meeting" or "public meeting" means a meeting at
28 which the public may be present;

29 (5) "public body" means any of the groups, agencies or

1 organizations enumerated in (2) of this section.

2 Sec. 39.60.070. SHORT TITLE. This chapter may be cited as The
3 Alaska Freedom of Information Act.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29