

Original sponsor: Parr

Offered: 5/29/76
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 531

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to access to public information; and
7 changing Rules 54, 65 and 82 of the Civil Rules of
8 Court and Rule 13 of the Administrative Rules of Court."

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

10 * Section 1. AS 09.25.125 is repealed and re-enacted to read:

11 Sec. 09.25.125. ENFORCEMENT: INJUNCTIVE RELIEF. (a) A person
12 having custody or control of a public record who obstructs or attempts
13 to obstruct, or a person not having custody or control who aids or abets
14 another person in obstructing or attempting to obstruct, the inspec-
15 tion of a public record subject to inspection under sec. 110 or 120 of
16 this chapter may be enjoined by the superior court from obstructing, or
17 attempting to obstruct, the inspection of public records subject to
18 inspection under sec. 110 or 120 of this chapter.

19 (b) The court may charge no filing fee, and the Department of
20 Public Safety may charge no fee for service of process, from an appli-
21 cant seeking an injunction under this section. No security will be
22 required by the court from an applicant seeking an injunction under
23 this section. If the applicant is granted the injunction he shall be
24 entitled to recover costs and reasonable attorney fees from the agency,
25 political subdivision or other body subject to the open meeting provi-
26 sion of AS 44.62.310.

27 (c) The superior court shall make available to applicants, free
28 of charge, simplified forms for proceeding without counsel under this
29 section. The forms shall require only identification of the applicant

1 and the name of the custodian alleged to be improperly withholding
2 records, and a simple explanation of the records sought.

3 (d) In a suit brought under this section the court may enjoin
4 withholding of the records and order the production to the complainant
5 of records improperly withheld. In such a case the court shall deter-
6 mine the matter de novo, and may examine the contents of any records in
7 camera to determine whether the records or any portion of them may be
8 withheld under any of the exemptions set out under secs. 110 or 120 of
9 this chapter, and the burden is on the agency to sustain its action.

10 * Sec. 2. In sec. 1 of this Act, AS 40.25.030(b) and (c) have the effect
11 of changing Rules 54, 65 and 82 of the Civil Rules relating to security
12 deposits required in civil actions, and allowance of attorney fees as costs
13 in civil actions; Rule 13 of the Administrative Rules by adding an exemption
14 from payment of filing fees in civil actions for any action filed under this
15 chapter; and Supreme Court Order No. 16 relating to fees for service of
16 process in civil actions.