

Original sponsor: Parr

Offered: 2/12/76
Referred: Rules

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 531 am S
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 09.25.110 is amended to read:

11 Sec. 09.25.110. INSPECTION AND COPIES OF PUBLIC RECORDS. Unless
12 specifically provided otherwise the books, records, papers, files,
13 accounts, writings, and transactions of all agencies and departments
14 are public records and are open to inspection by the public under
15 reasonable rules during regular office hours. The public officer having
16 the custody of public records shall make them available for public
17 inspection and shall give a copy of the record on request and payment
18 of [COSTS] fees, if any, which shall not exceed the direct cost of
19 duplication. Certified copies shall not be necessary. If a certified
20 copy is requested, that copy shall in all cases be evidence of the
21 original. [A CERTIFIED COPY OF THE PUBLIC RECORD]

22 * Sec. 2. AS 09.25.120 is amended to read:

23 Sec. 09.25.120. INSPECTION AND COPYING OF PUBLIC RECORDS. Every
24 person has a right to inspect a public writing or record in the state,
25 including public writings and records in recorders' offices except
26 (1) records of vital statistics and adoption proceedings which shall
27 be treated in the manner required by AS 18.50.010-18.50.380; (2) records
28 pertaining to juveniles; (3) medical and related public health records;
29 (4) records required to be kept confidential by a federal law or

1 regulation or by state law. Every public officer having the custody of
2 records not included in the exceptions shall permit the inspection,
3 and give on demand and on payment of the [LEGAL] fees, if any, there-
4 fore, which shall not exceed the direct cost of duplication, a [CERTI-
5 FIED] copy of the writing or record [,AND THE COPY SHALL IN ALL CASES
6 BE EVIDENCE OF THE ORIGINAL]. Certified copies shall not be necessary.
7 However, if a certified copy is requested, that copy shall in all
8 cases be evidence of the original. Recordors shall permit memoranda,
9 transcripts, and copies of the public writings and records in their
10 offices to be made by photography or otherwise for the purpose of
11 examining titles to real estate described in the public writings and
12 records, making abstracts of title or guaranteeing or insuring the
13 titles of the real estate, or building and maintaining title and
14 abstract plants; and shall furnish proper and reasonable facilities
15 to persons having lawful occasion for access to the public writings
16 and records for those purposes, subject to reasonable rules and regu-
17 lations, in conformity to the direction of the court, as are necessary
18 for the protection of the writings and records and to prevent inter-
19 ference with the regular discharge of the duties of the recordors and
20 their employees.

21 * Sec. 3. AS 09.25.125 is repealed and re-enacted to read:

22 Sec. 09.25.125. ENFORCEMENT: INJUNCTIVE RELIEF. (a) A person
23 having custody or control of a public record who obstructs or attempts
24 to obstruct, or a person not having custody or control who aids or abets
25 another person in obstructing or attempting to obstruct, the inspec-
26 tion of a public record subject to inspection under sec. 110 or 120 of
27 this chapter may be enjoined by the superior court from obstructing, or
28 attempting to obstruct, the inspection of public records subject to
29 inspection under sec. 110 or 120 of this chapter.

1 (b) The court may charge no filing fee, and the Department of
2 Public Safety may charge no fee for service of process, from an appli-
3 cant seeking an injunction under this section. No security will be
4 required by the court from an applicant seeking an injunction under
5 this section. If the applicant is granted the injunction he shall be
6 entitled to recover costs and reasonable attorney fees from the agency,
7 political subdivision or other body subject to the open meeting provi-
8 sion of AS 44.62.310.

9 (c) The superior court shall make available to applicants, free
10 of charge, simplified forms for proceeding without counsel under this
11 section. The forms shall require only identification of the applicant
12 and the name of the custodian alleged to be improperly withholding
13 records, and a simple explanation of the records sought.

14 (d) In a suit brought under this section the court may enjoin
15 withholding of the records and order the production to the complainant
16 of records improperly withheld. In such a case the court shall within
17 10 days determine the matter de novo, and may examine the contents of
18 any records in camera to determine whether the records or any portion of
19 them may be withheld under any of the exemptions set out under secs. 110
20 or 120 of this chapter, and the burden is on the agency to sustain its
21 action.

22 * Sec. 4. In sec. 1 of this Act, AS 40.25.030(b) and (c) have the effect
23 of changing Rules 54, 65 and 82 of the Civil Rules relating to security
24 deposits required in civil actions, and allowance of attorney fees as costs
25 in civil actions; Rule 13 of the Administrative Rules by adding an exemption
26 from payment of filing fees in civil actions for any action filed under this
27 chapter; and Supreme Court Order No. 16 relating to fees for service of
28 process in civil actions.