



LAWS OF ALASKA

1970

Source

Chapter No.

CSHB 743 (Judiciary) am S

191

AN ACT

Relating to the management and preservation of public records.

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

* Section 1. AS 40 is amended by adding a new chapter to read:

CHAPTER 21. MANAGEMENT AND PRESERVATION OF PUBLIC RECORDS.

ARTICLE 1. PUBLIC RECORDS.

Sec. 40.21.010. PURPOSE. The purpose of this chapter is to provide for the orderly management of current state and local public records and to preserve noncurrent public records of permanent value for study and research.

Sec. 40.21.020. ARCHIVAL AND RECORDS MANAGEMENT PROGRAM CREATION AND ADMINISTRATION. There is established in the Department of Administration the Alaska State Archives. The department shall establish and administer a state archives and records management program. To implement the program and head the Alaska State Archives, the department shall create the position of state archivist, and shall appoint as state archivist a person qualified by special training or experience in archival or historical work. The state archivist shall be the official custodian of the archival resources of the state.

Sec. 40.21.030. DUTIES OF THE STATE ARCHIVIST. (a) In order to carry out the archival program, the state archivist shall:

(1) negotiate for, acquire and receive public records of permanent value including public records of the state and political subdivisions of the state and of defunct public agencies;

(2) establish and operate a state archival depository which shall provide for the preservation, arrangement, repair, rehabilitation, duplication, reproduction, description and exhibition of permanent public records or other documentary material transferred to, or acquired by the state archivist;

(3) review and approve all agency records retention schedules to identify and to insure the preservation of those records having permanent value;

(4) make permanent records under his supervision, other than those required by AS 09.25.120 to be kept confidential, available for public use at reasonable times;

(5) make available to any person for a reasonable fee copies of archival material under AS 09.25.120;

(6) adopt a seal for official use and for certification of record copies which copies shall have the same force and effect as if made by the original custodian of the records;

(7) negotiate payment for the acquisition of public records with the possessor of them;

(8) if negotiations under (7) of this subsection are unsuccessful or if the person in possession of the public records is unwilling to enter into those negotiations, arrange with the person in possession for the microfilming of the records;

(9) accept gifts, bequests and endowments for purposes consistent with the objectives of this chapter;

(10) prepare inventories, indexes, catalogs, and other finding aids or guides to facilitate the use of the archives;

(11) accept documents, including motion picture film, still pictures and sound recordings, that are appropriate for preservation by the state as evidence of its organization, functions, policies, decisions, procedures and transactions.

(b) In order to carry out the records management program, the state archivist shall

(1) analyze, develop and coordinate the standards and procedures for record making and current record keeping;

(2) insure the maintenance and security of records;

(3) initiate action to recover state records removed without authorization;

(4) establish and operate state records centers for the purposes of accepting, servicing, storing and protecting state records which must be preserved for varying periods of time but which are not needed for the transaction of current business;

(5) transfer records considered to have permanent value to the state archives;

(6) institute and maintain a training and information program in all phases of the management of current records for all state agencies;

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

(8) initiate programs for improving the management of correspondence, forms, reports and directives as integral parts of the overall records management program;

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

(10) establish standards for the preparation of records retention schedules providing for the retention of state records of permanent value and for the prompt and orderly disposition of state records no longer possessing administrative, legal, or historical value to warrant their retention;

(11) receive records retention schedules from the agencies and submit them to the attorney general for review and approval;

(12) obtain from agencies reports which are required for the administration of the program.

Sec. 40.21.040. GIFTS, BEQUESTS OR ENDOWMENTS OF MONEY. Gifts, bequests or endowments of money shall be deposited in a separate account in the general fund and may be invested in a manner not inconsistent with the investment of other state funds. Proceeds of invested funds shall be used to carry out the purposes for which the money was given.

Sec. 40.21.050. REGULATIONS. The department shall adopt regulations necessary to carry out the purposes of this chapter.

Sec. 40.21.060. DUTIES OF CHIEF EXECUTIVE OFFICERS OF STATE AGENCIES. The chief executive officer of each state agency shall

(1) make and preserve public records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency, and designed to furnish the information necessary to protect the legal and financial rights of the state and of persons directly affected by the agency's activities;

(2) establish and maintain an active, continuing program for the efficient management of the records of the agency under the procedures prescribed by the Department of Administration, including effective controls over the

creation, maintenance and use of records in the conduct of current business;

(3) submit to the Department of Administration, in accordance with the standards established by it, records retention schedules proposing the length of time which records having administrative, legal or historical value shall be retained;

(4) apply the provisions of approved records retention schedules to insure the orderly disposition of state records including transfer to a state records center;

(5) identify, segregate and protect records vital to the continuing operation of an agency in the event of natural, man-made or war-caused disaster;

(6) cooperate with the Department of Administration in conducting surveys made by it under the provisions of this chapter;

(7) establish safeguards against unauthorized or unlawful removal or loss of state records;

(8) comply with the regulations, standards and procedures relating to records management and archives established by the Department of Administration;

(9) appoint a records officer who shall act as a liaison between the Department of Administration and the agency on all matters relating to the records management program.

Sec. 40.21.070. RECORDS MANAGEMENT FOR LOCAL RECORDS. The governing body of each political subdivision of the state shall promote the principles of efficient records management for local public records kept in accordance with state law. The governing body shall, as far as practical, follow the program established for the management of state records. The department shall, upon request of the governing body of a political subdivision, provide advice and assistance in the establishment of a local records management program.

Sec. 40.21.080. DISPOSAL OF PUBLIC RECORDS BY POLITICAL SUBDIVISION. An official of a political subdivision of the state having in his legal custody public records which are considered by him to be without legal or administrative value or historical interest may compile lists of these records sufficiently detailed to identify them and submit the lists to the governing body of the political subdivision. The governing body may authorize the disposal and the method of disposal of the records in the list that it finds to be without legal or administrative value or historical interest. The governing body may also, upon request of the legal custodian of the records, authorize in advance the periodic disposal of routine records that the governing body considers to have no legal, administrative, or historical value. After receipt of written authorization from the governing body, the legal custodian of the records may dispose of the records. The legal custodian shall file in the office from which the records were drawn a descriptive list of the records disposed of

and a record of the disposal itself. Copies of these documents shall be transmitted to the governing body which shall file and preserve them.

Sec. 40.21.090. TRANSFER OF PUBLIC RECORDS OF POLITICAL SUBDIVISION TO DEPARTMENT. The governing body of a political subdivision of the state may authorize the transfer to the department of records which have legal, administrative, or historical value but which are not required for the transaction of current business. The official of the political subdivision having custody of the records shall prepare a list describing the records transferred in sufficient detail to identify them. Copies of the list shall be filed with the department and with the public corporation or political subdivision transferring the records. The department shall acknowledge receipt of the list. Listed records approved by the department for transfer may be transferred to a records center designated by the department. The records center shall transfer any permanent records to the archives. Records transferred remain the property of the political subdivision. The department is the legal custodian of records in its possession.

Sec. 40.21.100. ASSISTANCE TO LEGISLATIVE AND JUDICIAL BRANCHES. Upon request, the department shall assist in the establishment of records management programs in the legislative and judicial branches of the state government and shall provide program services similar to those available to the executive branch of state government.

Sec. 40.21.110. CARE OF RECORDS. Except for public records, lawfully in the possession of a person other than the state, public records of existing or defunct agencies of the state, territorial and Russian governments in Alaska are the property of the state and shall be created, maintained, preserved, stored, transferred, destroyed or disposed of, and otherwise managed in accordance with the provisions of this chapter. Records shall be delivered by outgoing officials and employees to their successors, and may not be removed, destroyed or disposed of, except as provided in this chapter.

Sec. 40.21.120. STANDARDS OF CLARITY, ACCURACY, AND PERMANENCY OF COPIES OR REPRODUCTIONS OF PUBLIC RECORDS. When a public officer performing duties under this chapter is required or authorized by law to record, copy, recopy, or replace any public record, he may do so by photostatic, photographic, microphotographic, microfilm or other mechanical process which produces a clear, accurate and permanent copy or reproduction of the original record, in accordance with the latest standards approved for the reproduction of permanent records by the department.

Sec. 40.21.130. ALTERATION AND REPLACEMENT OF PUBLIC RECORDS. An original public record which is worn or damaged may be replaced by a reproduction made in accordance with this chapter. Certification by the agency having custody of the record that the replacement is a true and correct copy of the original shall appear at the end of the reproduction. When original public records are photographed or otherwise mechanically reproduced under the provisions of this chapter and the photographic or other

mechanical reproductions are placed in conveniently accessible files and provisions made for preserving and using them, the original records from which they were made may be destroyed only with the approval of the state archivist.

Sec. 40.21.140. USE OF COPIES AND REPLACEMENTS AS EVIDENCE. Reproductions or replacements of records made under this chapter are considered original records for all purposes and are admissible in evidence as original records.

ARTICLE 2. GENERAL PROVISIONS.

Sec. 40.21.150. DEFINITIONS. In this chapter, unless the context otherwise requires,

(1) "agency" or "state agency" means a department, office, agency, state board, commission, public corporation or other organizational unit of or created under the executive branch of the state government; the term does not include the University of Alaska;

(2) "archives" means

(A) the noncurrent records of a state agency or political subdivision of the state preserved, after appraisal, because of their value; also referred to as archival material or archival holdings; or

(B) the agency responsible for selecting, preserving and making available archival material; also referred to as an archival agency; or

(C) the building or part of a building where archival material is located; also referred to as an archival depository;

(3) "department" means the Department of Administration;

(4) "local record" means a public record of a city or borough of any class, villages, district, authority or other political subdivision unless the record is designated or treated as a state record under state law;

(5) "record" means any document, paper, book, letter, drawing, map, plat, photo, photographic file, motion picture film, microfilm, microphotograph, exhibit, magnetic or paper tape, punched card, or other document of any other material, regardless of physical form or characteristic, developed or received under law or in connection with the transaction of official business and preserved or appropriate for preservation by an agency or political subdivision, as evidence of the organization, function, policies, decisions, procedures, operations or other activities of the state or political subdivision or because of the informational value in them; the term does not include library and museum material developed or acquired and preserved solely for reference, historical or exhibition purposes, extra copies of documents preserved solely for convenience of reference, or stocks of publications and processed documents;

(6) "records center" means a records depository

in the department for the storage and disposition of non-current records;

(7) "state record" means a record of a department, office, commission, board, public corporation, or other agency of the state government, including a record of the legislature or a court and any other record designated or treated as a public record under state law.

* Sec. 2. AS 14.56.080(3) is amended to read:

(3) acquire, catalog, and maintain private papers and manuscripts relative to Alaska which are adjudged worthy of preservation for reference and research purposes.

* Sec. 3. AS 40.18 and 40.20 are repealed.