

1 SJR42  
2 216850-3  
3 By Senator Orr  
4 RFD:  
5 First Read: 16-FEB-22

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8 CREATING THE ALABAMA PUBLIC RECORDS STUDY TASK  
9 FORCE.

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11 WHEREAS, Alabama's public records laws, codified as  
12 Sections 36-12-40 and 36-12-41, Code of Alabama 1975, were  
13 originally adopted by the Alabama Legislature in 1923; and

14 WHEREAS, Section 36-12-40, relating to citizens'  
15 rights to inspect and copy public writings, has only been  
16 amended twice in its almost 100-year history and Section  
17 36-12-41, relating to providing public writings, has never  
18 been amended; and

19 WHEREAS, there exists a need to strike a balance  
20 among competing, yet fundamental interests of government,  
21 including transparency, privacy rights, and government  
22 effectiveness; and

23 WHEREAS, there exists a need for clarity on the  
24 process to request public records, as well as clear guidance  
25 for public officials on what is and is not a public record  
26 accessible to Alabama's citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Alabama Public Records Study Task Force to study current Alabama statutory law and case law and recommend proposed legislation to update Alabama's public records law.

(a) The task force shall be composed of the following members:

(1) Three members appointed by the Governor, at least two of whom shall be representatives of state agencies.

(2) One member appointed by the Lieutenant Governor.

(3) The Attorney General, or his or her designee.

(4) One member appointed by the Senate President Pro

Tempore.

(5) Two members appointed by the Speaker of the House of Representatives.

(6) One member appointed by the Chief Examiner of the Alabama Examiners of Public Accounts.

(7) One member appointed by the Alabama League of Municipalities.

(8) One member appointed by the Association of County Commissions of Alabama.

(9) One member appointed by the Alabama Association of School Boards.

(10) One member appointed by the Alabama Press Association.

(11) One member appointed by the Alabama Broadcasters Association.

(12) One member appointed by the Executive Director of Alabama Public Television.

(13) One member appointed by the Executive Director of the Alabama Ethics Commission.

(14) One member appointed by the Alabama Retail Association.

(15) The Deputy Director of the Alabama Law Institute, or his or her designee, who shall serve as chair of the committee.

(b) The appointing authorities shall coordinate their appointments to assure that the task force is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state.

(c) The task force shall hold its first meeting within 60 days of this resolution's passage, at a time and place designated by the chair. Each appointing authority named herein shall be provided a copy of this resolution upon its passage.

(d) The task force shall seek and accept comments in writing. The task force shall hold at least one hearing in Montgomery after having provided at least 30 calendar days published or broadcast advance public statewide notice.

Persons wishing to speak at any hearing conducted by the task force shall notify the chair of the task force at least seven business days before the hearing. All hearings and meetings of the task force shall be open to the public. All materials

1 submitted to the task force for consideration shall be open  
2 records.

3 (e) The task force shall prepare a report of its  
4 findings, conclusions, and recommendations for proposed reform  
5 legislation to the Legislature not later than the third  
6 legislative day of the 2023 Regular Session. In preparing its  
7 report, the task force shall include recommendations for  
8 accessing public records, taking into account public agency  
9 size and resources, records that should be exempt from public  
10 discourse, enforcement and penalties, and any other areas the  
11 task force finds necessary. Upon filing its report with the  
12 Legislature, the task force shall stand dissolved and  
13 discharged of any future duties and liabilities.