

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

CREATING THE ALABAMA PUBLIC RECORDS STUDY TASK
FORCE.

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

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

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

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

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

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

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

10 (2) One member appointed by the Lieutenant Governor.

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

12 (4) One member appointed by the Senate President Pro
13 Tempore.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (d) The task force shall seek and accept comments in
20 writing. The task force shall hold at least one hearing in
21 Montgomery after having provided at least 30 calendar days
22 published or broadcast advance public statewide notice.
23 Persons wishing to speak at any hearing conducted by the task
24 force shall notify the chair of the task force at least seven
25 business days before the hearing. All hearings and meetings of
26 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.