

Introduced: 1/24/79  
Referred: Judiciary and  
Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE LEGISLATIVE  
COUNCIL (for the Interim  
Committee on Bottomfish)

1 IN THE HOUSE

2 HOUSE BILL NO. 38

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act requiring public disclosure and analysis of the  
7 provisions of contracts of the state and its municipi-  
8 palities; and providing for an effective date."

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 any information developed or received under  
14 contract or in connection with fulfillment of obligations of contract,  
15 and transactions of all agencies and departments are public records and  
16 are open to inspection by the public under reasonable rules during regu-  
17 lar office hours. The public officer having the custody of public  
18 records shall give on request and payment of costs a certified copy of  
19 the public record.

20 \* Sec. 2. AS 29.23 is amended by adding a new section to read:

21 Sec. 29.23.590. CONTRACTS AND CONTRACT INFORMATION PUBLIC. Unless  
22 specifically provided otherwise by law, municipal charter, or ordinance,  
23 the contracts and reports and information developed or received under  
24 contract or in connection with fulfillment of obligations of contract of  
25 a municipality are open to inspection by the public under reasonable  
26 rules during regular office hours.

27 \* Sec. 3. AS 29.13.100 is amended by adding a new paragraph to read:

28 (39) AS 29.23.590 (contracts and contract information public)

29 \* Sec. 4. AS 37.05.220(8) is amended to read:

1 (8) prescribe standard forms for bids and contracts for  
2 construction, purchases of supplies, and other purposes, which bids and  
3 contracts may contain provisions which the department considers neces-  
4 sary; however [BUT],

5 (A) all contracts entered into after the effective date  
6 of this Act shall provide, as a term of the contract, that, unless  
7 specifically provided otherwise by law, the contract, any subcon-  
8 tract entered into by the contractor in furtherance of the pur-  
9 poses of the contract, and any reports or information developed  
10 or received by the contractor or a subcontractor in connection  
11 with fulfillment of the obligations of the contract are public  
12 records which are open to inspection by the public under reasonable  
13 rules established by the department; and

14 (B) all contracts for construction shall require the  
15 filing of an acceptable performance bond and a penalty provision  
16 for failure to perform the contract according to its terms;

17 \* Sec. 5. AS 37.05 is amended by adding a new section to read:

18 Sec. 37.05.245. ANALYSIS OF PUBLIC CONTRACTS. Within 15 days  
19 after a contract is entered into under authority of the provisions of  
20 this chapter, the department entering into the contract shall submit one  
21 copy of the contract to the office of the ombudsman for review under AS  
22 24.55.225.

23 \* Sec. 6. AS 24.55 is amended by adding a new section to read:

24 Sec. 24.55.225. ANALYSIS OF PUBLIC CONTRACTS. The ombudsman shall  
25 examine all contracts entered into by the state under AS 37.05 and  
26 transmitted to his office in accordance with AS 37.05.245, and shall  
27 provide a brief summary and analysis of the provisions of each contract  
28 to

29 (1) the presiding officer of each house of the legislature,

1 if the legislature is in session; or

2 (2) the chairman of the Legislative Council, if the legisla-  
3 ture is not in session.

4 \* Sec. 7. AS 11.56 is amended by adding a new section to read:

5 Sec. 11.56.852. OBSTRUCTION OF ACCESS TO PUBLIC RECORDS. (a) A  
6 public servant commits the crime of obstruction of access to public  
7 records if he has custody or control of a contract or of a report or  
8 information developed or received under contract and he intentionally  
9 obstructs or attempts to obstruct the inspection of a contract or of a  
10 report or information developed or received under contract when required  
11 to do so under AS 09.25.110 or AS 29.23.590.

12 (b) Obstruction of access to public records is a class B misde-  
13 meanor, except that, notwithstanding AS 12.55.135(b), the sentence to a  
14 term of imprisonment for conviction of the crime may not exceed 30 days.

15 \* Sec. 8. Section 7 of this Act takes effect January 1, 1980.  
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