AN ACT

Relating to civil liability for risks inherent in farm touring; relating to the state and municipal procurement preferences for agricultural products harvested in the state and fisheries products harvested or processed in the state; relating to merchandise sold and certain fees charged or collected by the Department of Natural Resources; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1
AN ACT

Relating to civil liability for risks inherent in farm touring; relating to the state and municipal procurement preferences for agricultural products harvested in the state and fisheries products harvested or processed in the state; relating to merchandise sold and certain fees charged or collected by the Department of Natural Resources; and providing for an effective date.

* Section 1. AS 03.05.010 is amended by adding a new subsection to read:

(c) The commissioner of natural resources may sell promotional merchandise related to the "Alaska Grown" trademark and may charge or collect a fee for the sale of promotional merchandise related to the "Alaska Grown" trademark. The commissioner may issue a license and charge a license fee for the sale of promotional merchandise related to the "Alaska Grown" trademark. The commissioner shall price merchandise sold by the commissioner under this subsection in a manner that ensures
a reasonable monetary return to the state. To the extent practicable, the commissioner
shall sell only merchandise produced or manufactured in the United States that,
subject to AS 36.30, is procured from either an Alaska bidder or a person that employs
prisoners under AS 33.30.191(b).

* Sec. 2. AS 09.65.290(e)(3) is amended to read:

(3) "sports or recreational activity"

(A) means a commonly understood sporting activity, whether
undertaken with or without permission, including baseball, softball, football,
soccer, basketball, hockey, bungee jumping, parasailing, bicycling, hiking,
swimming, skateboarding, horseback riding and other equine activity, farm
touring, dude ranching, mountain climbing, river floating, whitewater rafting,
canoeing, kayaking, hunting, fishing, backcountry trips, mushing, backcountry
or helicopter-assisted skiing, alpine skiing, Nordic skiing, snowboarding,
telemarking, snow sliding, snowmobiling, and off-road and all-terrain vehicle
use;

(B) does not include

(i) boxing contests, sparring or wrestling matches, or
exhibitions that are subject to the requirements of AS 05.10;
(ii) activities involving the use of devices that are
subject to the requirements of AS 05.20; or
(iii) skiing or sliding activities at a ski area that are
subject to the requirements of AS 05.45.

* Sec. 3. AS 09.65.290(e) is amended by adding a new paragraph to read:

(4) "farm touring" means briefly visiting a farm to observe or
experience aspects of raising, growing, producing, cultivating, harvesting, or
processing an agricultural product as a tourist, without receiving pay.

* Sec. 4. AS 29.71.040(a) is repealed and reenacted to read:

(a) If a municipality that receives state money seeks to purchase an
agricultural product and an agricultural product harvested in the state is available that
is of like quality compared with a similar agricultural product harvested outside the
state, the municipality
(1) shall purchase the product harvested in the state if the product is priced not more than seven percent above the similar product harvested outside the state;

(2) may purchase the product harvested in the state only if the product is priced not more than 15 percent above the similar product harvested outside the state.

* Sec. 5. AS 29.71.040(b) is repealed and reenacted to read:

(b) If a municipality that receives state money seeks to purchase a fisheries product and a fisheries product harvested or processed within the jurisdiction of the state is available that is of like quality compared with a similar fisheries product harvested or processed outside the jurisdiction of the state, the municipality shall purchase the product harvested or processed within the jurisdiction of the state if the product is priced not more than seven percent above the similar product harvested or processed outside the jurisdiction of the state;

(2) may purchase the product harvested or processed in the jurisdiction of the state only if the product is priced not more than 15 percent above the product harvested or processed outside the jurisdiction of the state.

* Sec. 6. AS 29.71.040(c) is amended to read:

(c) A solicitation by a municipality for the purchase of agricultural or fisheries products must include written notice of the purchase requirements and limitations under (a) and (b) of this section and [SHALL] specify [THE REQUIREMENT] that agricultural products harvested in the state and fisheries products harvested or processed within the jurisdiction of the state will [SHALL] be used where possible, subject to the limitations under (a) and (b) of this section. If a municipality that receives state money purchases agricultural products harvested outside the state or fisheries products harvested or processed outside the jurisdiction of the state, the municipal officer responsible for the purchase shall certify in writing the reasons that agricultural products harvested in the state or fisheries products harvested or processed within the jurisdiction of the state were not purchased.

* Sec. 7. AS 36.15.050(a) is amended to read:

(a) When agricultural products are purchased by the state or by a school
district that receives state money, a [SEVEN PERCENT] preference not less than seven percent nor more than 15 percent shall be applied to the price of [THE] products harvested in the state.

* Sec. 8. AS 36.15.050(b) is amended to read:

   (b) When fisheries products are purchased by the state or by a school district that receives state money, a [SEVEN PERCENT] preference not less than seven percent nor more than 15 percent shall be applied to the price of [THE] products harvested or processed within the jurisdiction of the state.

* Sec. 9. AS 36.15.050(c) is amended to read:

   (c) A solicitation for the purchase of agricultural or fisheries products must include written notice of the preferences under (a) and (b) of this section and [SHALL] specify [THE REQUIREMENT] that agricultural products harvested in the state and fisheries products harvested or processed within the jurisdiction of the state will [SHALL] be used where possible. If the state or a school district that receives state money purchases agricultural products harvested outside the state or fisheries products harvested or processed outside the jurisdiction of the state, the officer responsible for the purchase shall certify in writing the reasons that agricultural products harvested in the state or fisheries products harvested or processed within the jurisdiction of the state were not purchased.

* Sec. 10. AS 37.05.146(c) is amended by adding a new paragraph to read:

   (90) fees collected by the Department of Natural Resources under AS 03.05.010(c).

* Sec. 11. The uncodified law of the State of Alaska is amended by adding a new section to read:

   APPLICABILITY. AS 09.65.290(e), as amended by secs. 2 and 3 of this Act, applies to acts or omissions occurring on or after the effective date of secs. 2 and 3 of this Act.

* Sec. 12. This Act takes effect January 1, 2019.