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Bruce/Wayne  
3/26/18

**CS FOR HOUSE BILL NO. 217( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**THIRTIETH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES TARR, Neuman, Drummond, Kawasaki**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to civil liability for risks inherent in farm touring; relating to the state**  
2 **and municipal procurement preferences for agricultural products harvested in the state**  
3 **and fisheries products harvested or processed in the state; relating to merchandise sold**  
4 **and certain fees charged or collected by the Department of Natural Resources; and**  
5 **providing for an effective date."**

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

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

8 (c) The commissioner of natural resources may sell promotional merchandise  
9 related to the "Alaska Grown" trademark and may charge or collect a fee for the sale  
10 of promotional merchandise related to the "Alaska Grown" trademark. The  
11 commissioner may issue a license and charge a license fee for the sale of promotional  
12 merchandise related to the "Alaska Grown" trademark. The commissioner shall price  
13 merchandise sold by the commissioner under this subsection in a manner that ensures

1 a reasonable monetary return to the state. To the extent practicable, the commissioner  
2 shall sell only merchandise produced or manufactured in the United States that,  
3 subject to AS 36.30, is procured from either an Alaska bidder or a person that employs  
4 prisoners under AS 33.30.191(b).

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

6 (3) "sports or recreational activity"

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

15 (B) does not include

16 (i) boxing contests, sparring or wrestling matches, or  
17 exhibitions that are subject to the requirements of AS 05.10;

18 (ii) activities involving the use of devices that are  
19 subject to the requirements of AS 05.20; or

20 (iii) skiing or sliding activities at a ski area that are  
21 subject to the requirements of AS 05.45.

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

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

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

27 (a) A municipality that receives state money to purchase an agricultural  
28 product that is harvested in the state shall purchase the product harvested in the state if  
29 the product is

30 (1) available and is of like quality compared with a similar agricultural  
31 product harvested outside the state; and

(2) 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) A municipality that receives state money to purchase a fisheries product that is harvested or processed within the jurisdiction of the state shall purchase the product harvested or processed within the jurisdiction of the state if the product is

(1) available and is of like quality compared with a similar fisheries product harvested or processed outside the jurisdiction of the state; and

(2) priced not more than 15 percent above the similar product harvested or processed outside the jurisdiction of the state.

\* **Sec. 6.** 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 **of 15 percent** shall be applied to the price of [THE] products harvested in the state.

\* **Sec. 7.** 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 **of 15 percent** shall be applied to the price of [THE] products harvested or processed within the jurisdiction of the state.

\* **Sec. 8.** 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. 9.** 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. 10.** This Act takes effect January 1, 2019.