



LAWS OF ALASKA

1988

Source

HCS CSSB 356 (Fin)

Chapter No.

64

AN ACT

Relating to the procurement preference for state agricultural and fisheries products; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 26, 1988
Actual Effective Date: May 27, 1988

AN ACT

Relating to the procurement preference for state agricultural and fisheries products; and providing for an effective date.

* Section 1. AS 29.10.200 is amended by adding a new paragraph to read:

(49) AS 29.71.040 (procurement preference).

* Sec. 2. AS 29.71 is amended by adding a new section to read:

Sec. 29.71.040. PROCUREMENT PREFERENCE. (a) When agricultural products are purchased by a municipality that receives state money, only agricultural products harvested in the state shall be purchased whenever priced no more than seven percent above products harvested outside the state, available, and of like quality compared with agricultural products harvested outside the state.

(b) When fisheries products are purchased by a municipality that receives state money, only fisheries products harvested or processed within the jurisdiction of the state shall be purchased whenever priced no more than seven percent above products harvested or processed outside the jurisdiction of the state, available, and of like quality compared with fisheries products harvested or processed outside the jurisdiction of the state.

(c) A solicitation by a municipality for the purchase of agricultural or fisheries products shall specify the requirement that products harvested in the state shall be used where possible. If a municipality that receives state money purchases agricultural or

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1 fisheries products harvested outside the state, the municipal officer
2 responsible for the purchase shall certify in writing the reasons that
3 products harvested in the state were not purchased.

4 (d) If a contractor fails to comply with this section, the
5 municipality shall withhold payment until the contractor complies. If
6 a municipality fails to comply with this section, the state department
7 responsible for disbursing state money to the municipality shall
8 withhold the money until the municipality complies.

9 (e) An interested party, as defined in AS 36.30.699, may seek
10 administrative or judicial review of the award of a contract in vio-
11 lation of this section.

12 (f) Compliance with this section is not required if an exception
13 to this section is mandated for participation in a federal program.

14 (g) This section applies to general law and home rule municipal-
15 ities.

16 (h) In this section,

17 (1) "agricultural products" includes dairy products, timber
18 and lumber, and products manufactured from timber and lumber;

19 (2) "state money" includes state reimbursement to municipi-
20 palities for school or related construction, foundation funding for
21 education, municipal assistance, revenue sharing, and state funds for
22 capital projects.

23 * Sec. 3. AS 36.15.050(a) is amended to read:

24 (a) When agricultural products are purchased by the state or by
25 a school district that receives [USING] state money, only agricultural
26 products harvested in the [THIS] state shall be purchased whenever
27 priced no more than seven percent above products harvested outside the
28 state, available, and of like quality compared with agricultural
29 products harvested outside the state.

1 * Sec. 4. AS 36.15.050(b) is amended to read:

2 (b) When fisheries products are purchased by the state or by a
3 school district that receives [USING] state money, only fisheries
4 products harvested or processed within the jurisdiction of the state
5 shall be purchased whenever priced no more than seven percent above
6 products harvested or processed outside the jurisdiction of the state,
7 available, and of like quality compared with fisheries products har-
8 vested or processed outside the jurisdiction of the state.

9 * Sec. 5. AS 36.15.050(c) is amended to read:

10 (c) A solicitation for the purchase of agricultural or fisheries
11 products shall specify the requirement that products harvested in the
12 state shall be used where possible. If the state or a school district
13 that receives state money purchases [IS USED TO PURCHASE] agricultural
14 or fisheries products harvested outside the state, the officer respon-
15 sible for the purchase shall certify in writing the reasons that
16 products harvested in the state were not purchased.

17 * Sec. 6. AS 36.15.050(d) is amended to read:

18 (d) If a contractor fails to comply with this section, the
19 purchasing agency shall withhold payment [THE STATE MONEY] until the
20 contractor complies. If [A MUNICIPALITY OR] a school district fails to
21 comply with this section, the department responsible for disbursing
22 [THE] state money to the [MUNICIPALITY OR] school district shall
23 withhold the money until the [MUNICIPALITY OR] school district com-
24 plies.

25 * Sec. 7. AS 36.15.050(g) is repealed and reenacted to read:

(g) In this section,

(1) "agricultural products" includes dairy products, timber
and lumber, and products manufactured in the state from timber and
lumber;

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1 (2) "school district" includes a regional educational
2 attendance area established under AS 14.08;

3 (3) "state money" includes state reimbursement to school
4 districts for school or related construction, foundation funding for
5 education, municipal assistance, revenue sharing, and state funds for
6 capital projects.

7 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).
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