

CS FOR HOUSE BILL NO. 269(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/5/08

Referred: Rules

Sponsor(s): REPRESENTATIVES LYNN, Fairclough, Dahlstrom

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring state institutions and public schools to procure United States and
2 Alaska flags manufactured in the United States."

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

4 * **Section 1.** AS 14.03.130 is amended by adding a new subsection to read:

5 (c) The flags purchased for display as required by this section must be
6 manufactured in the United States, as that phrase is defined in AS 36.30.321.

7 * **Sec. 2.** AS 15.15.060(c) is amended to read:

8 (c) The director shall pay the cost of necessary election expenses incurred in
9 securing a place for holding the election, a suitable ballot box, and an adequate
10 number of voting booths, screens, national flags, and other supplies. The national flag
11 shall be displayed over or near the entrance of each polling place. **A flag that is**
12 **purchased for display as required by this subsection must be manufactured in the**
13 **United States, as that phrase is defined in AS 36.30.321.**

14 * **Sec. 3.** AS 15.56.070(a) is amended to read:

1 (a) A person commits the crime of election official misconduct in the first
2 degree if, while an election official, the person

3 (1) intentionally fails to perform an election duty or knowingly does an
4 unauthorized act with the intent to affect an election or its results; **in this subsection,**
5 **failure to purchase a flag for display that is manufactured in the United States**
6 **under AS 15.15.060(c) is not considered failure to perform an election duty;**

7 (2) knowingly permits or makes or attempts to make a false count of
8 election returns; or

9 (3) intentionally conceals, withholds, destroys, or attempts to conceal,
10 withhold, or destroy election returns.

11 * **Sec. 4.** AS 36.30 is amended by adding a new section to article 4 to read:

12 **Sec. 36.30.321. United States manufactured flags.** The state shall procure
13 only United States flags or Alaska flags that are manufactured in the United States. A
14 contract for the procurement of a flag by the state must specify that the flag must be
15 manufactured in the United States. In this section, "manufactured in the United States"
16 means the flag was assembled in facilities in the United States.

17 * **Sec. 5.** AS 36.30.640 is amended to read:

18 **Sec. 36.30.640. Causes for debarment or suspension.** The causes for
19 debarment or suspension include

20 (1) conviction for commission of a criminal offense as an incident to
21 obtaining or attempting to obtain a public or private contract or subcontract, or in the
22 performance of the contract or subcontract;

23 (2) conviction under state or federal statutes of embezzlement, theft,
24 forgery, bribery, falsification or destruction of records, receiving stolen property, or
25 other offense indicating a lack of business integrity or business honesty that currently
26 and seriously affects responsibility as a state contractor;

27 (3) conviction or civil judgment finding a violation under state or
28 federal antitrust statutes;

29 (4) violation of contract provisions of a character that is regarded by
30 the commissioner to be so serious as to justify debarment action, such as

31 (A) knowing failure without good cause to perform in

1 accordance with the specifications or within the time limit provided in the
2 contract; or

3 (B) failure to perform or unsatisfactory performance in
4 accordance with the terms of one or more contracts, except that failure to
5 perform or unsatisfactory performance caused by acts beyond the control of the
6 contractor may not be considered to be a basis for debarment;

7 (5) for violation of the ethical standards set out in law or regulation;

8 (6) for a violation of this chapter punishable under AS 36.30.930(a)(2)
9 [AS 36.30.930(2)]; and

10 (7) any other cause listed in regulations of the commissioner
11 determined to be so serious and compelling as to affect responsibility as a state
12 contractor, including debarment by another governmental entity for a cause listed in
13 the regulations.

14 * **Sec. 6.** AS 36.30.930 is amended by adding a new subsection to read:

15 (b) Notwithstanding the provisions of (a) of this section, a person who fails to
16 procure flags manufactured only in the United States under (a) of this section may not
17 be penalized.

18 * **Sec. 7.** AS 44.09.030 is amended by adding a new subsection to read:

19 (d) The flags purchased for display under (b) of this section must be
20 manufactured in the United States, as that phrase is defined in AS 36.30.321.

21 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 TRANSITIONAL PROVISIONS. Notwithstanding AS 14.03.130(c), added by sec. 1
24 of this Act, AS 15.15.060(c), as amended by sec. 2 of this Act, and AS 44.09.030(d), added
25 by sec. 7 of this Act, a flag that was not manufactured in the United States may be displayed
26 under AS 14.03.130, AS 15.15.060, or AS 44.09.030 on or after the effective date of this Act
27 if it was purchased before the effective date of this Act. AS 36.30.321, added by sec. 4 of this
28 Act, applies to purchases of flags on or after the effective date of this Act.