

Original sponsor: Bradley

Offered: 3/15/79
Referred: Finance

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 114

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to competitive bidding under the Fis-
7 cal Procedures Act; and providing for an effective
8 date."

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

10 * Section 1. AS 37.05.230(1) is amended to read:

11 (1) a contract for construction and repairs, or a purchase of
12 and contract for supplies, materials, equipment, and contractual
13 services must be based on competitive bids advertised to Alaska bidders,
14 or to non-Alaska bidders when no competition between Alaska bidders
15 exists; an award shall be made to the lowest responsible Alaska bidder
16 after advertising for bids, except that

17 (A) (repealed)

18 (B) [A BID SHALL BE AWARDED TO AN ALASKA BIDDER IF HIS
19 BID IS NOT MORE THAN FIVE PER CENT HIGHER THAN THE LOWEST NONRESI-
20 DENT BIDDER'S; AND]

21 (C) competitive bids need not be required

22 (i) for contractual services where no competition
23 exists;

24 (ii) [FOR SALES INVOLVING FAIR TRADE ITEMS;]

25 (iii) in a declared emergency when [, IN THE JUDGMENT
26 OF THE PURCHASING AGENT,] food, clothing, or medical supplies,
27 or materials for use in laboratory and experimental studies
28 may be purchased otherwise to the best advantage of the state;

29 (iv) where rates are fixed by law or ordinance;

1 (v) for items traded in on like items; or
2 (vi) for professional services; and
3 (D) an award may be made to a non-Alaska bidder when no
4 competition between Alaska bidders exists;

5 * Sec. 2. AS 37.05.230(2) is amended to read:

6 (2) if the amount of the contractual services, purchase, or
7 sale is estimated to exceed \$2,500 sealed bids shall be solicited, when
8 practicable, by publication in a newspaper calculated to reach pro-
9 spective Alaska bidders and by posting notices in public places within
10 the area where the work is to be performed or material furnished and in
11 addition the department may also designate a trade journal for publi-
12 cation; the department shall also solicit bids by sending notices by
13 mail to all active prospective Alaska bidders known to it and all bids
14 shall be sealed when received, and shall be opened in public at the hour
15 stated in the notice; the department may negotiate directly if it finds
16 that it is in the best interest of the state;

17 * Sec. 3. AS 37.05.230(5) is amended by adding new subparagraphs to read:

18 (D) has no delinquent state taxes;

19 (E) is a resident of the state, or, if the bidder is a
20 partnership, corporation, or other association, the majority
21 interest must be beneficially owned by residents of the state and a
22 majority of the owners must be residents of the state;

23 * Sec. 4. AS 37.05.320 is amended by adding a new paragraph to read:

24 (5) "declared emergency" means a situation declared by the
25 governor to be an immediate threat to the public peace, safety, health,
26 or the general welfare.

27 * Sec. 5. AS 45 is amended by adding a new chapter to read:

28 CHAPTER 67. IDENTIFICATION OF ALASKA MANUFACTURED GOODS.

29 Sec. 45.67.010. DESIGN OF IDENTIFICATION SEAL. After holding a

1 public hearing to obtain manufactures' advice on the design of a seal to
2 identify goods manufactured in the state, the commissioner shall design
3 the seal. The seal shall bear an appropriate logo and the words
4 "Manufactured in Alaska".

5 Sec. 45.67.020. PERMIT TO USE IDENTIFICATION SEALS. A person who
6 produces goods manufactured in the state may apply to the commissioner
7 for a permit to purchase identification seals to be attached to those
8 goods. The commissioner shall investigate the applicant to determine
9 his eligibility for the permit. A permit shall be issued free of charge
10 to a qualified applicant. The commissioner shall prescribe the form of
11 the application and permit, the period for which the permit is valid,
12 and the procedure for renewal of the permit.

13 Sec. 45.67.030. PENALTIES. (a) A person who knowingly attaches
14 an identification seal to an article, knowing that the article is not a
15 good manufactured in the state, is guilty of a misdemeanor, and upon
16 conviction is punishable by a fine of not more than \$1,000, or by impris-
17 sonment for not more than one year, or by both.

18 (b) A person who knowingly sells or offers for sale an article
19 with an identification seal attached, knowing that the article is not a
20 good manufactured in the state, is guilty of a misdemeanor, and upon
21 conviction is punishable by a fine of not more than \$1,000, or by impris-
22 sonment for not more than one year, or by both.

23 (c) A person who counterfeits an identification seal is guilty of
24 a misdemeanor, and upon conviction is punishable by a fine of not more
25 than \$1,000, or by imprisonment for not more than one year, or by both.

26 (d) A person who knowingly sells, or otherwise provides, identifi-
27 cation seals to another without a permit issued under AS 45.67.020 is
28 guilty of a misdemeanor, and upon conviction is punishable by a fine of
29 not more than \$1,000, or by imprisonment for not more than one year, or

1 by both.

2 (e) For the purposes of this section each article sold or identi-
3 fication seal counterfeited, sold, or otherwise provided constitutes a
4 separate offense.

5 Sec. 45.67.040. DEFINITIONS. In this chapter

6 (1) "commissioner" means the commissioner of commerce and
7 economic development;

8 (2) "goods manufactured in the state" means a new, finished
9 product for marketing to the public, which results from the transforma-
10 tion in the state of raw materials; it does not include a finished
11 product which results from the assembly of previously finished com-
12 ponents parts, unless all the parts are goods manufactured in the state,
13 or unless the finished product is assembled in its final form only in
14 the state;

15 (3) "identification seal" means the identification seal
16 designed under AS 45.67.010.

17 * Sec. 6. AS 45.67.030 is amended to read:

18 Sec. 45.67.030. PENALTIES. (a) A person who knowingly attaches
19 an identification seal to an article, knowing that the article is not a
20 good manufactured in the state, is guilty of a class B misdemeanor [,
21 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR
22 BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH].

23 (b) A person who knowingly sells or offers for sale an article
24 with an identification seal attached, knowing that the article is not a
25 good manufactured in the state, is guilty of a class B misdemeanor [,
26 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR
27 BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH].

28 (c) A person who counterfeits an identification seal is guilty of
29 a class B misdemeanor [, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF

1 NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR
2 BY BOTH].

3 (d) A person who knowingly sells, or otherwise provides, identifi-
4 cation seals to another without a permit issued under AS 45.67.020 is
5 guilty of a class B misdemeanor [, AND UPON CONVICTION IS PUNISHABLE BY
6 A FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE
7 YEAR, OR BY BOTH].

8 (e) For the purposes of this section each article sold or identi-
9 fication seal counterfeited, sold, or otherwise provided constitutes a
10 separate offense.

11 * Sec. 7. Section 6 of this Act takes effect January 1, 1980.
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