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GRUENBERG AND FURNACE

1 IN THE HOUSE

2 HOUSE BILL NO. 450

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to out-of-state solicitation for  
7 state contracts and state employees."

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

9 \* Section 1. LEGISLATIVE FINDINGS. The legislature finds that

10 (1) the state is experiencing economic difficulties and the rate  
11 of unemployment is very high;

12 (2) the state contains a pool of able-bodied and skilled workers  
13 and organizations from which the state could, in most instances, find the  
14 persons necessary to perform its contracts and fill its employment posi-  
15 tions;

16 (3) before advertising outside the state, the state should  
17 conduct a search in the state for persons and organizations to perform its  
18 contracts and to fill its positions.

19 \* Sec. 2. AS 36.30 is amended by adding a new section to read:

20 Sec. 36.30.875. OUT-OF-STATE SOLICITATION OF CONTRACTS. (a) An  
21 agency may not solicit outside of the state for a contract unless the  
22 chief procurement officer, or, for construction contracts or procure-  
23 ments for the state equipment fleet, the commissioner of transporta-  
24 tion and public facilities determines in writing that

25 (1) the agency has not received a responsive bid from a  
26 responsible bidder, if the agency is procuring the contract under  
27 AS 36.30.100 - 36.30.190;

28 (2) the agency has not received a responsive proposal from  
29 a responsible offeror, if the state is procuring the contract under

1 AS 36.30.200 - 36.30.270; or

2 (3) a source for the required procurement is not available  
3 in the state, if the procurement is made under AS 36.30.300, 36.30.-  
4 305, 36.30.310, or 36.30.320.

5 (b) In this section

6 (1) "agency" includes the University of Alaska, the Alaska  
7 State Building Authority, and the Alaska Railroad Corporation;

8 (2) "solicitation" includes sending an invitation to bid or  
9 a request for proposals to a person who has not requested the invita-  
10 tion or request.

11 \* Sec. 3. AS 39.25 is amended by adding a new section to read:

12 Sec. 39.25.165. OUT-OF-STATE SOLICITATION PROHIBITED. (a) A  
13 state agency, including the division of personnel, may not solicit  
14 outside the state for an individual to fill a position as a state  
15 employee unless the personnel officer determines in writing that the  
16 agency has been unable during six months of solicitation in the state  
17 to find an individual who is qualified for the position.

18 (b) In this section

19 (1) "personnel officer" means the commissioner of admin-  
20 istration for a state agency of the executive branch, the speaker of  
21 the house of representatives for the members, committees, and leader-  
22 ship of the house of representatives, the president of the senate for  
23 the members, committees, and leadership of the senate, and the execu-  
24 tive director of the Legislative Affairs Agency for the other entities  
25 of the legislative branch;

26 (2) "position" includes a position in the exempt or par-  
27 tially exempt service, except a position identified in AS 39.25.-  
28 110(1) - (2).