

BY REP. FINKELSTEIN, Menard, Navarre, Ulmer, Brown, Boyer, Koponen,
Boucher, Ellis, M.Davis, Swackhammer, Kubina, Goll

1 IN THE HOUSE

2 HOUSE BILL NO. 481

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state procurement of recycled
7 paper and other products and to the state's use of
8 paper; establishing a waste reduction and recycling
9 task force; and providing for an effective date."

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

11 * Section 1. AS 36.30 is amended by adding a new section to article 1
12 to read:

13 Sec. 36.30.095. PROCUREMENT OF PAPER. Except as otherwise
14 required under AS 36.15.050 or AS 36.30.322 - 36.30.338, when a state
15 agency purchases paper, at least 15 percent of the quantity purchased
16 must be recycled paper unless the commissioner of the department in
17 which the agency is located makes a written finding that recycled
18 paper is not available for the purchase or that, after application of
19 the procurement preference under AS 36.30.339, the recycled paper is
20 more expensive than the nonrecycled paper. If the agency is not
21 located in a department, the procurement officer for the agency shall
22 make the written finding. If the agency is located in the Office of
23 the Governor, the governor shall make the written finding.

24 * Sec. 2. AS 36.30.095 is repealed and reenacted to read:

25 Sec. 36.30.095. PROCUREMENT OF PAPER. Except as otherwise
26 required under AS 36.15.050 or AS 36.30.322 - 36.30.338, when a state
27 agency purchases paper, at least 25 percent of the quantity purchased
28 must be recycled paper unless the commissioner of the department in
29 which the agency is located makes a written finding that recycled

1 paper is not available for the purchase or that, after application of
2 the procurement preference under AS 36.30.339, the recycled paper is
3 more expensive than the nonrecycled paper. If the agency is not
4 located in a department, the procurement officer for the agency shall
5 make the written finding. If the agency is located in the Office of
6 the Governor, the governor shall make the written finding.

7 * Sec. 3. AS 36.30.170(b) is amended to read:

8 (b) The procurement officer shall award a contract based on
9 solicited bids to the lowest responsive and responsible bidder after
10 an Alaska bidder preference of five percent, [AND] an Alaska products
11 preference as described in AS 36.30.322 - 36.30.338, and a recycled
12 products preference under AS 36.30.339 have been applied. In this
13 subsection, "Alaska bidder" means a person who

14 (1) holds a current Alaska business license;

15 (2) submits a bid for goods, services, or construction
16 under the name as appearing on the person's current Alaska business
17 license;

18 (3) has maintained a place of business within the state
19 staffed by the bidder or an employee of the bidder for a period of six
20 months immediately preceding the date of the bid;

21 (4) is incorporated or qualified to do business under the
22 laws of the state, is a sole proprietorship [,] and the proprietor is
23 a resident of the state, or is a partnership [,] and all partners are
24 residents of the state; and

25 (5) if a joint venture, is composed entirely of ventures
26 that qualify under (1) - (4) of this subsection.

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

28 **ARTICLE 5A. PREFERENCE FOR RECYCLED PRODUCTS.**

29 **Sec. 36.30.339. PROCUREMENT PREFERENCE FOR RECYCLED PRODUCTS.**

1 (a) In the evaluation of a bid or proposal for an agency procurement
2 of products, the agency shall decrease the bid or proposal by 10
3 percent if the bid or proposal indicates that the products being
4 purchased will be recycled products.

5 (b) A decrease made under (a) of this section is in addition to
6 other preferences allowed for the procurement.

7 (c) The department shall establish by regulation the minimum
8 percentage of recycled content that will qualify a product as a re-
9 cycled product under (a) of this section.

10 (d) The department shall compile and maintain a list of products
11 that qualify as recycled products under (c) of this section. The
12 department shall make this list available to the public.

13 (e) If a successful bidder or offeror receives a decrease under
14 (a) of this section but fails to use the designated recycled product
15 for the contract for a reason within the control of the bidder or
16 offeror, each payment under the contract shall be reduced by 10 per-
17 cent.

18 * Sec. 5. AS 36.30.900 is amended to read:

19 Sec. 36.30.900. PRODUCT PREFERENCES [PREFERENCE FOR ALASKA
20 PRODUCTS]. This chapter does not modify AS 36.15.010 and 36.15.020
21 regarding preference for Alaska forest products, or AS 36.15.050 and
22 36.15.060 regarding preference for Alaska agricultural and fisheries
23 products, except as provided in AS 36.30.170(b) and (c) and 36.30.339.

24 * Sec. 6. AS 44.99 is amended by adding a new section to read:

25 Sec. 44.99.020. USE OF PAPER. A state agency shall use both
26 sides of paper when feasible. In this section, "state agency" means a
27 department, institution, board, commission, division, authority,
28 public corporation, or other administrative unit of the executive,
29 legislative, or judicial branch of state government, including the

1 University of Alaska, the Alaska State Housing Authority, the Alaska
2 Railroad Corporation, and legislative committees.

3 * Sec. 7. WASTE REDUCTION AND RECYCLING TASK FORCE. (a) There is
4 established in the Office of the Governor the Waste Reduction and Recycling
5 Task Force.

6 (b) The task force consists of the governor, the commissioner of
7 administration, the commissioner of community and regional affairs, the
8 commissioner of environmental conservation, the commissioner of natural
9 resources, the commissioner of transportation and public facilities, one
10 person from the judicial branch appointed by the administrative director of
11 the judicial branch, one person from the legislative branch appointed by
12 the executive director of the legislative affairs agency, two persons from
13 the legislative branch appointed by the president of the senate, and two
14 persons from the legislative branch appointed by the speaker of the house
15 of representatives. If a task force member who is appointed by a presiding
16 officer of a house of the legislature is a legislator in the Sixteenth
17 Alaska State Legislature, but is not a legislator in the same house in the
18 Seventeenth Alaska State Legislature, the appointing authority for the task
19 force member may replace the task force member with another person. A
20 member of the task force may designate another person to represent the
21 member on the task force.

22 (c) The task force shall

23 (1) identify opportunities in state government to reduce waste,
24 increase the reuse and recycling of materials, and promote the purchase of
25 materials that are made of materials that have been recycled after consumer
26 use; and

27 (2) design plans to implement the opportunities identified in
28 (1) of this subsection.

29 (d) The task force shall submit to the legislature on or before

1 April 15 of 1991 and 1992, a report containing the opportunities identified
2 under (c)(1) of this section and the plans designed under (c)(2) of this
3 section.

4 (e) The task force shall terminate April 16, 1992.

5 * Sec. 8. Sections 1 and 3 - 5 of this Act apply to procurements that
6 begin on or after the effective date of secs. 1 and 3 - 5 of this Act.

7 * Sec. 9. Section 2 of this Act applies to procurements that begin on
8 or after July 1, 1994.

9 * Sec. 10. Section 2 of this Act takes effect July 1, 1994.

10 * Sec. 11. Section 7 of this Act takes effect immediately under AS 01.-
11 10.070(c).