

Amended: 4/4/90  
Offered: 3/13/90  
Referred: Rules

6-1988H

Original sponsor(s): REP. FINKELSTEIN, Menard, Navarre, Ulmer, Brown,  
Boyer, Koponen, Boucher, Ellis, M.Davis, Swackhammer, Kubina, Goll

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 CS FOR HOUSE BILL NO. 481 (Finance) am  
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; relating to the disposition of state property  
9 that is recyclable; establishing a waste reduction  
10 and recycling task force; and providing for an effective  
11 date."  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
13 \* Section 1. AS 36.30 is amended by adding a new section to article 1  
14 to read:  
15 Sec. 36.30.095. PROCUREMENT OF PAPER. Except as otherwise  
16 required under AS 36.15.050 or AS 36.30.322 - 36.30.338, when a state  
17 agency purchases paper, at least 15 percent of the quantity purchased  
18 must be recycled paper unless the commissioner of the department in  
19 which the agency is located makes a written finding that recycled  
20 paper is not available for the purchase or that, after application of  
21 the procurement preference under AS 36.30.339, the recycled paper is  
22 more expensive than the nonrecycled paper. If the agency is not  
23 located in a department, the procurement officer for the agency shall  
24 make the written finding. If the agency is located in the Office of  
25 the Governor, the governor shall make the written finding.  
26 \* Sec. 2. AS 36.30.095 is repealed and reenacted to read:  
27 Sec. 36.30.095. PROCUREMENT OF PAPER. Except as otherwise  
28 required under AS 36.15.050 or AS 36.30.322 - 36.30.338, when a state  
29 agency purchases paper, at least 25 percent of the quantity purchased

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

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

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

16 (1) holds a current Alaska business license;

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

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

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

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

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

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ARTICLE 5A. PREFERENCE FOR RECYCLED PRODUCTS.

Sec. 36.30.339. PROCUREMENT PREFERENCE FOR RECYCLED PRODUCTS.

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

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

(c) The department shall establish the minimum percentage of recycled content that will qualify a product as a recycled product under (a) of this section.

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

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

\* Sec. 6. AS 44.68.110 is amended to read:

Sec. 44.68.110. DISPOSITION OF OBSOLETE OR SURPLUS STATE PROPERTY. The Department of Administration shall take possession of obsolete or surplus property of the state, including recyclable property, for which there is no immediate or prospective use, except abandoned or obsolete school buildings and other school property. It shall also take possession of property, including recyclable property, remaining in the control of a commission or board of the state government after the commission or board stops functioning. The Department of Administration shall sell, lease, license, or dispose of the property on the terms it considers for the best interests of the state in conformance with regulations adopted under AS 36.30 (State Procurement Code). In

1        this section, "recyclable property" means property that cannot be used  
2        for its intended purpose in its present form, but that can be used to  
3        create new property.

4        \* Sec. 7. AS 44.99 is amended by adding a new section to read:

5                Sec. 44.99.020. USE OF PAPER. A state agency shall use both  
6        sides of paper when feasible. In this section, "state agency" means a  
7        department, institution, board, commission, division, authority,  
8        public corporation, or other administrative unit of the executive,  
9        legislative, or judicial branch of state government, including the  
10       University of Alaska, the Alaska State Housing Authority, the Alaska  
11       Railroad Corporation, and legislative committees.

12       \* Sec. 8. WASTE REDUCTION AND RECYCLING TASK FORCE. (a) There is  
13       established in the Office of the Governor the Waste Reduction and Recycling  
14       Task Force.

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

1 member on the task force.

2 (c) The task force shall

3 (1) identify opportunities in state government to reduce waste,  
4 increase the reuse and recycling of materials, and promote the purchase of  
5 materials that are made of materials that have been recycled after consumer  
6 use; and

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

9 (d) The task force shall submit to the legislature on or before  
10 April 15 of 1991 and 1992, a report containing the opportunities identified  
11 under (c)(1) of this section and the plans designed under (c)(2) of this  
12 section.

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

14 \* Sec. 9. Sections 1 and 3 - 5 of this Act apply to procurements that  
15 begin on or after the effective date of secs. 1 and 3 - 5 of this Act.

16 \* Sec. 10. Section 2 of this Act applies to procurements that begin on  
17 or after July 1, 1994.

18 \* Sec. 11. Section 2 of this Act takes effect July 1, 1994.

19 \* Sec. 12. Section 8 of this Act takes effect immediately under AS 01.-  
20 10.070(c).