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Finance

6-0234A

1 IN THE SENATE

BY PEARCE, FISCHER AND
RODEY

2

SENATE BILL NO. 45

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST 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)
21 Except as necessary to contact the persons on the contractor lists
22 established under AS 36.30.050, an agency may not solicit outside of
23 the state for a contract unless the chief procurement officer, or, for
24 construction contracts or procurements for the state equipment fleet,
25 the commissioner of transportation and public facilities determines in
26 writing that the agency has solicited within the state and that

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

1 (2) the agency has not received a responsive proposal from
2 a responsible offeror, if the state is procuring the contract under
3 AS 36.30.200 - 36.30.270; or

4 (3) a source for the required procurement is not available
5 in the state, if the procurement is made under AS 36.30.300, 36.30.-
6 305, 36.30.310, or 36.30.320.

7 (b) This section does not apply to contracts for professional
8 services to be performed in an area outside of the state and requiring
9 knowledge of the customs, procedures, rules, or laws of the area.

10 (c) In this section

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

13 (2) "solicit" includes advertising, initiating contact with
14 a person, and sending an invitation to bid or a request for proposals
15 to a person who has not requested the invitation or request.

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

17 Sec. 39.25.165. OUT-OF-STATE SOLICITATION OF EMPLOYEES. (a)
18 Except as provided in (b) of this section, a state agency, including
19 the division of personnel, may not solicit outside the state for an
20 individual to fill a position as a state employee unless the personnel
21 officer determines in writing that the agency has actively solicited
22 in good faith in the state during the entire six-month period that
23 followed the date when the agency began soliciting for the position
24 and has been unable to find an individual who is qualified for the
25 position. In this subsection, "personnel officer" means the commis-
26 sioner of administration for a state agency of the executive branch,
27 the speaker of the house of representatives for the members, commit-
28 tees, and leadership of the house of representatives, the president of
29 the senate for the members, committees, and leadership of the senate,

1 and the executive director of the Legislative Affairs Agency for the
2 other entities of the legislative branch.

3 (b) The prohibition in (a) of this section does not apply if the
4 state agency is

5 (1) in the executive branch and the governor makes a writ-
6 ten finding that the state agency is not likely to be able to find an
7 individual who is qualified for the position by soliciting in the
8 state;

9 (2) in the legislative branch and the legislative budget
10 and audit committee makes a written finding that the state agency is
11 not likely to be able to find an individual who is qualified for the
12 position by soliciting in the state.

13 (c) In this section

14 (1) "position" includes a position in the exempt or par-
15 tially exempt service, except a position identified in AS 39.25.-
16 110(1) - (2);

17 (2) "solicit" includes advertising, initiating contact with
18 an individual, and sending a copy of an employment vacancy notice to
19 an individual who has not requested the notice.