

HOUSE BILL NO. 244
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES CHOQUETTE, Gruenberg, G.Phillips

Introduced: 3/27/91

Referred: Labor & Commerce, Health, Education & Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the purchase by state agencies of products or services from
2 correctional industries; and to the products and services provided by correctional
3 industries."

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

5 * Section 1. AS 33.32.080(b) is amended to read:

6 (b) The Correctional Industries Commission shall hold public hearings to provide an
7 opportunity for persons or organizations who may be affected by the plans of the correctional
8 industries program to appear and present testimony concerning those plans. The Correctional
9 Industries Commission shall hold a hearing under this section when the correctional
10 industries program proposes either entering into a new area of industry or expanding the
11 scope of an existing area of industry beyond the scope considered at a previous hearing.
12 The commission shall also review and hold hearings on the competition that exists in the
13 private sector for the existing areas of industry in which the correctional industries program
14 participates. The Correctional Industries Commission shall adopt rules governing the conduct

1 of those hearings, including provisions to assure that adequate public notice of the hearing is
2 given before the hearing. The Correctional Industries Commission may also hold public hearings
3 under these rules on any matter within its jurisdiction. Rules adopted under this subsection are
4 not subject to the Administrative Procedure Act (AS 44.62).

5 * Sec. 2. AS 36.30.100(b) is amended to read:

6 (b) Competitive sealed bidding is not required

7 (1) when the commissioner determines in writing that food, clothing, or medical
8 supplies, or materials for use in laboratory or medical studies may be purchased otherwise to the
9 best advantage of the state;

10 (2) when rates are fixed by law or ordinance;

11 (3) for the purchase of products or services manufactured or provided by an
12 employment program;

13 (4) [FOR THE PURCHASE OF PRODUCTS OR SERVICES PROVIDED BY
14 THE CORRECTIONAL INDUSTRIES PROGRAM ESTABLISHED UNDER AS 33.32;

15 (5)] for professional services; or

16 (5) [(6)] for concessions operated on state property.

17 * Sec. 3. AS 36.30.170(a) is amended to read:

18 (a) Except as provided in (b), (c), [AND] (d), and (e) of this section, the procurement
19 officer shall award a contract based on the solicited bids with reasonable promptness by written
20 notice to the lowest responsible and responsive bidder whose bid conforms in all material
21 respects to the requirements and criteria set out in the invitation to bid.

22 * Sec. 4. AS 36.30.170 is amended by adding a new subsection to read:

23 (e) If a bidder is a correctional industries program established under AS 33.32 and if the
24 lowest responsive and responsible bidder besides the correctional industries program does not
25 qualify as an Alaska bidder under (b) of this section, the procurement officer shall award the
26 contract to the correctional industries program. If a bidder is a correctional industries program
27 established under AS 33.32 and if other bidders qualify as Alaska bidders under (b) of this
28 section, the procurement officer may not award the contract to the correctional industries
29 program, but shall award the contract to the lowest responsive and responsible Alaska bidder.

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

31 Sec. 36.30.900. PRODUCT PREFERENCES. This chapter does not modify

- 1 AS 36.15.010 and 36.15.020 regarding preference for Alaska forest products, or AS 36.15.050
- 2 and 36.15.060 regarding preference for Alaska agricultural and fisheries products, except as
- 3 provided in AS 36.30.170(b), (c), and (e) and 36.30.330 [AS 36.30.170(b) AND (c) AND
- 4 36.30.339].
- 5 * Sec. 6. AS 33.32.030(c) is repealed.