

## SENATE BILL NO. 224

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY SENATORS KERTTULA, Ellis, Little, Salo

Introduced: 1/10/94  
Referred: STA, JUD, FIN

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to the use of recycled paper by state agencies and state-related  
2 entities, by state contractors, by financial institutions dealing with certain state  
3 agencies, and by attorneys filing documents in court and certain administrative  
4 proceedings; amending Alaska Rule of Civil Procedure 76 and Alaska Rule of  
5 Appellate Procedure 212; and providing for an effective date."

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

7 \* Section 1. AS 18.56.096 is amended by adding a new subsection to read:

8 (d) Notwithstanding the other provisions of this chapter, the corporation may  
9 not purchase or participate in the purchase of a loan under this chapter from a private  
10 financial institution that uses other than recycled paper in the origination, processing,  
11 sale, and, if applicable, servicing of the loan. In this subsection,

12 (1) "document" includes all documents appended to a document, but  
13 does not include

1 (A) a photograph;  
2 (B) an original document that is prepared or printed before  
3 July 1, 1995; or  
4 (C) a document that is not created at the direction of or under  
5 the control of the financial institution;

6 (2) "recycled paper" means paper in which at least 50 percent of its  
7 total weight consists of secondary and postconsumer waste and at least 10 percent of  
8 its total weight consists of postconsumer waste; in this paragraph,

9 (A) "postconsumer waste" means a finished material that is  
10 normally disposed of as solid waste when it completes its life cycle as a  
11 consumer product;

12 (B) "secondary waste" means product fragments and the finished  
13 products of a manufacturing process if the manufacturing process converts a  
14 virgin resource into a product having economic value; "secondary waste"  
15 includes postconsumer waste but does not include mill broke, wood slabs,  
16 wood chips, sawdust, or other wood residue from a manufacturing process.

17 \* Sec. 2. AS 22.35 is amended by adding a new section to read:

18 Sec. 22.35.020. USE OF RECYCLED PAPER REQUIRED. An attorney who  
19 represents another person as an attorney in a proceeding before a court of this state  
20 may not submit a document for filing in the court proceeding unless the document is  
21 submitted on recycled paper. In this section,

22 (1) "document" includes all documents appended to a document, but  
23 does not include

24 (A) a photograph;  
25 (B) an original document that is prepared or printed before  
26 July 1, 1995; or  
27 (C) a document that is not created at the direction of or under  
28 the control of the attorney;

29 (2) "recycled paper" means paper in which at least 50 percent of its  
30 total weight consists of secondary and postconsumer waste and at least 10 percent of  
31 its total weight consists of postconsumer waste; in this paragraph,

1 (A) "postconsumer waste" means a finished material that is  
2 normally disposed of as solid waste when it completes its life cycle as a  
3 consumer product;

4 (B) "secondary waste" means product fragments and the finished  
5 products of a manufacturing process if the manufacturing process converts a  
6 virgin resource into a product having economic value; "secondary waste"  
7 includes postconsumer waste but does not include mill broke, wood slabs,  
8 wood chips, sawdust, or other wood residue from a manufacturing process.

9 \* Sec. 3. AS 24.55.275 is amended to read:

10 Sec. 24.55.275. CONTRACT PROCEDURES. The ombudsman shall adopt  
11 by regulation procedures consistent with AS 36.30 to be followed by the office of the  
12 ombudsman in contracting for services. However, the procedure for requests for  
13 proposals does not apply to contracts for investigations under AS 24.55.100. The  
14 procedures must require the office of the ombudsman to comply with  
15 AS 36.30.095.

16 \* Sec. 4. AS 36.30.005(c) is amended to read:

17 (c) Notwithstanding other provisions of law, all rights, powers, duties, and  
18 authority relating to the procurement of supplies, services, professional services, and  
19 construction and the disposal of supplies for the University of Alaska are transferred  
20 to the Board of Regents. To the maximum extent possible, authority granted under  
21 this subsection shall be exercised in accordance with this chapter, except that the  
22 regulations must require the Board of Regents to comply with AS 36.30.095. The  
23 Board of Regents shall adopt regulations under this subsection that are substantially  
24 equivalent to the regulations adopted by the commissioner of administration to  
25 implement this chapter. For the purposes of this subsection, unless the context  
26 otherwise requires, in this chapter

27 (1) "agency" means a subunit of the University of Alaska;

28 (2) "attorney general" means the president of the University of Alaska;

29 (3) "chief procurement officer" means a person designated by the  
30 president of the University of Alaska whose qualifications are substantially equivalent  
31 to those provided in AS 36.30.010(a);

1 (4) "commissioner," "commissioner of administration," or  
2 "commissioner of transportation and public facilities" means the Board of Regents or  
3 the president of the University of Alaska if so designated by the Board of Regents by  
4 regulations adopted under this subsection; and

5 (5) "department" means the University of Alaska.

6 \* Sec. 5. AS 36.30.015(e) is amended to read:

7 (e) The board of directors of the Alaska Railroad Corporation and the board  
8 of directors of the Alaska Aerospace Development Corporation shall adopt procedures  
9 to govern the procurement of supplies, services, professional services, and construction.  
10 The procedures must be substantially equivalent to the procedures prescribed in this  
11 chapter and in regulations adopted under this chapter, except that the procedures  
12 adopted by the Alaska Railroad Corporation and the Alaska Aerospace  
13 Development Corporation must require the Alaska Railroad Corporation and the  
14 Alaska Aerospace Development Corporation to comply with AS 36.30.095.

15 \* Sec. 6. AS 36.30.015(f) is amended to read:

16 (f) The board of directors of the Alaska Housing Finance Corporation,  
17 notwithstanding AS 18.56.088, shall adopt regulations under AS 44.62 (Administrative  
18 Procedure Act) and the board of trustees of the Alaska State Pension Investment Board  
19 shall adopt regulations under AS 37.10.240 to govern the procurement of supplies,  
20 services, professional services, and construction for the respective public corporation  
21 and board. The regulations must

22 (1) reflect competitive bidding principles and provide vendors  
23 reasonable and equitable opportunities to participate in the procurement process;  
24 [AND]

25 (2) include procurement methods to meet emergency and extraordinary  
26 circumstances;

27 (3) require the Alaska Housing Finance Corporation and the Alaska  
28 Pension Investment Board to comply with AS 36.30.095.

29 \* Sec. 7. AS 36.30.020 is amended to read:

30 Sec. 36.30.020. LEGISLATURE. The Legislative Council shall adopt and  
31 publish procedures to govern the procurement of supplies, services, professional

1 services, and construction by the legislative branch. The procedures must be based on  
2 the competitive principles consistent with this chapter and must be adapted to the  
3 special needs of the legislative branch as determined by the Legislative Council. The  
4 procedures must be consistent with the provisions of AS 36.30.080(b) - (e) and must  
5 require the legislative branch to comply with AS 36.30.095.

6 \* Sec. 8. AS 36.30.095 is repealed and reenacted to read:

7 Sec. 36.30.095. RECYCLED PAPER. (a) Except as otherwise required under  
8 AS 36.15.050 or AS 36.30.322 - 36.30.338, when a state agency purchases paper, at  
9 least 50 percent of the quantity purchased must be recycled paper.

10 (b) When a state agency enters into a procurement contract under this chapter,  
11 the agency shall require as a part of the contract that at least 50 percent of the paper  
12 used by the contractor in the performance of the contract be recycled paper.

13 (c) In this section,

14 (1) "agency" includes

15 (A) a regional Native housing authority created under  
16 AS 18.55.996 and a regional electrical authority created under AS 18.57.020;  
17 and

18 (B) the Department of Transportation and Public Facilities, in  
19 regard to the repair, maintenance, and reconstruction of vessels, docking  
20 facilities, and passenger and vehicle transfer facilities of the Alaska marine  
21 highway system;

22 (2) "recycled paper" means paper in which at least 50 percent of its  
23 total weight consists of secondary and postconsumer waste and at least 10 percent of  
24 its total weight consists of postconsumer waste; in this paragraph,

25 (A) "postconsumer waste" means a finished material that is  
26 normally disposed of as solid waste when it completes its life cycle as a  
27 consumer product;

28 (B) "secondary waste" means product fragments and the finished  
29 products of a manufacturing process if the manufacturing process converts a  
30 virgin resource into a product having economic value; "secondary waste"  
31 includes postconsumer waste but does not include mill broke, wood slabs,

1 wood chips, sawdust, or other wood residue from a manufacturing process.

2 \* Sec. 9. AS 36.30.095(a) is amended to read:

3 (a) Except as otherwise required under AS 36.15.050 or AS 36.30.322 -  
4 36.30.338, when a state agency purchases paper, at least 75 [50] percent of the  
5 quantity purchased must be recycled paper.

6 \* Sec. 10. AS 36.30.095(b) is amended to read:

7 (b) When a state agency enters into a procurement contract under this chapter,  
8 the agency shall require as a part of the contract that at least 75 [50] percent of the  
9 paper used by the contractor in the performance of the contract be recycled paper.

10 \* Sec. 11. AS 44.62 is amended by adding a new section to read:

11 Sec. 44.62.645. USE OF RECYCLED PAPER REQUIRED. (a) An attorney  
12 who, acting as an attorney, represents another person in a proceeding under  
13 AS 44.62.330 - 44.62.645 may not file a document in the proceeding unless the  
14 document is submitted on recycled paper. In this section,

15 (1) "document" includes all documents appended to a document, but  
16 does not include

17 (A) a photograph;

18 (B) an original document that is prepared or printed before  
19 July 1, 1995; or

20 (C) a document that is not created at the direction of or under  
21 the control of the attorney;

22 (2) "recycled paper" means paper in which at least 50 percent of its  
23 total weight consists of secondary and postconsumer waste and at least 10 percent of  
24 its total weight consists of postconsumer waste; in this paragraph,

25 (A) "postconsumer waste" means a finished material that is  
26 normally disposed of as solid waste when it completes its life cycle as a  
27 consumer product;

28 (B) "secondary waste" means product fragments and the finished  
29 products of a manufacturing process if the manufacturing process converts a  
30 virgin resource into a product having economic value; "secondary waste"  
31 includes postconsumer waste but does not include mill broke, wood slabs.

1 wood chips, sawdust, or other wood residue from a manufacturing process.

2 \* Sec. 12. AS 44.88 is amended by adding a new section to article 8 to read:

3 Sec. 44.88.800. USE OF RECYCLED PAPER REQUIRED. The authority  
4 may not purchase a loan or a loan participation from a financial institution if the  
5 financial institution uses other than recycled paper in the origination, processing, and  
6 sale of the loan. The authority may not guarantee or insure a loan made by a financial  
7 institution that uses other than recycled paper in the origination, processing, and  
8 guarantee of the loan. In this section,

9 (1) "document" includes all documents appended to a document, but  
10 does not include

11 (A) a photograph;

12 (B) an original document that is prepared or printed before  
13 July 1, 1995;

14 (C) a document that is not created at the direction of or under  
15 the control of the financial institution; or

16 (D) a facsimile copy of a document if the facsimile copy is  
17 otherwise allowed to be submitted in place of the original document;

18 (2) "recycled paper" means paper in which at least 50 percent of its  
19 total weight consists of secondary and postconsumer waste and at least 10 percent of  
20 its total weight consists of postconsumer waste; in this subsection,

21 (A) "postconsumer waste" means a finished material that is  
22 normally disposed of as solid waste when it completes its life cycle as a  
23 consumer item;

24 (B) "secondary waste" means product fragments and the finished  
25 products of a manufacturing process if the manufacturing process converts a  
26 virgin resource into a commodity having economic value; "secondary waste"  
27 includes postconsumer waste but does not include mill broke, wood slabs,  
28 wood chips, sawdust, or other wood residue from a manufacturing process.

29 \* Sec. 13. APPLICABILITY. (a) AS 18.56.096(d), enacted by sec. 1 of this Act, applies  
30 to loans purchased or participated in by the Alaska Housing Finance Corporation on or after  
31 July 1, 1995.

1 (b) AS 22.35.020, enacted by sec. 2 of this Act, applies to documents filed on or after  
2 July 1, 1995.

3 (c) AS 24.55.275, AS 36.30.005(c), 36.30.015(e), 36.30.015(f), and 36.30.020, as  
4 amended by secs. 3 - 7 of this Act, apply to procurements begun on or after July 1, 1995.

5 (d) AS 36.30.095, enacted by sec. 8 of this Act, applies to procurements begun on or  
6 after July 1, 1995.

7 (e) AS 36.30.095(a) and (b), as amended by secs. 9 - 10 of this Act, apply to  
8 procurements begun on or after July 1, 1996.

9 (f) AS 44.62.645, enacted by sec. 11 of this Act, applies to documents filed in  
10 proceedings under AS 44.62.330 - 44.62.645 begun on or after July 1, 1995.

11 (g) AS 44.88.800, enacted by sec. 12 of this Act, applies to loans sold to, participated  
12 in, insured, or guaranteed by the Alaska Industrial Development and Export Authority on or  
13 after July 1, 1995.

14 \* Sec. 14. COURT RULE AMENDMENTS. (a) AS 22.35.020, enacted by sec. 2 of this  
15 Act, amends Alaska Rule of Civil Procedure 76 by changing the criteria for the paper that can  
16 be used for pleadings and other papers filed in civil cases by an attorney acting in the capacity  
17 of an attorney.

18 (b) AS 22.35.020, enacted by sec. 2 of this Act, amends Alaska Rule of Appellate  
19 Procedure 212 by changing the criteria for the paper that can be used for briefs filed in  
20 appeals by an attorney acting in the capacity of an attorney.

21 \* Sec. 15. EFFECTIVE DATES. (a) Sections 1 - 8, 11, and 12 of this Act take effect  
22 July 1, 1995.

23 (b) Sections 9 and 10 of this Act take effect July 1, 1996.