

S

B

4

|

|

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: *SB 411*

BILL NAME: *Preferential use of Alaska agricultural products*

SPONSOR(S): *Kurtala*

RELATED BILLS PENDING:

DATE INTRODUCED: *2-6-84*

REFERRALS: *Resources
Finance*

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

*Testify - Richard Ramsey - testify for Kurtala
Sharon Barlow, DNR - will testify*

SENATE VERSION OF SB 411:

REQUIRES THAT IN THE STATE PURCHASE OF AGRICULTURAL PRODUCTS, THOSE PRODUCTS PRODUCED IN-STATE BE USED WHEREVER COMPETITIVELY PRICED, OF LIKE QUALITY TO OTHER PRODUCTS, AND AVAILABLE. PASSED THE SENATE 4/23/84 (17-0).

HOUSE VERSION OF SB 411:

HOUSE FINANCE C.S. WITH A FLOOR AMENDMENT IS IDENTICAL TO HB 589, AN ACT AUTHORIZING THE CONSTRUCTION OF WATANA, BRADLEY... THE TITLE CHANGE WAS EFFECTED THROUGH PASSAGE OF A RESOLUTION SUSPENDING THE UNIFORM RULES (THE SENATE HAD INTRODUCED AND PASSED THE RESOLUTION, INTENDING TO EXPAND THE TITLE TO INCLUDE PREFERENTIAL USE OF FISHERIES PRODUCTS). THE HOUSE VERSION PASSED THE HOUSE 5/30/84 (33-7).

MAJOR PROVISIONS OF THE BILL ARE HIGHLIGHTED ON THE ATTACHED COPY. THE SENATE PASSED HB 589 5/30/84 (12-7), AND ON RECONSIDERATION 6/2/84 (16-2).

TO: BETTYE
FROM: SANDRA
DATE: APRIL 23, 1984

SB 411 (RESOURCES C.S.) - PREFERENTIAL USE OF ALASKA AGRICULTURAL PRODUCTS
SPONSOR: KERTTULA

IN THE STATE PURCHASE OF AGRICULTURAL PRODUCTS, THOSE PRODUCTS
PRODUCED IN THE STATE WOULD BE USED WHEREVER:

1. COMPETITIVELY PRICED
2. AVAILABLE
3. OF LIKE QUALITY TO OTHER AVAILABLE PRODUCTS

RESOURCES COMMITTEE SUBSTITUTE:

THE ORIGINAL BILL REQUIRES THAT PRIOR TO STATE PURCHASE, THE
PRODUCT MUST BE INSPECTED. THE RESOURCES C.S. REFLECTS THE
CURRENT INSPECTION AUTHORITIES OF DNR AND DEC (D.N.R. INSPECTS
VEGETABLES AND EGGS; D.E.C. INSPECTS POULTRY AND MEAT.)

ACCORDING TO DIVISION OF AG., THE FOLLOWING PRODUCTS ARE COMPETITIVELY
PRICED: POTATOES, LETTUCE, MILK, EGGS, PORK, HONEY, ZUCCHINI,
CABBAGE, BEETS, CARROTS.

THE FOLLOWING STATE ENTITIES PURCHASE AG. PRODUCTS: HOSPITALS,
SCHOOLS, UNIVERSITY, JAILS, PIONEER HOMES, CONCESSIONAIRES IN
STATE OFFICE BUILDING AND PARKS.

RECEIVED RESOURCES COMMITTEE APPROVAL 3/12/84:

ALL DO PASS: FAHRENKAMP, ZIEGLER, ELIASON, MULCAHY, V. FISCHER

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

TO: Senate Resources Committee Members
FROM: Senate Resources Committee Staff
RE: March 12 Hearing - TELECONFERENCE
DATE: March 9, 1984

On Monday, March 12, at 3:00 pm in the Beltz Room, the Senate Resources Committee will be hearing the following two bills:

SB 301 AN ACT RELATING TO FURBEARER MANAGEMENT AND INCREASING A RELATED LICENSE FEE.

Revenues from the sale of trapping, fishing, and hunting licenses are Constitutionally dedicated to the Fish and Game Fund. SB 301 specifies that receipts from the sale of resident trapping licenses be deposited in a furbearer management account within the Fund, and used for furbearer enhancement, research, and education. Resident trapping fees would be increased by \$7 (from \$3 to \$10 for a simple trapping license, from \$15 to \$22 for a combination hunting/trapping license, from \$25 to \$32 for a combination hunting/trapping/sportfishing license) to provide ample revenues to the account.

SB 411 AN ACT RELATING TO PREFERENTIAL USE OF ALASKA AGRICULTURAL PRODUCTS.

In the State purchase of agricultural products (by hospitals, concessionaires in state office buildings and parks, schools, university, jails, Pioneer Homes, etc.), products produced in the state would be used wherever competitively priced, available, and of like quality to other available products. According to the Division of Agriculture, the following products, in season and in certain locations, are competitively priced: potatoes, lettuce, milk, eggs, pork, honey, zucchini, cabbage, beets, and carrots.

The hearing will be teleconfered to sites in Mat-Su and to Fairbanks, Delta, and Galena.



Official Business

Alaska State Legislature

Senate

Office of the President

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

To: Senate Committee on Resources
Senator Bettye Fahrenkamp, Chair

From: Senator Jay Kerttula
Senate President

Date: March 9, 1984

Subject: Senate Bill 411: Justification

SB 411, relating to preferential use of Alaskan Agricultural products is intended to encourage the purchase of said products when food service contracts are state financed.

The bill is structured after the Forest Products Preference statute (AS 36.15)

Alaskan agriculturists grow quality produce almost all of which is consumed in state. This bill primarily will serve as a reminder to bidders that such quality products they seek exist and originate in Alaska.

No advantages are given to Alaska products or the producers as with the in-state employment statute. Products considered must be available and competitively priced and of like quality as produce originating out of state.

Many institutions purchase agricultural products for food preparation, schools, senior centers, Pioneer Homes, cafeterias and concession in state buildings and in correctional facilities.

A survey of ^{31 states} other statutes relating to preferential purchase found ¹⁶ ~~states~~ states have some preferential purchase of at least one provision of favorable consideration of an in-state produced commodity and ~~states~~ ¹⁵ states have no such provisions.

Alaska State Legislature

Advisory Council Members
Senator Kerttula, Chairman
Senator Bennett
Senator Fahrenkamp
Senator Vic Fischer



Pouch V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: Richard Ramsey

FROM: Pete Jeans *PJ*
Senior Advisor
Senate Advisory Council

DATE: March 9, 1984

RE: In-State Preference Purchasing

In response to your request earlier today, the following is a breakdown of responses we received to our letter sent to all the states September 23, 1983 regarding laws or regulations addressing "In-State Preference Purchasing" of agricultural goods produced within their state.

A total of 31 states responded. Of that total 15 stated that they do not have a law or regulation that mandates a preference for the purchase of in-state goods and services specifically relating to public purchasing of agricultural products. In-state purchasing is encouraged in a majority of these states. Those states responding were:

California	Illinois
Mississippi	Connecticut
Oklahoma	New Hampshire
Utah	Nevada
Nebraska	Virginia
Maryland	Illinois
Kentucky	Delaware
Georgia	

Memorandum
Richard Ramsey

-2-

March 9, 1984

A total of 16 states responded that they did have statutory provisions that provide for in-state bidders preference for the purchase of goods and services made under state purchasing laws however, these states do not permit the sacrifice of price or quality in giving this preference. Here again, there is no regulations relating specifically to public purchasing of agricultural products. A number of these states also have regulations stating "preference shall be given to purchasing American made products and purchases from American based businesses whenever possible." Those states responding were:

New Mexico	North Dakota
Maine	New York
Minnesota	Hawaii
Florida	Arkansas
Missouri	Missouri
Colorado	Iowa
Ohio	Alabama
South Dakota	North Carolina

I have attached copies of these responses along with the regulations which have been cited. I hope this will be of use to you. If I can provide you with any additional information on this, please let me know.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CS SB411
 Title: Preferential use of
Alaskan agricultural products
 Sponsor: Kerttula
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: _____
Agricultural Management
 BRU, Program or Subprogram(s) Affected: _____
Agricultural Development

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Sharon Barton Phone: 465-2400
 Division: Commissioner's Office Date: 3-12-84
1/5 for mt
 Approved by Commissioner: William D. Arnold, Deputy Date: 3-12-84
 Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISSA BOSSULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

MINUTES

March 12, 1984
3:04 pm

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chairman
Senator Ziegler, Vice Chair
Senator Eliason
Senator Vic Fischer
Senator Mulcahy

CALENDAR

SB 301, An Act relating to furbearer management and increasing a related license fee.

SB 411, An Act relating to preferential use of Alaska agricultural products.

SB 411

Esther Wunnicke, Commissioner, Department of Natural Resources, spoke in support of the bill, which would require state agencies to purchase Alaska agricultural products when competitively priced and available, and in support of the proposed Committee Substitute clarifying which agency would provide inspection certificates.

Senator Vic Fischer moved CS SB 411 from Committee with individual recommendations. There was no objection.

SB 301

Bob Hinman, Game Division, Department of Fish and Game, spoke in support of the bill, citing the need for increased fees to provide more funds for fur bearer management.

Martin Richards, Division of Public Service, Department of Revenue, spoke in support of the bill.

Ron Sommerville, Alaska Outdoor Council, testified in favor of increased fees for trappers to fund more fur bearer management.

Ralph Miller, President, Delta Trappers Association, strongly supported the bill.

Floyd Weaver, Delta, recommended including non-resident fees in the bill.

Art Drabeck, Chickaloon, spoke in support of the bill and the need for increased research.

Tim Osborne, Galena, spoke in support of the bill.

Curtis Johnson, Wasilla, supported the proposed increased fees for trappers.

Bob Greene, Wasilla, spoke in support of the bill and recommended funding increased management and education programs.

Mike Peryam, Wasilla, recommended including non-resident trappers and fur buyer license fees in the bill.

Jim MacCracken, Palmer, spoke in support of the bill.

Ron Silas, Subsistence Technician, Tanana Chiefs Conference, Fairbanks, testified that they had not determined the position of bush trappers on the bill.

Norm Phillips, Alaska Trappers Association, Fairbanks, spoke in support of the bill.

Herb Melchior, Furbearer Biologist, Department of Fish and Game, Fairbanks, provided current and projected revenue figures on trappers license fees.

Jim Reese, President, Alaska Frontier Trappers Association, Palmer, spoke in support of the bill.

The meeting adjourned at 4:37 pm.

SB 411

Section

- 85. Seafood processing research
- 90. Penalty for violation
- 100. Definitions

product inspection

Collateral references. — 3 Am. Jur. 2d, Agriculture, § 1 et seq.; 4 Am. Jur. 2d, Animals, § 1 et seq.; 21A Am. Jur. 2d, Crops, § 1 et seq.; 45 Am. Jur. 2d, Irrigation, § 1 et seq.; 52 Am. Jur. 2d, Markets and Marketing, § 1 et seq.

3 C.J.S., Agriculture, § 1 et seq.; 3A C.J.S., Animals, § 1 et seq.

Exemption of farm tools, implements, etc., 2 ALR 828, 830, 837; 9 ALR 1020; 36 ALR 669; 52 ALR 826.

Legality of combination among farmers, 11 ALR 1185; 130 ALR 1326.

Liability of farmer selling unwholesome food for personal injury to the buyer, 13 ALR 1181; 74 ALR 343; 168 ALR 1054.

Constitutionality of regulations as to milk, 18 ALR 235; 42 ALR 556; 58 ALR 672; 80 ALR 1225; 101 ALR 64; 110 ALR 644; 119 ALR 243; 155 ALR 1383.

Delegation of legislative power to board of health or other board, officer or group with regard to milk regulations, 18 ALR 237; 42 ALR 556; 58 ALR 672; 80 ALR

1225; 101 ALR 64; 110 ALR 644; 119 ALR 243; 155 ALR 1383.

Cooperative marketing of farm products by producers' associations, 25 ALR 1115; 33 ALR 247; 47 ALR 936; 77 ALR 405; 98 ALR 1406; 12 ALR2d 130.

Tenant's right to increase of livestock leased with farm, 32 ALR 858, 862.

Constitutionality and construction of farm aid laws, 92 ALR 768.

Federal Agricultural Marketing Act, 92 ALR 1492.

Breed of cows as basis of milk price differential, 153 ALR 1174.

Federal crop loans, 1 ALR2d 712.

Construction and application of federal Perishable Agricultural Commodities Act, 21 ALR2d 840.

Animals as attractive nuisance, 64 ALR3d 1069.

Liability of member or former member of marketing or purchasing cooperative for its debts or losses, 96 ALR3d 1243.

Sec. 03.05.010. Powers and duties of commissioner of natural resources. (a) The commissioner of natural resources shall

DNR

(1) direct, administer, and supervise promotional and experimental work, extension services, and agricultural projects for the purpose of promoting and developing the agricultural industry within the state including such fields as horticulture, dairying, cattle raising, fur farming, grain production, vegetable production, and development of other agricultural products;

(2) procure and preserve all information pertaining to the development of the agricultural industry and disseminate that information to the public;

(3) assist prospective settlers and others desiring to engage in the agricultural industry in the state with information concerning areas suitable for agriculture and other activities and programs essential to the development of the agricultural industry in the state;

(4) review the marketing, financing, and development of agricultural products inside the state including transportation, with special emphasis upon local production, and negotiate for the marketing of agricultural products of the state with federal and state agencies operating in the state; and

R 644; 119 ALR

of farm products
25 ALR 1115;
77 ALR 405; 98

use of livestock
58, 862.

construction of
Marketing Act, 92

milk price dif-

R2d 712.
tion of federal
commodities Act,

nuisance, 64

former member
cooperative for
ld 1243.

of natural
ll

perimental
purpose of
n the state
aising, fur
lopment of

g to the
that infor-

age in the
ning areas
ssential to

of agricul-
th special
rketing of
agencies

(5) regulate and control the entry into the state and the transportation, sale or use inside the state of plants, seeds, vegetables, fruits and berries, nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and agricultural chemicals in order to prevent the spread of pests, diseases, or toxic substances injurious to the public interest, and to protect the agricultural industry against fraud, deception and misrepresentation; in this connection the commissioner may require registration, inspection, and testing, and establish procedures and fees.

(b) To carry out the requirements of this title, the commissioner of natural resources may issue orders, regulations, quarantines, and embargoes relating to

(1) examination and inspection of premises containing products, articles, and commodities carrying pests;

(2) establishment of quarantines for eradication of pests;

(3) establishment of standards and labeling requirements pertaining to the sale of agricultural and vegetable seeds;

(4) tests and analyses which may be made and hearings which may be held to determine whether the commissioner will issue a stop order or quarantine;

(5) cooperation with federal and other state agencies. (§ 33-1-2 ACLA 1949; am § 1 ch 46 SLA 1960; am § 1 ch 82 SLA 1974; am §§ 3, 4 ch 138 SLA 1974; am § 1 ch 58 SLA 1978; am Executive Order No. 51, § 2 (1981); am § 1 ch 57 SLA 1982)

Revisor's notes. — As amended in 1981, this section contained a subsection (c). In 1983 the provisions of (c) were transferred and renumbered as a new section, AS 03.05.011.

Effect of amendments. — The 1981 amendment rewrote this section.

Opinion of attorney general. — The statutory authority for the Department of

Natural Resources' jurisdiction over importation of animals is, with the possible exception of rabid animals and animals diseased with livestock diseases listed in AS 03.45.030, limited to domestic animals and poultry, and does not extend to live feral animals, whether indigenous to the State of Alaska or not. August 29, 1979, Op. Att'y Gen.

Sec. 03.05.011. Powers and duties of commissioner of environmental conservation. To carry out the requirements of this title, the commissioner of environmental conservation may issue orders, regulations, permits, quarantines, and embargoes relating to

(1) examination and inspection of premises containing products, articles, and commodities carrying pests;

(2) establishment of quarantines for eradication of pests;

(3) establishment of standards and labeling requirements pertaining to the sale of meat, fish, and poultry;

(4) tests and analyses which may be made and hearings which may be held to determine whether the commissioner will issue a stop order or quarantine;



DEC

- (5) cooperation with federal and other state agencies;
- (6) regulation of fur farming; for purposes of this paragraph, "fur farming" means the raising of and caring for animals for the purpose of marketing their fur, or animals themselves for breeding stock;
- (7) examination and inspection of meat, fish, and poultry advertised for sale or sold to the public;
- (8) enforcement of quality assurance plans developed in cooperation with appropriate industry representatives. (§ 33-1-2 AC.L.A 1949; am § 1 ch 46 SLA 1960; am § 1 ch 82 SLA 1974; am §§ 3, 4 ch 138 SLA 1974; am § 1 ch 58 SLA 1978; am Executive Order No. 51, § 2 (1981); am § 1 ch 57 SLA 1982; am § 1 ch 23 SLA 1983)

Revisor's notes. — Former AS 03.05.010(c). Renumbered in 1983.

Effect of amendments. — The 1981 amendment rewrote the introductory language and paragraphs (3) and (4), made minor word and punctuation changes in paragraphs (1), (6), and (7), and deleted "the" preceding "cooperation" and substituted "other state agencies" for "state

agencies to carry out the purposes of this title" in paragraph (5).

The 1982 amendment substituted "the requirements of" for "his functions under" and inserted "permits" preceding "quarantines" in the introductory language and added paragraph (8).

The 1983 amendment rewrote paragraph (6).

Sec. 03.05.020. Miscellaneous powers of commissioner of environmental conservation. (a) The commissioner shall

(1) require routine inspection of food animals, fish, poultry and derivative food products, to protect the public against fraud, disease and spoilage, and in this connection adopt uniform regulations establishing standards of identity and composition of these food products and minimum standards of sanitation and handling methods as to all phases of slaughtering, processing, storing, transporting, displaying and selling of these food products;

(2) issue orders or cause the orders to be issued by an authorized veterinarian prohibiting transportation and sale of food products intended for human consumption which do not meet the minimum requirements established under (1) of this subsection, and limiting their use and disposal in conformity with protection of the public;

(3) adopt a schedule of fees or charges, and credit provisions, for services rendered by state veterinarians to farmers and others at their request in caring for livestock and poultry, and all the fees shall be transmitted to the commissioner for deposit in the state treasury;

(4) designate points of entry for admission of livestock or poultry into the state, and arrange inspection at those points with or without collaboration and assistance of the federal government, and bar entry of stock or poultry not shipped under a valid permit or not free from contagious or infectious disease;

(5) adopt, repeal, and amend regulations consistent with existing law for

Paragraph, "fur
or the purpose
ling stock;
try advertised

in cooperation
SLA 1949; am
4 ch 138 SLA
51, § 2 (1981);

purposes of this
substituted "the
functions under"
preceding "quar-
ry language and

rewrote para-

mer of envi-

poultry and
and, disease
ations estab-
products and
ds as to all
displaying

authorized
od products
e minimum
and limiting
e public;

visions, for
ers at their
ees shall be
reasury;

or poultry
or without
d bar entry
t free from

th existing

(A) the labeling and grading of milk and milk products and standards of cleanliness and sanitation, to at least the minimum of current recommendations of the United States Public Health Service, for the operation of dairies selling, or offering for sale, milk or milk products;

(B) the production and sale of ice cream and allied frozen desserts;

(C) the production and sale of imitation milk and imitation milk products.

(b) In this section, "commissioner" means the commissioner of environmental conservation. (§ 33-1-2(b) (c) (e) (f) ACLA 1949; am § 1 ch 193 SLA 1968; am § 1 ch 25 SLA 1972; am § 2 ch 58 SLA 1978; am Executive Order No. 51, § 3 (1981))

Effect of amendments. — The 1981 amendment added subsection (b).

Opinions of attorney general. — The statutory authority for the Department of Natural Resources' jurisdiction over importation of animals is, with the possible exception of rabid animals and animals diseased with livestock diseases listed in AS 03.45.030, limited to domestic animals and poultry, and does not extend to live feral animals, whether indigenous

to the State of Alaska or not. August 29, 1979, Op. Att'y Gen.

A Department of Natural Resources regulation restricting the importation into the state of "any animal . . . affected with any infections or communicable disease" exceeded the scope of the statutory authority for the regulation where the regulation was applicable not only to domestic animals but also to wild or feral animals. August 29, 1979, Op. Att'y Gen.

Sec. 03.05.025. Seafood processing permits and plans of operation. (a) A person may not operate a seafood processing establishment or seafood processing vessel without a plan of operation approved in writing by the commissioner of environmental conservation and without a permit issued by the commissioner of environmental conservation that incorporates the plan of operation. To be valid, a plan of operation or a permit issued under this section must be renewed annually.

(b) A plan of operation required by this section shall describe:

(1) the proposed water supply and water treatment to be used for processing fish and fish products and for consumption by humans;

(2) the proposed means of waste treatment and disposal to be used;

(3) the proposed seafood and seafood product handling, cleaning, canning, freezing, storage, and transportation systems to be used;

(4) the proposed means to be used to ensure cleanliness, sanitation, wholesomeness, and prevention of contamination of the seafood and seafood products;

(5) the proposed means of surveillance to be used to assure product sanitation, integrity of the preservation process, and product safety; and

(6) other information that the commissioner of environmental conservation may require by regulation. (§ 2 ch 57 SLA 1982)

Sec. 03.05.026. Seafood product quality standards and seals. (a) The Alaska Seafood Marketing Institute (AS 16.51) shall design an

"inspection" seal that may be used to signify that a seafood product has been packed in compliance with the requirements of a permit issued under AS 03.05.025.

(b) The Alaska Seafood Marketing Institute (AS 16.51) shall design a "premium quality" seal that may be used to signify that a seafood product has met the product specifications and standards under (d) of this section.

(c) The commissioner of environmental conservation shall authorize the use of an "inspection" seal for display on seafood products processed by a person who at the time the products are processed, holds a permit to operate issued under AS 03.05.025, and who complies with regulations adopted under AS 03.05.025.

(d) The commissioner of environmental conservation, after consultation with the Alaska Seafood Marketing Institute, shall develop product specifications and standards for the use of the "premium quality" seal on Alaska seafood products. The commissioner shall authorize a seafood processor to display a "premium quality" seal on products that qualify for the seal if the processor meets the requirements of regulations adopted under this section and AS 03.05.025, and has been issued a permit to operate under AS 03.05.025.

(e) A person may not display a seal under this section without authorization from the commissioner of environmental conservation. (§ 2 ch 57 SLA 1982)

Sec. 03.05.030. Rules for grading and classification of agricultural products. The commissioner may adopt rules, regulations and procedures requiring the classification, grading and inspection of agricultural products sold or offered for sale for general consumption before they are sold, and requiring the marking or labeling of any sack, box, carton or other container of agricultural products to show the kind, grade or other prescribed classification of the contents. (§ 33-1-2 ACL A 1949; am § 1 ch 121 SLA 1955)

Collateral references. — 3 Am. Jur. 2d, Agriculture, § 48 et seq.

Constitutionality of statutes relating to grading, packing or branding of farm products, 73 ALR 1445

Federal Agricultural Marketing Act, 92 ALR 1492.

3 C.J.S., Agriculture, § 2; 56A C.J.S. Food, § 12 81.

Sec. 03.05.035. Sale and labeling of frozen meat, fish and poultry. (a) Meat, fish or poultry which has been frozen may not be sold, represented or advertised as a fresh food.

(b) Meat, fish and poultry which has been frozen must be labeled as a frozen food, under regulations.

(c) The commissioner shall adopt regulations which

(1) require frozen food labels for meat, fish and poultry which has been frozen; and

and product has
permit issued

shall design
that a seafood
is under (d) of

shall authorize
products processed
holds a permit
is with regu-

and, after con-
shall develop
premium qual-
shall authorize
on products
requirements of
and has been

tion without
conservation.

of agricul-
tural products
and
inspection before
by sack, box,
with the kind,
§ 33-1-2 ACLA

Marketing Act, 92
§ 2; 36A C.J.S.

and poul-
try not be sold,

labeled as

which has

(2) provide for the examination and inspection of meat, fish and poultry to ascertain whether it has been frozen.

(d) In this section, "commissioner" means the commissioner of environmental conservation. (§ 5 ch 138 SLA 1974; am Executive Order No. 51, § 4 (1981))

Effect of amendments. — The 1981 amendment added subsection (d).

Sec. 03.05.040. Inspection. (a) On any business day during the usual hours of business the commissioner or an authorized inspector may, for the purpose of inspecting agricultural or fisheries products subject to regulation, enter a storehouse, warehouse, cold storage plant, packing house, slaughterhouse, retail store or other building or place where those products are kept, stored, processed or sold.

(b) In this section, "commissioner" means commissioner of natural resources with respect to those products over which the commissioner of natural resources has jurisdiction under this title, and the commissioner of environmental conservation with respect to those products over which the commissioner of environmental conservation has jurisdiction under this title. (§ 33-1-2 ACLA 1949; am § 1 ch 121 SLA 1955; am § 2 ch 25 SLA 1972; am § 3 ch 58 SLA 1978; am Executive Order No. 51, § 5 (1981))

Effect of amendments. — The 1981 amendment added subsection (b).

Collateral references. — 3 Am. Jur. 2d, Agriculture, §§ 40, 41.

Sec. 03.05.050. Products in violation of regulations. (a) An agricultural or fisheries product found by the commissioner, or an authorized inspector, to violate a regulation adopted under this chapter is declared to be a public nuisance injurious to the public interest and shall not be moved by the person in whose possession it may be except upon the specific direction of the commissioner or inspector.

(b) In this section, "commissioner" means commissioner of natural resources with respect to those products over which the commissioner of natural resources has jurisdiction under this title, and the commissioner of environmental conservation with respect to those products over which the commissioner of environmental conservation has jurisdiction under this title. (§ 33-1-2 ACLA 1949; am § 1 ch 121 SLA 1955; am § 4 ch 58 SLA 1978; am Executive Order No. 51, § 6 (1981))

Effect of amendments. — The 1981 amendment added subsection (b).

Sec. 03.05.060. Checking spread of contagious diseases. (a) The commissioner shall issue or cause to be issued by an authorized veterinarian, emergency orders designed to prevent the spread of contagious

TO: SANDRA

FR: EDIE

RE: SB 411

DT: 3/9/84

1. ~~Richard is going to have letter of intent before noon.~~

2. UNDER WHAT CIRCUMSTANCES DOES THE STATE PURCHASE AG PRODUCTS?

hospitals, concessionaires in state office buildings and parks, schools, university, jails, pioneer home, etc.

3. WHAT PRODUCTS ARE COMPETITIVELY PRICED?

potatoes, lettuce, milk, eggs, pork, honey, zucchini, cabbage, beets, carrots, (seasonal, but competitive in season), some locally produced baked goods.

4. INSPECTION CERTIFICATES:

DNR inspects vegetables and eggs. They don't do, in most cases, 100% inspection.

DEC inspects poultry and meat. They don't do, in most cases, 100% inspection.

In an effort to clarify and avoid duplication, the bill should be amended to say that agricultural products receive inspection by DNR or DEC depending upon existing statutory authority.

*Marion Burton will testify and
have fiscal note Mon. am*

§ 36.10.125

31.05.031(c) and § 4, Chapter 58,
2.

rings. The Department of
chapter
gs relating to employment

d the production of books,

13 ch 142 SLA 1972; am

orney general shall, when
orce the provisions of this
court order prohibiting a
apter from continuing to
s of the state or a political
al subdivision of the state
ract or otherwise, and the
ies of the contractor or
completing the work.
an action in the superior
if that private person first
ioner of labor. The notice

ing an action under this

nd
violation.

ction the court may, in its
sharing or public school
ion, or injunctive or other
action brought under (b)
mount equal to the actual
intiff. (§ 13 ch 142 SLA

.05.031(c) and § 4, Chapter 58,

§ 36.15.010

PUBLIC CONTRACTS

§ 36.19.010

Chapter 15. Forest Products Preference.

Section

10. Use of local forest products required in
projects financed by public money

Section

20. Insertion of clause in calls for bids and
in contracts

Collateral references. — 64 Am. Jur. §§ 2, 3, 7, 10, 18; 81A C.J.S., States,
2d, Public Works and Contracts, § 94. §§ 154, 158, 161.
72 C.J.S. Supplement, Public Contracts,

Sec. 36.15.010. Use of local forest products required in projects financed by public money. In a project financed by state money in which the use of timber, lumber, and manufactured lumber products is required, only timber, lumber, and manufactured lumber products originating in this state from local forests shall be used wherever practicable. (§ 14-3-1 ACLA 1949)

Sec. 36.15.020. Insertion of clause in calls for bids and in contracts. A clause containing the substance of AS 36.15.010 shall be inserted in all calls for bids and in all contracts awarded. (§ 14-3-2 ACLA 1949)

Chapter 20. Purchases and Supplies.

Section

10. Preference of producers or dealers in
Alaska

Collateral references. — 64 Am. Jur. §§ 2, 3, 7, 10, 18; 81A C.J.S., States,
2d, Public Works and Contracts, § 94. §§ 154, 158, 161.
72 C.J.S. Supplement, Public Contracts,

Sec. 36.20.010. Preference of producers or dealers in Alaska. In making purchases or awarding contracts for supplies, commodities or materials for an office or institution of this state preference shall be given, whenever practicable, to producers and dealers in the state, price and quality being equal. (§ 14-4-2 ACLA 1949)

Cross references. — As to preference for Alaska bidders under the Fiscal Procedures Act, see AS 37.05.230.

SENATE
LETTER OF INTENT
FOR
~~SCS CSHB 589 (Finance)~~

SB 411

SCS CSHB 589 (Finance) authorizes construction of the Bradley Lake hydroelectric project and the Susitna River hydroelectric project in accordance with AS 44.83.185 and other statutory provisions.

It is the intent of the Legislature that the Alaska Power Authority spend no funds for detailed design work on either of these projects until power sales agreements have been signed by the utilities which will purchase power from the projects.

Further, no funds shall be spent until (1) the Alaska Power Authority Board of Directors adopts a written finding that the respective project is economically and financially feasible and recommends that it be constructed, and (2) the provisions of AS 44.83.183 and AS 44.83.185, which require submittal by the Alaska Power Authority of a feasibility study, plan of finance, and an independent cost estimate, and submittal by the Office of Management and Budget of a review report recommending approval or disapproval have been complied with. It is the intent of the Legislature that the report by the Office of Management and Budget be in a written form.

Adopted by the Senate May 30, 1984.