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Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
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POUCH V
JUNEAU, ALASKA. 99811
(907) 465-4807

Senate Committee on Resources

MEMORANDUM

March 12, 1985

TO: All Members
Senate Resources Committee

FROM: Staff *JH*
Senate Resources Committee

RE: CSSB 57 (Resources) "An Act relating to preferential use of
Alaska Agricultural or fisheries products."

Committee Substitute for Senate Bill 57 (Resources) would add a new chapter to Title 36, Public Contracts, requiring that Alaska agricultural and fisheries products be used when purchase is financed by state money. These Alaskan products must be competitively priced, available, and of like quality compared to agricultural or fisheries products originating outside of the state.

The second section requires that the language of the bill be included in all calls for bids and in all contracts awarded that call for agricultural or fisheries products.

The packet includes:

1. A fiscal note from the Department of Natural Resources which is zero.
2. A bill analysis from the Department of Natural Resources.
3. A memo from the Senate Advisory Council regarding in-state preference practices in other states.
4. A 1985 Resolution from Alaska Farmers and Stockgrowers Association, Inc.
5. A Resolution from the Greater Fairbanks Chamber of Commerce.
6. A letter from Alaska Mill and Feed Company in support of the bill.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-465-2400

March 12, 1985

The Honorable Arliss Sturgulewski
Chair, Senate Resources Committee
Pouch V
Juneau, AK 99811

Dear Senator Sturgulewski:

As you have requested, the Department of Natural Resources has reviewed the Sponsor Substitute for Senate Bill 40, the Committee Substitute for Senate Bill 120 (Resources) and the Committee Substitute for Senate Bill 57 (Resources). We offer our support for these three bills and are very pleased to note that they allow the department to undertake many of the actions we believe are necessary to assist farmers and promote the development of agriculture in Alaska.

Our recent report to the Governor on agriculture identified high debt levels and the difficulties associated with marketing farm products as major problems faced by Alaska's farmers. The solutions we have proposed include establishment of a production credit program, similar to the program described in SSSB 40; increasing the flexibility of the Agricultural Revolving Loan Fund (ARLF) to restructure loans, and assisting in the organization of commodity marketing associations, as outlined in CSSB 120; and encouraging the preferential use of Alaska agricultural products when state money is used for purchases, as described in CSSB 57.

We have enclosed specific information about each bill with this letter, and a summary of our report on agriculture in Alaska.

Please let us know if you need additional information about these bills or our agricultural programs.

Sincerely,



Esther C. Wunnicke
Commissioner

Enclosures

Analysis for CS for SB 57

The CS for SB 57, which relates to the preferential use of Alaska fish and agricultural products, would help Alaska's farmers and fishermen to market Alaska grown or raised products.

This bill requires that Alaska grown agricultural products and fish be purchased when state money is used for the purchase, if the product is available and of comparable quality and price to ag products from other states. Clauses requiring the preferential use of Alaska ag products would be required in contracts involving agricultural or fish product purchases.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 57
Title: Prefer. Use of AK Ag Products

FISCAL DETAIL

Agency Affected: Division of Agriculture, DNR
Program Category Affected: NRMEC

Sponsor: Sen. Kerttula
Requestor: Senate Resources Committee
Date of Request: 3/8/85

BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
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-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Carol Wilson Phone: 465-2400
Division: Commissioners Office Date: 3/8/85

Approved by Commissioner: *Ester C. Wunniche* Date: 3-12-85
Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

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

*Back up
put into file for
a new bill
we have in House
84*

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 statues do not permit the sacrafice 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
Maine
Minnesota
Flordia
Missouri
Colorado
Ohio
South Dakota

North Dakota
New York
Hawaii
Arkansas
Missouri
Iowa
Alabama
Noru' 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.

ALASKA FARMERS AND STOCKGROWERS ASSOCIATION, INC.

1985 Resolution Platform

The following resolutions were adopted by the General Assembly of the Alaska Farmers and Stockgrowers Association at its annual meeting, in Anchorage, on December 5, 1984:

- 1) Requesting the institution of a State Board of Agriculture, consisting of producers and a representative of the Governor's office, whose task is to act as a liaison between the industry, the Governor, and the Division of Agriculture.
- 2) Requesting that the State of Alaska put up at least two (2) storage bins in Seward for in-state storage and distribution of grain.
- 3) Supporting the establishment of favorable agricultural rates on the State ferry system and on the Alaska Railroad.
- 4) Requesting that in all instances where state institutions use or require agricultural products, they use Alaska-grown products when those products are in season, price competitiv., and of a like quality.
- 5) Supporting right-to-farm legislation.
- 6) Endorsing the concept of a petition requesting a constitutional amendment which would protect agricultural rights on State lands.
- 7) Supporting the concept that all agricultural lands sold in the future be disposed of by lottery only, and that they include agricultural development credits.
- 8) Supporting disposal of agricultural lands under the Homestead Bill enacted in 1983 to include soils classified as II, III, IV, V, and VI, and to specify that the lands be sold with agricultural rights, only, forever.
- 9) Supporting the development of a policy which classifies as agricultural land those lands containing Class II and III soils which are suitable for grazing.
- 10) Encouraging the State to rework its land lease laws to better facilitate agricultural needs (including the incorporation of "option-to-renew" clauses.)
- 11) Requesting that duties related to the agricultural industry be transferred from the Department of Environmental Conservation to the Department of Natural Resources.
- 12) Requesting clarification of the conveyance of the agricultural rights title to guarantee the rights of the purchaser.

The Agricultural Development Committee and the Board of Directors of the Greater Fairbanks Chamber of Commerce urges your support for the following legislation to encourage agricultural development in Interior and South Central Alaska.

1. Support is urged for SB39 to build the roads and bridges necessary to develop both the agricultural and mineral resources in the Totchaket area of Interior Alaska.
2. Support is urged for the concept of production credits, as outlined in SB40 and SB154, to assist Alaska's agricultural industry in its early stages of development.
3. Support is urged for SB41 to increase from five years to ten years, the moratorium on payments for the sale of state land for agricultural purposes. This bill will assist Alaskan farmers in adjusting to the new worldwide economic conditions in agriculture.
4. Support is urged for the concept of SB42 as it relates to the transfer of land title from state to private ownership. This concept will enhance the ability of Alaskan farmers to obtain financing from private sector sources for agricultural production.
5. Support is urged for SB57, which would require a clause be inserted in all state bids, requiring agricultural products originating in this state be used wherever competitively priced and available and of like quality as compared with agricultural products originating outside the state.
6. Support is urged for SB110 to increase the amounts of long term loans available from the State of Alaska to any one borrower for agricultural purposes. This legislation will increase the loan limits to be more in line with the economy of scale necessary for economically sound, modern farming and will enhance the ability of borrowers to repay.
7. Support is urged for the concept of SB155, relating to the splitting and combining of agricultural parcels, with the suggestion the bill be amended to allow the minimum parcel size be 320 acres. This legislation will permit increased flexibility in the development of economically sound full-time and part-time farming enterprises in Alaska.
8. Support is urged for SB120 to increase the limits of the Agricultural Revolving Loan Fund, to assist in the establishment of Commodity Marketing Associations, and to increase the number of members on the Agricultural Revolving Loan Fund Board.

DON CHEMICAL CO., INC.

ALASKA MILL & FEED CO., INC.

Manufacturers of
SOAP
WAXES
CLEANERS

114 NORTH ORCA
P. O. BOX 1246
ANCHORAGE, ALASKA 99510
TELEPHONE (907) 279-4519

Manufacturers of
A COMPLETE
LINE OF
FEEDS

March 4, 1985

Copy
Per Chair
& Comm

MAR 8 1985

Senator Jay Kerttula
Alaska State Legislature
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Kerttula:

Please reference your letter of February 25th concerning Senate Bill 57.


We think Senate Bill 57 is a good start, but we would like to see two qualifications added to the Bill.

1. Local Alaskan Businesses should be given a 5% bid preference.
2. An additional 5% preference should be given to items that are produced and processed within the State of Alaska.

The above incentives would give local companies and producers a stronger position in the market place. The local producer of milk, vegetables, meat, etc. would be encouraged to produce a quality product that would be available in sufficient quantities to supply the local population.

Good luck with Senate Bill 57. We appreciate your help.

Sincerely,


D. G. Donatello
President

DGD/dsd

DIVISION OF ENVIRONMENTAL HEALTH

Joe Cladouhos - Director

465-2696

This division promotes and helps assure public health protection through a healthful environment. Activities are carried out by 55 professional and eight support staff located in the Central Office, three Regional Offices, and ten District Offices. It is organized into three sections: Environmental Sanitation, Seafood, and Animal Industries.

The Environmental Sanitation Section deals with plan review, inspection and enforcement at over 4500 public facilities (restaurants, schools, day-care centers, grocery stores, etc.) across Alaska, excluding the Municipality of Anchorage, which administers its own health program. Objectives to control and eliminate substandard conditions are achieved through public education, inspections, consultations and enforcement of state statutes and regulations.

The Seafood Section handles all phases of Alaskan fishery inspections, including seafood and shellfish processing, and covers Alaska's participation in the National Shellfish Program.

The Animal Industry Section is comprised of five sub-programs: Animal Health, Dairy, Meat/Poultry Inspection, Laboratory support, and Pesticides.

The Animal Health program monitors the import/export of domestic animals, controls animal diseases and provides for quarantines and the disposal of diseased livestock.

The Dairy Sanitation program oversees producers and processors of milk and frozen desserts in the state.

The Meat and Poultry program assures state compliance with the federal Wholesome Meat Act.

The Palmer laboratory provides chemical, bacteriological and serological support to all inspection programs, in addition to certifying private laboratories that analyze drinking water.

The Pesticide Program trains commercial applicators, issues herbicide permits and regulates pesticides/herbicides in the state in lieu of the US Environmental Protection Agency.

ENVIRONMENTAL SANITATION SECTION

Kit Ballentine - Section Chief

465-2628

This section conducts a program involving development of standards, technical review, and inspection of restaurants, bars, swimming pools and spas, food processing plants, schools, day-care centers, institutions, tourist accommodations, grocery stores, compressed air sellers, and barber/beauty shops. Goals to control and eliminate substandard conditions in public facilities are achieved through education, consultation, and enforcement of state statutes and regulations. Epidemiological investigations, nuisance complaint handling, plan review, and handling the new "Smoking in Public Places" law comprise additional activities.

Food service is the first priority in the area of routine regulatory inspections. There is a continuing need for improvement in food handling practices in the state. Since food-borne illness is frequently not reported unless large numbers of people are involved, there is no way of documenting the actual number of cases occurring during the year. However, each year sanitarians are called upon to investigate proven cases--in 1983 over 250 individuals became ill after eating in Alaskan restaurants, the highest incidence since 1976. The department has responded by increasing the inspection frequency, publishing restaurant inspection scores in local newspapers, standardizing field sanitarians, and proposing mandatory food service manager training.

Public facility inventories and inspections are entered into an automated data processing system, which at the present time can provide a master listing of public facilities throughout the state, including food service facilities in the Municipality of Anchorage. The system will also provide information regarding inspections, monitoring, and monthly work schedules for our inspectional staff.

The loss of the Nome sanitarian PCN and funding in the FY85 budget has severely impacted provision of public health and sanitation services to northwest Alaska. Legal issues involving rules for contracting out regulatory functions to nonprofit corporations have prevented issuing a contract; the net effect has been that inspectional coverage and assistance to over 35 communities in northwest Alaska is severely limited.

SEAFOOD SECTION

Doug Donegan - Acting Chief

272-1561

This section handles all phases of Alaska fisheries, including seafood product processing, shellfish processing, cold storage, and ice plants. The program also includes the Seafood Task-Force which acts as an advisory group to the department, as well as a permit system to annually review and approve both shore-based and floating processors. This section also monitors the state's participation in the National Shellfish Program, which sets standards for paralytic shellfish toxin levels and bacteriological water standards before certifying beaches for commercial shellfish production.

The seafood inspectional program is placing more emphasis on inspections and increased coverage of seafood processors. Actual product wholesomeness is being stressed more than in the past. The Department is inspecting larger quantities of seafood. Previously, sanitarians have engaged in time-consuming inspections which examined every aspect of a processor's operation. The Department's current policy is to obtain one "regular" inspection and then more effectively utilize personnel resources by conducting greater numbers of spotcheck and follow-up inspections. The development and usage of an "Inspection Checklist" in 1984 has helped to provide the division and industry with more consistent and uniform inspections (1168 in 1984).

Four contract inspectors were hired during the 1984 season, and more emphasis was placed on the examination of product in transit and wholesomeness of product in facilities. Contract inspectors worked at airports in Kenai, Anchorage, and King Salmon, and performed spotcheck inspections for product wholesomeness in Anchorage. The Division has requested an increment for eight (8) temporary employees to adjust for seasonal fluctuations in the workload without incurring the expense of full-time personnel. This would replace contracting for inspectional services, in addition to providing clerical help in Cordova, Dillingham, and Dutch Harbor during the summer.

Due to the expense and difficulty in achieving acceptable levels of inspection for floating processors, an amendment to the department's regulations is being prepared which will require that floating processors designate a port and time at which they may be inspected once during the course of the year. In addition, the Division is developing a more aggressive "Floater Inspection Plan" to establish more equity in the inspectional coverage of land based and floating processors.

ANIMAL INDUSTRY SECTION

Dr. Bert Gore - State Veterinarian

745-3236

This section has three components: Meat and Poultry Inspection, Animal Health, and Dairy Sanitation. The Meat and Poultry Inspection Program ensures compliance with federal standards as required by the Wholesome Meat Act of 1967. The Dairy Program oversees producers and processors of milk and frozen desserts in this state. The Animal Health Program monitors the import and export of domestic animals and controls animal-to-animal and animal-to-human diseases, providing for quarantines and/or disposal of diseased livestock.

The Dairy Program consists of a dairy sanitarian and a microbiologist in Palmer. In FY84 over 137,700 pounds of milk was "dumped" due to product violations. All dairies in Alaska work with the dairy sanitarian for plan review and ongoing production concerns. Presently there are 13 dairies in Alaska. By fall of 1985 there will be 20, and by 1986 it is projected we will have 32 dairies.

The Palmer Laboratory provides chemical, bacteriological, and serological support to the entire division. They also certify over 25 private laboratories in the state that analyze drinking water.

The Pesticide Program has primacy from the U.S. Environmental Protection Agency for regulation of pesticides and herbicides in the state and has responsibility to train commercial operators and issue permits prior to application of herbicides.

The number of commercial applicators to be trained and certified will increase 30% as right-of-way herbiciding is initiated by state agencies. A 15% increase in the number of industrial and home pest control operators is estimated due to South-Central's growth.

Herbicide use permits to be processed will increase as utility, highway, airport and railroad authorities seek to initiate long-delayed right-of-way maintenance. Almost all of these permit applications will result in complicated public hearings and time-consuming appeals.

Most of our training is aimed at certifying users to apply pesticides restricted by EPA. Less than 10% of our population wants or needs this certification. Now, because several important wood preservatives ("penta") have been restricted by the U.S. EPA, it is estimated that almost every household user will need training/education within the next three years.

DIVISION OF ENVIRONMENTAL HEALTH

DI^R.ECTOR
Cladouhos
7056 JUNEAU

SECRETARY I
Lawson
7016 JUNEAU

ADMINISTRATIVE
ASSISTANT III
Bennett
7187 JUNEAU

MANAGEMENT
ANALYST II
Fleischhauer
7304 JUNEAU

ENV. CONS. SUPV.
SEAFOOD PROGRAMS
Vacant
7209 ANCHORAGE

ENV. CONS. SUPV.*
SANITATION PROGRAM
Ballentine
7223 JUNEAU

VETERINARIAN I
MEAT/POULTRY INSP
Gore
7236 PALMER

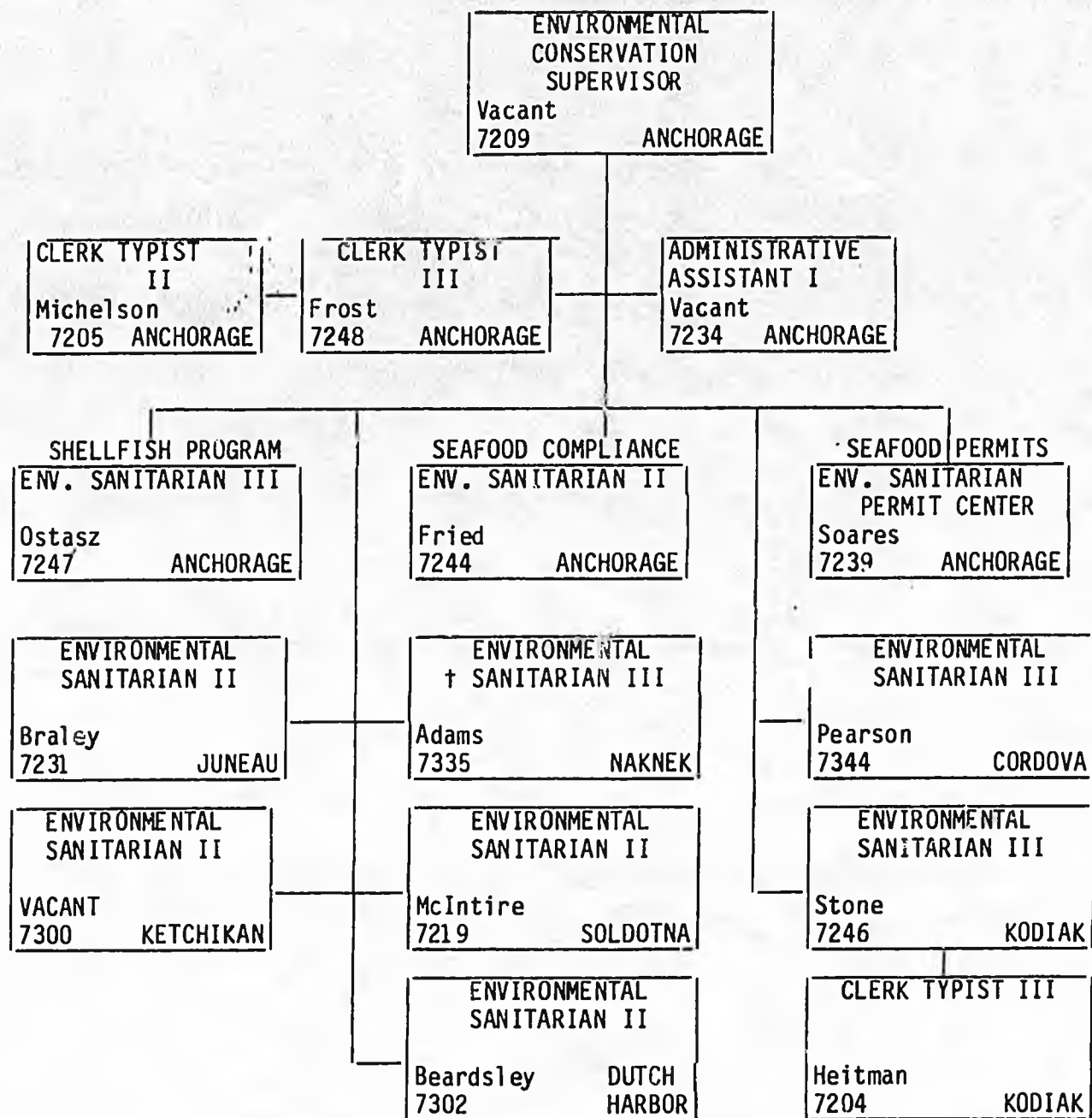
ECOLOGIST II
PESTICIDE PROGRAM
Burgoyne
7126 PALMER

MICROBIOLOGIST IV
PALMER LABORATORY
Barrett
7306 PALMER

ENV. SAN. III
MPI COMPLIANCE
Faro
7240 ANCHORAGE

* Reclassification Action

DIVISION OF ENVIRONMENTAL HEALTH
SEAFOOD PROGRAMS

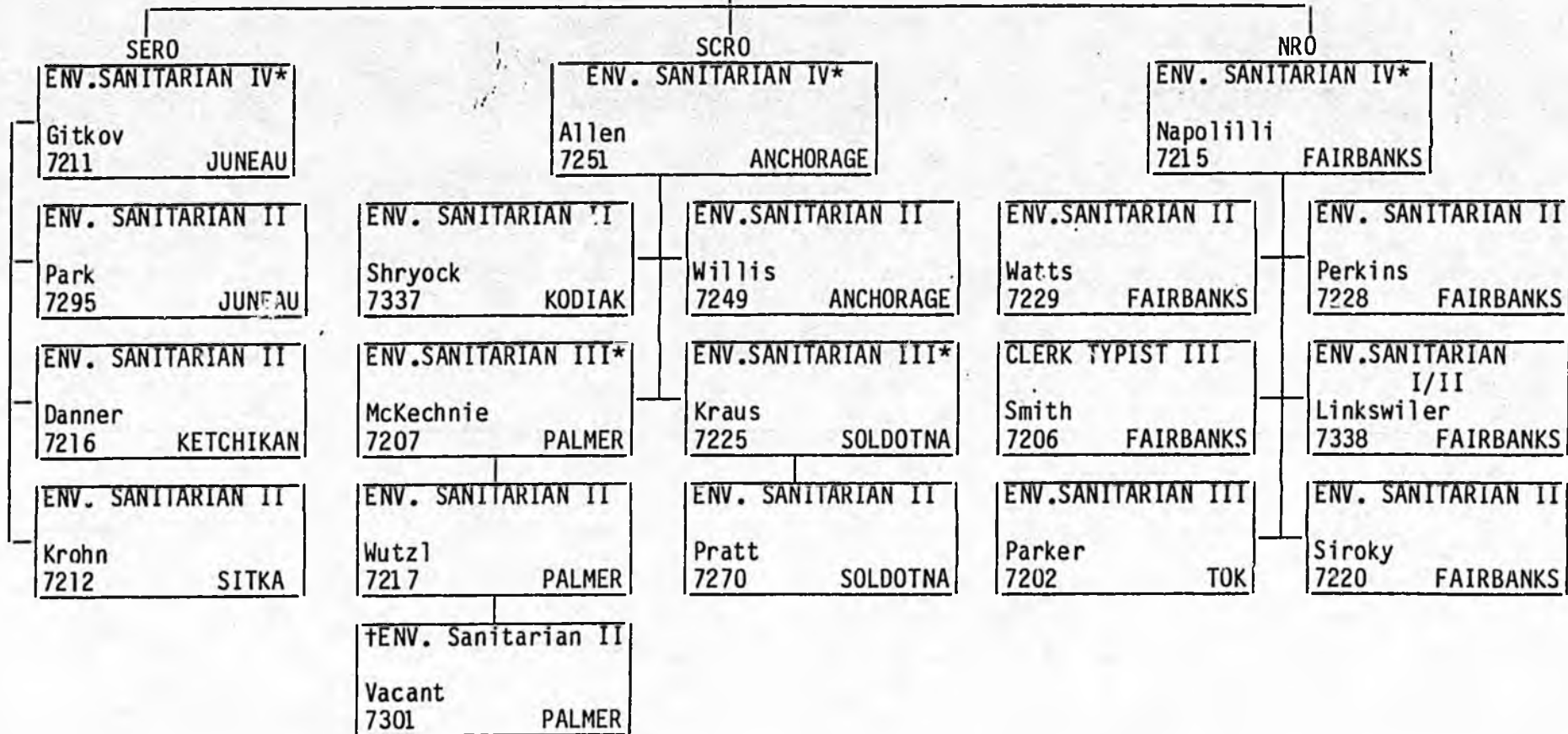


†In Process

DIVISION OF ENVIRONMENTAL HEALTH
SANITATION PROGRAM

ENVIRONMENTAL CONSERVATION
SUPERVISOR *

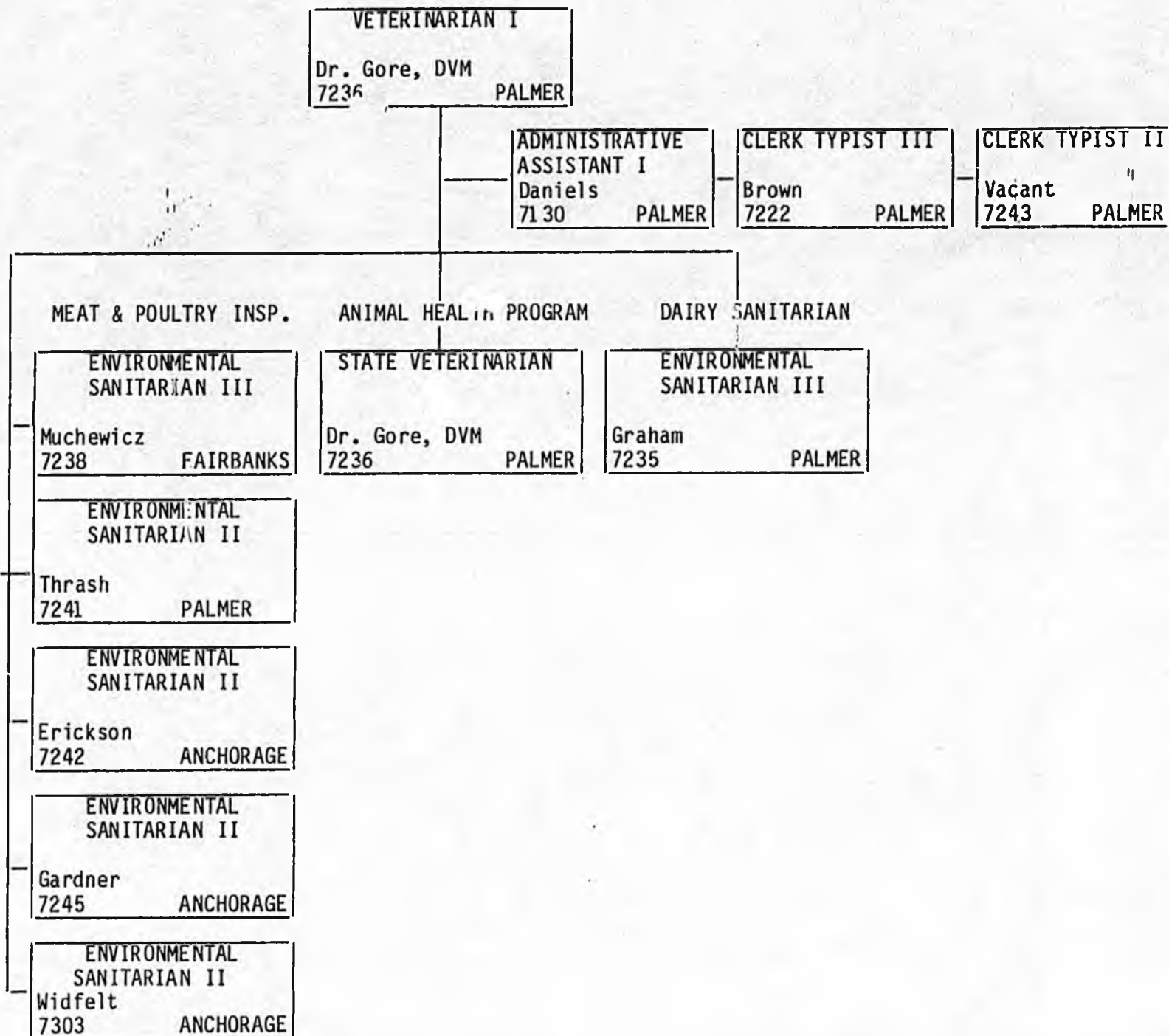
Ballentine
7223 JUNEAU



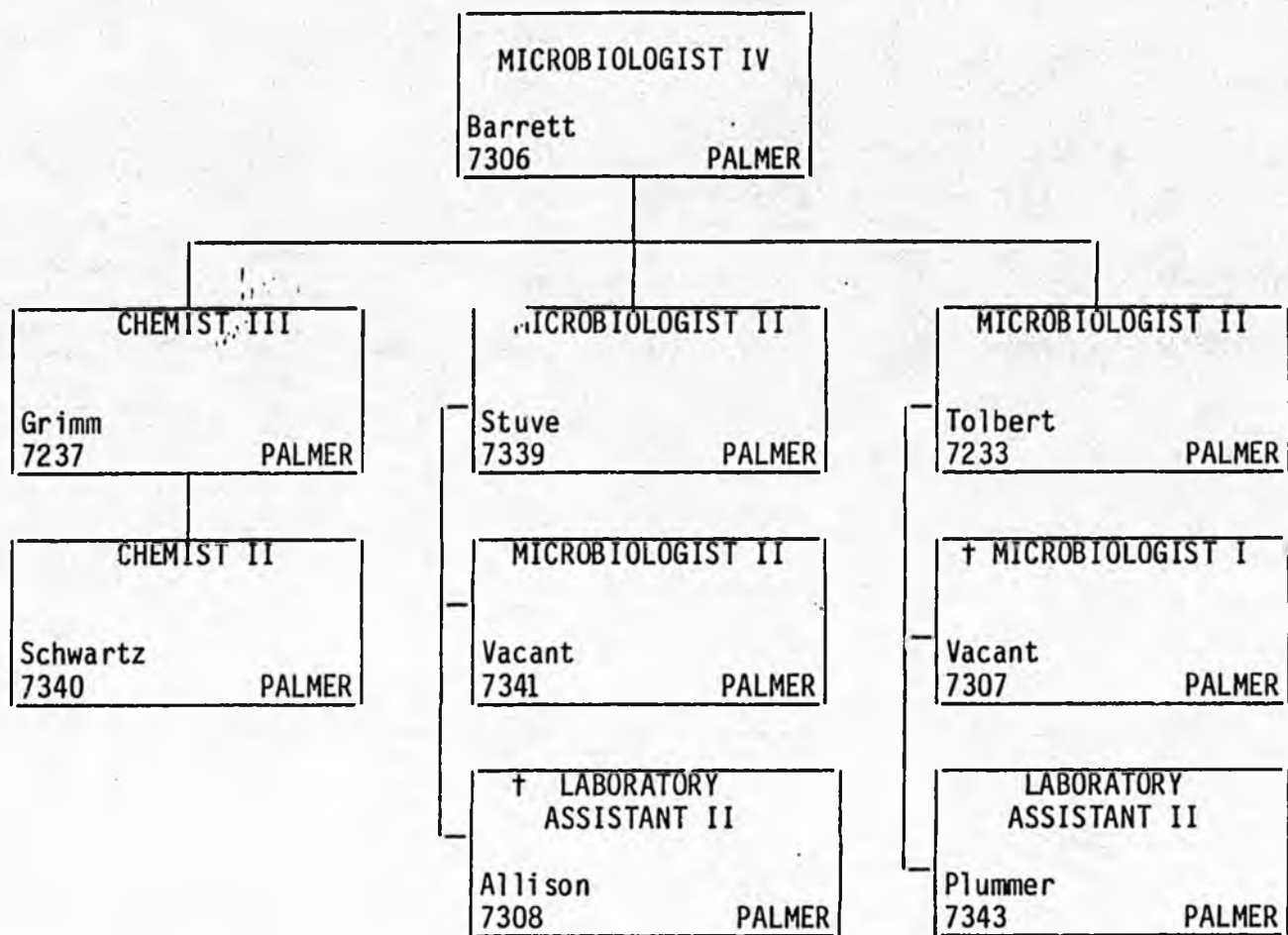
*Reclassification Actions

†In Process

DIVISION OF ENVIRONMENTAL HEALTH
ANIMAL INDUSTRIES



DIVISION OF ENVIRONMENTAL HEALTH
PALMER LABORATORY



†In Process

Original sponsor: Kerttula

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 57 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to preferential use of Alaska agri-
7 cultural or fisheries products; and providing for an
8 effective date."

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

10 * Section 1. AS 36 is amended by adding a new chapter to read:

CHAPTER 16. PREFERENTIAL USE OF ALASKA AGRICULTURAL
OR FISHERIES PRODUCTS.

11 Sec. 36.16.010. USE OF LOCAL AGRICULTURAL AND FISHERIES PRODUCTS
12 REQUIRED IN PURCHASES WITH STATE MONEY. In the purchase of agricul-
13 tural or fisheries products financed by state money, only agricultural
14 or fisheries products originating in this state shall be used wherever
15 competitively priced, available, and of like quality compared with
16 agricultural or fisheries products originating outside the state.

17 Sec. 36.16.020. INSERTION OF CLAUSE IN CALLS FOR BIDS AND IN
18 CONTRACTS. A clause containing the substance of AS 36.16.010 shall be
19 inserted in all calls for bids and in all contracts awarded that
20 involve agricultural or fisheries products.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-
10.070(c).

Offered: 3/14/85
Referred: Finance

Original sponsor: Kerttula

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 57 (Resources)
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4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

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22 involve agricultural or fisheries products.

23 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).

Produced

Solely

Produced

Senator Ray is raising questions re these 2 areas. He just brought up issues. I'll call at rare to see if he has amendments.

Arthur

Original sponsor: Kerttula

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 57 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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20 inserted in all calls for bids and in all contracts awarded that
21 involve agricultural or fisheries products.

*effective date immediately in accordance
with AS 01-10.070(c).*

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

Senate Resources Committee 3/13/85, 1:40pm