



LAWS OF ALASKA

2018

Source
CSHB 217(FIN)

Chapter No.

AN ACT

Relating to civil liability for risks inherent in farm touring; relating to the state and municipal procurement preferences for agricultural products harvested in the state and fisheries products harvested or processed in the state; relating to merchandise sold and certain fees charged or collected by the Department of Natural Resources; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to civil liability for risks inherent in farm touring; relating to the state and municipal
2 procurement preferences for agricultural products harvested in the state and fisheries products
3 harvested or processed in the state; relating to merchandise sold and certain fees charged or
4 collected by the Department of Natural Resources; and providing for an effective date.

5

6 * **Section 1.** AS 03.05.010 is amended by adding a new subsection to read:

7 (c) The commissioner of natural resources may sell promotional merchandise
8 related to the "Alaska Grown" trademark and may charge or collect a fee for the sale
9 of promotional merchandise related to the "Alaska Grown" trademark. The
10 commissioner may issue a license and charge a license fee for the sale of promotional
11 merchandise related to the "Alaska Grown" trademark. The commissioner shall price
12 merchandise sold by the commissioner under this subsection in a manner that ensures

1 a reasonable monetary return to the state. To the extent practicable, the commissioner
2 shall sell only merchandise produced or manufactured in the United States that,
3 subject to AS 36.30, is procured from either an Alaska bidder or a person that employs
4 prisoners under AS 33.30.191(b).

5 * **Sec. 2.** AS 09.65.290(e)(3) is amended to read:

6 (3) "sports or recreational activity"

7 (A) means a commonly understood sporting activity, whether
8 undertaken with or without permission, including baseball, softball, football,
9 soccer, basketball, hockey, bungee jumping, parasailing, bicycling, hiking,
10 swimming, skateboarding, horseback riding and other equine activity, **farm**
11 **touring**, dude ranching, mountain climbing, river floating, whitewater rafting,
12 canoeing, kayaking, hunting, fishing, backcountry trips, mushing, backcountry
13 or helicopter-assisted skiing, alpine skiing, Nordic skiing, snowboarding,
14 telemarking, snow sliding, snowmobiling, **and** off-road and all-terrain vehicle
15 use;

16 (B) does not include

17 (i) boxing contests, sparring or wrestling matches, or
18 exhibitions that are subject to the requirements of AS 05.10;

19 (ii) activities involving the use of devices that are
20 subject to the requirements of AS 05.20; or

21 (iii) skiing or sliding activities at a ski area that are
22 subject to the requirements of AS 05.45.

23 * **Sec. 3.** AS 09.65.290(e) is amended by adding a new paragraph to read:

24 (4) "farm touring" means briefly visiting a farm to observe or
25 experience aspects of raising, growing, producing, cultivating, harvesting, or
26 processing an agricultural product as a tourist, without receiving pay.

27 * **Sec. 4.** AS 29.71.040(a) is repealed and reenacted to read:

28 (a) If a municipality that receives state money seeks to purchase an
29 agricultural product and an agricultural product harvested in the state is available that
30 is of like quality compared with a similar agricultural product harvested outside the
31 state, the municipality

1 (1) shall purchase the product harvested in the state if the product is
2 priced not more than seven percent above the similar product harvested outside the
3 state;

4 (2) may purchase the product harvested in the state only if the product
5 is priced not more than 15 percent above the similar product harvested outside the
6 state.

7 * **Sec. 5.** AS 29.71.040(b) is repealed and reenacted to read:

8 (b) If a municipality that receives state money seeks to purchase a fisheries
9 product and a fisheries product harvested or processed within the jurisdiction of the
10 state is available that is of like quality compared with a similar fisheries product
11 harvested or processed outside the jurisdiction of the state, the municipality

12 (1) shall purchase the product harvested or processed within the
13 jurisdiction of the state if the product is priced not more than seven percent above the
14 similar product harvested or processed outside the jurisdiction of the state;

15 (2) may purchase the product harvested or processed in the jurisdiction
16 of the state only if the product is priced not more than 15 percent above the product
17 harvested or processed outside the jurisdiction of the state.

18 * **Sec. 6.** AS 29.71.040(c) is amended to read:

19 (c) A solicitation by a municipality for the purchase of agricultural or fisheries
20 products **must include written notice of the purchase requirements and limitations**
21 **under (a) and (b) of this section and** [SHALL] specify [THE REQUIREMENT] that
22 **agricultural** products harvested in the state **and fisheries products harvested or**
23 **processed within the jurisdiction of the state will** [SHALL] be used where possible,
24 **subject to the limitations under (a) and (b) of this section.** If a municipality that
25 receives state money purchases agricultural **products harvested outside the state** or
26 fisheries products harvested **or processed** outside the **jurisdiction of the** state, the
27 municipal officer responsible for the purchase shall certify in writing the reasons that
28 **agricultural** products harvested in the state **or fisheries products harvested or**
29 **processed within the jurisdiction of the state** were not purchased.

30 * **Sec. 7.** AS 36.15.050(a) is amended to read:

31 (a) When agricultural products are purchased by the state or by a school

1 district that receives state money, a [SEVEN PERCENT] preference **not less than**
2 **seven percent nor more than 15 percent** shall be applied to the price of [THE]
3 products harvested in the state.

4 * **Sec. 8.** AS 36.15.050(b) is amended to read:

5 (b) When fisheries products are purchased by the state or by a school district
6 that receives state money, a [SEVEN PERCENT] preference **not less than seven**
7 **percent nor more than 15 percent** shall be applied to the price of [THE] products
8 harvested or processed within the jurisdiction of the state.

9 * **Sec. 9.** AS 36.15.050(c) is amended to read:

10 (c) A solicitation for the purchase of agricultural or fisheries products **must**
11 **include written notice of the preferences under (a) and (b) of this section and**
12 [SHALL] specify [THE REQUIREMENT] that **agricultural** products harvested in the
13 state **and fisheries products harvested or processed within the jurisdiction of the**
14 **state will** [SHALL] be used where possible. If the state or a school district that
15 receives state money purchases agricultural **products harvested outside the state** or
16 fisheries products harvested **or processed** outside the **jurisdiction of the** state, the
17 officer responsible for the purchase shall certify in writing the reasons that
18 **agricultural** products harvested in the state **or fisheries products harvested or**
19 **processed within the jurisdiction of the state** were not purchased.

20 * **Sec. 10.** AS 37.05.146(c) is amended by adding a new paragraph to read:

21 (90) fees collected by the Department of Natural Resources under
22 AS 03.05.010(c).

23 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 APPLICABILITY. AS 09.65.290(e), as amended by secs. 2 and 3 of this Act, applies
26 to acts or omissions occurring on or after the effective date of secs. 2 and 3 of this Act.

27 * **Sec. 12.** This Act takes effect January 1, 2019.