

Original sponsor: Rudd

Offered: 3/7/77  
Referred: Rules

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL  
AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 147 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the construction of public projects  
7 by state agencies."

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

9 \* Section 1. AS 35 is amended by adding a new chapter to read:

10 CHAPTER 30. CONSISTENCY WITH LOCAL GOVERNMENT

11 PLANS AND ORDINANCES.

12 Sec. 35.30.010. REVIEW AND APPROVAL BY LOCAL PLANNING AUTHORITIES.

13 (a) Except as provided in (b) of this section, before commencing con-  
14 struction of a public project,

15 (1) if the project is located in a municipality, the depart-  
16 shall submit the plans for the project to the planning commission  
17 of the municipality for review and approval;

18 (2) if the project is located within two miles of a village,  
19 the department shall submit the plans to the village council for review  
20 and comment.

21 (b) Prior approval by a municipal planning commission may not be  
22 required before the commencement of construction of a highway or local  
23 service road if

24 (1) the Department of Transportation and Public Facilities  
25 and the municipality have entered into agreement for the planning of the  
26 project under AS 19.20.060 or 19.20.070 and the plans for the project  
27 are completed in accordance with the terms of that agreement;

28 (2) the municipality has adopted a municipal master highway  
29 plan under AS 19.20.080 and the highway or local service road is con-

1       sistent with the plan adopted; or

2               (3) the Department of Transportation and Public Facilities  
3 has entered into agreement with the municipality for the planning of  
4 transportation corridors under AS 19.10.280, and the plans for the  
5 project are completed in accordance with the provisions of that agree-  
6 ment.

7               (c) If final disapproval by resolution of the governing body of  
8 the affected municipality or village is not received within 90 days from  
9 the date the project was submitted to the municipality or village, the  
10 department may proceed with the project.

11              Sec. 35.30.020. COMPLIANCE WITH MUNICIPAL ORDINANCES. A depart-  
12 ment shall comply with local planning and zoning ordinances and other  
13 regulations in the same manner and to the same extent as other land-  
14 owners.

15              Sec. 35.30.030. WAIVER. If a department clearly demonstrates an  
16 overriding state interest, waiver of local planning authority approval  
17 and the compliance requirement may be granted by the governor. The  
18 governor shall issue specific findings giving reasons for granting any  
19 waiver under this section.

20              Sec. 35.30.040. DEFINITIONS. In this chapter

21              (1) "department" means the Department of Transportation and  
22 Public Facilities, and the University of Alaska;

23              (2) "public project" means a public building or other struc-  
24 ture, public work, or other facility, highway, or local service road  
25 constructed or maintained by a department; the term includes the acqui-  
26 sition by purchase or agreement of land and rights in land for materials  
27 and the extraction or removal of materials necessary for completion of a  
28 highway under AS 19.05.080 - 19.05.120;

29              (3) "village" means an unincorporated community of the un-

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organized borough where at least 25 people reside as a social unit.  
\* Sec. 2. AS 35.10.020 is repealed.