

Original sponsor: Rudd

Offered: 4/29/77  
Referred: State Affairs

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL  
AFFAIRS COMMITTEE

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SENATE CS FOR CS FOR HOUSE BILL NO. 147

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to the construction of public projects."

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

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

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CHAPTER 30. CONSISTENCY WITH LOCAL GOVERNMENT

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PLANS AND ORDINANCES.

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

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(a) Except as provided in (b) of this section, before commencing construction of a public project,

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(1) if the project is located in a municipality, the department shall submit the plans for the project to the municipality for review and approval;

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

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

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

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

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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 is not received within 90 days from the date  
9 the project was submitted to the municipality, the department may pro-  
10 ceed 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-

1 organized borough where at least 25 people reside as a social unit.

2 \* Sec. 2. AS 36.10.010 is amended to read:

3 Sec. 36.10.010. EMPLOYMENT PREFERENCE. (a) In the performance of  
4 contracts let by the state or a political subdivision of the state for  
5 construction, repair, [PRELIMINARY SURVEYS, ENGINEERING STUDIES, CON-  
6 SULTING,] maintenance work or any other [RETENTION OF] services, whether  
7 necessary to complete a [ANY] given project on retainer or otherwise, 95  
8 per cent residents shall be employed where they are available and quali-  
9 fied. If 10 or fewer persons are employed under the contract, then 90  
10 per cent residents shall be employed where they are available and quali-  
11 fied.

12 (b) Whenever the state or a political subdivision of the state  
13 lets a contract for professional, technical or other consulting services  
14 consultants doing business in Alaska are preferred. For purposes of  
15 this subsection, "consultants doing business in Alaska" means that the  
16 contractor of consulting services agrees, as a condition of the contract  
17 to perform 90 per cent of the work under the contract in Alaska with  
18 residents where they are available and qualified.

19 (c) In all cases of public works projects, preference shall be  
20 given to residents. In an area which has been designated as an area  
21 impacted by an economic disaster, residents of that area shall be given  
22 employment preference as provided in AS 44.33.290, followed by other  
23 residents of the state.

24 \* Sec. 3. AS 35.10.020 is repealed.

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