

Original sponsor: Rudd

Offered: 5/14/77  
Referred: Rules

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 147 (State Affairs)

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 pro-  
7 jects."

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, a department shall submit the plans for  
15 the project to the planning commission of the municipality for review  
16 and approval.

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

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

24 (2) the municipality has adopted a municipal master highway  
25 plan under AS 19.20.080 and the highway or local service road is con-  
26 sistent with the plan adopted; or

27 (3) the Department of Transportation and Public Facilities  
28 has entered into agreement with the municipality for the planning of  
29 transportation corridors under AS 19.10.280, and the plans for the

1 project are completed in accordance with the provisions of that agree-  
2 ment.

3 (c) If final disapproval by resolution of the planning commission  
4 of the affected municipality is not received within 90 days from the  
5 date the project was submitted to the municipality, the department may  
6 proceed with the project.

7 (d) If a department clearly demonstrates an overriding state in-  
8 terest, waiver of local planning authority approval may be granted by  
9 the governor. The governor shall issue specific findings giving reasons  
10 for granting a waiver under this subsection.

11 Sec. 35.30.020. COMPLIANCE WITH MUNICIPAL ORDINANCES. (a) A  
12 department shall comply with local planning and zoning ordinances and  
13 other regulations in the same manner and to the same extent as other  
14 landowners.

15 (b) If a department clearly demonstrates an overriding state in-  
16 terest, waiver of the compliance requirement of (a) of this section may  
17 be granted by the governor. The governor shall issue specific findings  
18 giving reasons for granting a waiver under this subsection. No waiver  
19 of the requirements of this section may be granted with respect to off-  
20 street parking required by a zoning ordinance or regulation to be pro-  
21 vided for the use of the general public in connection with a public  
22 building or structure.

23 Sec. 35.30.030. DEFINITIONS. In this chapter

24 (1) "department" means each of the principal executive de-  
25 partments of the state government and the University of Alaska;

26 (2) "public project" means a public building or other struc-  
27 ture, public work, or other facility, highway, or local service road  
28 constructed or maintained by a department; the term includes the acqui-  
29 sition by purchase or agreement of land and rights in land for materials

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and the extraction or removal of materials necessary for completion of a highway under AS 19.05.080 - 19.05.120;

\* Sec. 2. AS 35.10.020 is repealed.

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