

Original sponsor: Rudd

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1 IN THE HOUSE

BY THE LABOR AND MANAGEMENT
COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 147 (L&M) am S

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 public contracts and to the con-
7 struction of public projects."

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 municipality for review
17 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 approval.

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

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

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

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

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

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

14 Sec. 35.30.030. WAIVER. If a department clearly demonstrates an
15 overriding state interest, waiver of local planning authority approval
16 and the compliance requirement may be granted by the governor. The
17 governor shall issue specific findings giving reasons for granting any
18 waiver under this section. No waiver of the requirements of this sec-
19 tion may be granted with respect to offstreet parking required by a
20 zoning ordinance or regulation to be provided for the use of the general
21 public in connection with a public building or structure.

22 Sec. 35.30.040. DEFINITIONS. In this chapter

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

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

1 highway under AS 19.05.080 - 19.05.120;

2 (3) "village" means an unincorporated community of the un-
3 organized borough where at least 25 people reside as a social unit.

4 * Sec. 2. AS 36.10.010 is repealed and re-enacted to read:

5 Sec. 36.10.010. CONTRACT PREFERENCE. (a) In all contracts let by
6 the state for construction, repair, maintenance work or any other
7 service, whether necessary to complete a given project on retainer or
8 otherwise, a resident contractor shall be preferred over equally
9 qualified or less qualified nonresident contractors. In all contracts
10 let, if a resident contractor has applied for the contract and a non-
11 resident contractor is selected, the selecting authority shall justify
12 the decision. The justification is a public record. For purposes of
13 this subsection, "resident contractor" means a contractor who is
14 qualified to do business in the state and who maintains a business office
15 in the state and agrees, as a condition of the contract, to perform 90
16 per cent of the work under the contract with Alaska residents where
17 they are available and qualified.

18 (b) Whenever the state or a political subdivision of the state
19 lets a contract for professional, technical or other consulting services,
20 resident consultants shall be preferred over equally qualified or less
21 qualified nonresident consultants. In all consulting contracts made by
22 the state or a political subdivision of the state, if a resident con-
23 sultant has applied for the consulting contract and a nonresident con-
24 sultant is selected, the selecting authority shall justify the decision.
25 The justification is a public record. For purposes of this subsection,
26 "resident consultant" means a contractor for consulting services who
27 agrees, as a condition of the contract, to perform 90 per cent of the
28 work under the contract with Alaska residents where they are available
29 and qualified.

1 (c) In all public works projects, preference shall be given to
2 residents. In an area which has been designated as an area impacted by
3 an economic disaster, residents of that area shall be given employment
4 preference as provided in AS 44.33.290, followed by other residents of
5 the state.

6 * Sec. 3. AS 35.10.020 is repealed.
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