

Introduced: 5/28/77
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY MALONE AND SWANSON

2 HOUSE BILL NO. 552

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 construction, repair and improve-
7 ment of educational facilities by regional school
8 boards."

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

10 * Section 1. AS 14.08.161(d) and (e) are amended to read:

11 (d) Regional school boards may apply to the Department of Trans-
12 portation and Public Facilities [PUBLIC WORKS] for a grant of all or
13 part of the funds allocated for their school construction, repair, and
14 improvement projects. When a regional school board applies for a grant
15 of funds, the department shall [THE DEPARTMENT OF PUBLIC WORKS MAY]
16 grant funds to a regional school board for a school construction, re-
17 pair, or improvement project. Thereafter, the board shall

18 (1) assume responsibility for the design criteria of school
19 buildings;

20 (2) select the appropriate professional personnel to develop
21 the designs;

22 (3) approve or disapprove the appropriate designs or revised
23 designs; and

24 (4) undertake construction, repair or improvement of the
25 educational facility.

26 (e) To carry out the purpose of this section, the Department of
27 Transportation and Public Facilities [PUBLIC WORKS] shall adopt regu-
28 lations relating to the application for and the making and the condi-
29 tions of grants when the responsibility for school construction,

1 repair and improvement is assumed [AND THE ASSUMPTION OF RESPONSIBILI-
2 TIES] by regional school boards under (d) of this section. The depart-
3 ment may require different terms in grant contracts for different pro-
4 jects to meet local conditions and unique requirements and to assure
5 compliance with the public facilities procurement policies developed
6 by the department under AS 35.10.160 - 35.10.200.

7 * Sec. 2. AS 35.15.080(a) - (d) are amended to read:

8 (a) A municipality or, if the public work is an educational
9 facility, a regional educational attendance area established under
10 AS 14.08 may, by resolution of its governing body, request the assump-
11 tion of the department's responsibilities relating to the planning and
12 construction of a public works project of the state which is to be lo-
13 cated within the boundaries or operating area of the municipality or
14 regional educational attendance area and which would otherwise be con-
15 structed in the manner provided in sec. 10 of this chapter. After
16 receipt of the request, the department

17 (1) shall provide by agreement for assumption by the munici-
18 pality or regional educational attendance area of the department's
19 responsibilities relating to the planning, design and construction of
20 an educational facility;

21 (2) may provide by agreement for assumption by the muni-
22 cipality [OR REGIONAL EDUCATIONAL ATTENDANCE AREA] of the department's
23 responsibilities relating to the planning, design, and construction of
24 a [THE] public works project, unless the commissioner determines that
25 assumption of responsibilities by the municipality [OR AREA] is not
26 practicable or not in the best interests of the state. [THE PARTIES
27 MAY BY MUTUAL AGREEMENT PROVIDE FOR JOINT OR COOPERATIVE ASSUMPTION OF
28 RESPONSIBILITIES BY THE DEPARTMENT AND THE MUNICIPALITY OR REGIONAL
29 EDUCATIONAL ATTENDANCE AREA.]

1 (b) If the commissioner of transportation and public facilities
2 [PUBLIC WORKS] determines that assumption of responsibilities by a
3 municipality [OR REGIONAL EDUCATIONAL ATTENDANCE AREA] under (a)(2) of
4 this section is not practicable or not in the best interests of the
5 state, he shall notify the governing body of the municipality [OR AREA]
6 of his finding and specify reasons for it. If the governing body
7 requests reconsideration of the decision, he shall hold a hearing in the
8 municipality within 30 days following mailing of the request. Following
9 the hearing, he may affirm, modify or reverse his initial decision and
10 shall specify in writing the reasons.

11 (c) A municipality may request joint assumption of responsibilities
12 with the department relating to the planning, design and construction of
13 a public works project. A regional educational attendance area may
14 request joint assumption of responsibilities with the department relating
15 to the planning, design and construction of an educational facility.
16 Two or more municipalities or regional educational attendance areas may
17 by mutual agreement provide for cooperative assumption of responsibili-
18 ties relating to the planning and construction of a public works project.
19 If two or more municipalities or regional educational attendance areas
20 request assumption of responsibilities for a project and meet the stan-
21 dard of practicability set out in (a)(2) of this section, the commis-
22 sioner shall determine which municipality or regional educational
23 attendance area is best able to direct planning, design, and construc-
24 tion of the project and enter into an agreement with that municipality
25 [SUBDIVISION] or regional educational attendance area, or provide for
26 joint or cooperative administration, as the parties may agree or the
27 commissioner may determine. Decisions of the commissioner under this
28 subsection are final.

29 (d) Except with respect to educational facilities, provisions

1 [PROVISIONS] of this title governing planning, design, and construction
2 of public works by the department, and regulations adopted under the
3 provisions, govern the administration of projects assumed by a munici-
4 pality [OR REGIONAL EDUCATIONAL ATTENDANCE AREA] under this section.
5 For that purpose the provisions supersede any conflicting provisions of
6 ordinance or charter of a municipality.

7 * Sec. 3. AS 35.15.080(f) is amended to read:

8 (f) To carry out the purpose of this section, the commissioner
9 of transportation and public facilities [PUBLIC WORKS] shall adopt
10 regulations relating to the application for and the making and the condi-
11 tions of agreements and the local assumption of responsibilities for the
12 planning, design and construction of public works, except educational
13 facilities, under this section. He may require different terms in
14 agreements for different projects to meet local conditions and unique
15 requirements and to assure compliance with the public facilities procure-
16 ment policies developed by the department under AS 35.10.160 - 35.10.200.
17 If necessary, the commissioner may require as a condition of an agreement
18 approval of the agreement by the federal government.
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