

Introduced: 3/30/77
Referred: State Affairs

BY SACKETT, FERGUSON, HOHMAN
AND KERTTULA

1 IN THE SENATE

2 SENATE BILL NO. 295 am H

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 of public works by
7 state agencies."

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

9 * Section 1. AS 35.15.010 is amended to read:

10 Sec. 35.15.010. CONSTRUCTION BY DEPARTMENT. Except as provided in
11 AS 44.33.300, it shall be the general policy of the department to re-
12 quire the construction of all public works under bid contract. However,
13 when the estimated cost of a construction project is less than \$100,000
14 [\$20,000], or when it appears to be in the best interests of the state,
15 the department may perform the work, notwithstanding any other provisions
16 of law. A complete record shall be kept by the commissioner or his
17 designee of all transactions entered into under this section including
18 names of employees involved in the transactions.

19 * Sec. 2. AS 35.15.030 is amended to read:

20 Sec. 35.15.030. ADVERTISEMENT, BIDS, CONTRACTS, AND INFORMAL BIDS.
21 When the estimated cost of any construction under this chapter exceeds
22 \$100,000 [\$20,000], the department shall, except as provided in sec. 10
23 of this chapter and in AS 44.33.300, proceed to advertise, request bids,
24 and award the contract in the manner provided in secs. 40 and 50 of this
25 chapter. When any proposed construction contract is for a sum less than
26 \$100,000 [\$20,000], it is discretionary with the department whether the
27 contract is advertised and awarded in accordance with secs. 40 and 50 of
28 this chapter. In all events the department shall request informal bids
29 from as many contractors as can be requested conveniently. A complete

1 record shall be kept by the commissioner or his designee of all
2 transactions entered into under this section including names of employees
3 involved in the transactions.

4 * Sec. 3. AS 35 is amended by adding a new chapter to read:

5 CHAPTER 30. CONSISTENCY WITH LOCAL GOVERNMENT

6 PLANS AND ORDINANCES.

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

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

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

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

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

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

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

26 (3) the Department of Transportation and Public Facilities
27 has entered into agreement with the municipality for the planning of
28 transportation corridors under AS 19.10.280, and the plans for the
29 project are completed in accordance with the provisions of that agree-

1 ment.

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

6 Sec. 35.30.020. COMPLIANCE WITH MUNICIPAL ORDINANCES. A depart-
7 ment shall comply with local planning and zoning ordinances and other
8 regulations in the same manner and to the same extent as other land-
9 owners.

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

15 Sec. 35.30.040. DEFINITIONS. In this chapter

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

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

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

26 * Sec. 4. AS 35.10.020 is repealed.
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