

Introduced: 2/10/78
Referred: Health, Education &
Social Services and State
Affairs

1 IN THE SENATE

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2 CS SS SENATE BILL NO. 485 (Fin) AM

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to construction, repair and improve-
7 ment of educational facilities by regional educational
8 attendance area 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 by
6 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 facil-
9 ity, a regional educational attendance area established under AS 14.08
10 may, by resolution of its governing body, request the assumption of the
11 department's responsibilities relating to the planning and construction
12 of a public works project of the state which is to be located within the
13 boundaries or operating area of the municipality or regional educational
14 attendance area and which would otherwise be constructed in the manner
15 provided in sec. 10 of this chapter. After receipt of the request, the
16 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 an
20 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 a
24 [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 MAY
27 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 responsibili-
12 ties with the department relating to the planning, design and construc-
13 tion of a public works project. A regional educational attendance area
14 may request joint assumption of responsibilities with the department
15 relating to the planning, design and construction of an educational
16 facility. Two or more municipalities or regional educational attendance
17 areas may by mutual agreement provide for cooperative assumption of
18 responsibilities relating to the planning and construction of a public
19 works project. If two or more municipalities or regional educational
20 attendance areas request assumption of responsibilities for a project
21 and meet the standard of practicability set out in (a)(2) of this sec-
22 tion, the commissioner shall determine which municipality or regional
23 educational attendance area is best able to direct planning, design, and
24 construction of the project and enter into an agreement with that
25 municipality [SUBDIVISION] or regional educational attendance area, or
26 provide for joint or cooperative administration, as the parties may
27 agree or the commissioner may determine. Decisions of the commissioner
28 under this 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 municipi-
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 of
9 transportation and public facilities [PUBLIC WORKS] shall adopt regula-
10 tions relating to the application for and the making and the conditions
11 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 pro-
16 curement policies developed by the department under AS 35.10.160 -
17 35.10.200. If necessary, the commissioner may require as a condition of
18 an agreement approval of the agreement by the federal government.