

Original sponsors: Sackett, Ferguson
and Hohman

Offered: 5/18/78
Referred: Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 485

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 title to and to the construction,
7 repair and improvement of educational facilities by
8 municipal school districts and regional school boards."

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

10 * Section 1. AS 14.08.101 is amended by adding a new paragraph to read:

11 (9) by resolution adopted by a majority of all the members of
12 the board and provided to the commissioner of the department, assume
13 ownership of all land and buildings used in relation to the schools in
14 the regional educational attendance area.

15 * Sec. 2. AS 14.08.121 is amended by adding a new subsection to read:

16 (c) The legislature shall fund the school construction and re-
17 habilitation program of the regional educational attendance areas in the
18 following manner:

19 (1) when ownership of land and buildings is vested in the
20 state, funds shall be appropriated to the Department of Transportation
21 and Public Facilities for use in the manner provided in AS 35.15.080;

22 (2) when ownership of land and buildings is vested in a rural
23 educational attendance area, funds shall be appropriated to the regional
24 school board for the regional educational attendance area and expended
25 by the board in accordance with AS 35.10.160 - 35.10.200.

26 * Sec. 3. AS 14.08.151 is amended to read:

27 Sec. 14.08.151. LAND AND BUILDINGS. (a) Except as provided in
28 (b) of this section and sec. 161(g) of this chapter, the [THE] ownership
29 of land and buildings used in relation to regional educational atten-

1 dance area schools shall remain vested in the state, and use permits
2 shall be given to the regional school boards.

3 * Sec. 4. AS 14.08.151 is amended by adding a new subsection to read:

4 (b) A regional school board may, by resolution, request, and the
5 commissioner of the department having responsibility shall convey, title
6 to land and buildings used in relation to regional educational atten-
7 dance area schools. If the state holds less than fee title to the land,
8 the commissioner of the department having responsibility shall convey
9 the entire interest of the state in the land to the regional school
10 board.

11 * Sec. 5. AS 14.08.161(d) and (e) are amended to read:

12 (d) Regional school boards may apply to the Department of Trans-
13 portation and Public Facilities [PUBLIC WORKS] for a grant of all or
14 part of the funds allocated for their school construction, repair, and
15 improvement projects. When a regional school board applies for a grant
16 of funds, the department shall [THE DEPARTMENT OF PUBLIC WORKS MAY]
17 grant funds to a regional school board for a school construction, re-
18 pair, or improvement project, and, if the request is for all funds
19 allocated, shall provide for the assumption by the regional school board
20 of all of the department's responsibilities relating to the planning,
21 design and construction of an educational facility. Thereafter, the
22 board shall

23 (1) select the appropriate professional personnel to develop
24 the designs;

25 (2) approve or disapprove the appropriate designs or revised
26 designs; and

27 (3) undertake construction, repair or improvement of the
28 educational facility.

29 (e) To carry out the purpose of this section, the Department of

1 Transportation and Public Facilities [PUBLIC WORKS] shall adopt regu-
2 lations relating to the application for and the making and the manner of
3 administration [CONDITIONS] of grants wherein the responsibility for
4 school construction, repair and improvement is assumed [AND THE ASSUMP-
5 TION OF RESPONSIBILITIES] by regional school boards under (d) of this
6 section. The department may require different terms in grant contracts
7 for different projects to meet local conditions and unique requirements
8 and to assure compliance with the public facilities procurement policies
9 developed by the department under AS 35.10.160 - 35.10.200.

10 * Sec. 6. AS 14.08.161(g) is repealed and re-enacted to read:

11 (g) Title or sufficient interest determined acceptable by the
12 department to an approved site for a school building to be constructed,
13 repaired or improved by a regional school board shall be vested in the
14 state or in the respective regional school board.

15 * Sec. 7. AS 35.15.080(a) - (c) are amended to read:

16 (a) A municipality or, if the public work is an educational facil-
17 ity, a regional educational attendance area established under AS 14.08
18 may, by resolution of its governing body, request the assumption of
19 all of the department's responsibilities relating to the planning and
20 construction of a public works project of the state which is to be
21 located within the boundaries or operating area of the municipality or
22 regional educational attendance area and which would otherwise be con-
23 structed in the manner provided in sec. 10 of this chapter. After
24 receipt of the request, the department may provide by agreement for
25 transfer to and assumption by the municipality or regional educational
26 attendance area of the department's responsibilities relating to the
27 planning, design, and construction of a [THE] public works project,
28 unless the commissioner determines that assumption of responsibilities
29 by the municipality or area is not practicable or not in the best inter-

1 ests of the state. [THE PARTIES MAY BY MUTUAL AGREEMENT PROVIDE FOR
2 JOINT OR COOPERATIVE ASSUMPTION OF RESPONSIBILITIES BY THE DEPARTMENT
3 AND THE MUNICIPALITY OR REGIONAL EDUCATIONAL ATTENDANCE AREA.]

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

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

1 agree or the commissioner may determine. Decisions of the commissioner
2 under this subsection are final.

3 * Sec. 8. AS 35.15.080(f) is amended to read:

4 (f) To carry out the purpose of this section, the commissioner of
5 transportation and public facilities [PUBLIC WORKS] shall adopt regula-
6 tions relating to the application for and the making and the conditions
7 of agreements and the local assumption of responsibilities for the
8 planning, design and construction of public works under this section.
9 He may require different terms in agreements for different projects to
10 meet local conditions and unique requirements and to assure compliance
11 with the public facilities procurement policies developed by the depart-
12 ment under AS 35.10.160 - 35.10.200. If necessary, the commissioner may
13 require as a condition of an agreement approval of the agreement by the
14 federal government. Regulations adopted, amended or repealed by the
15 department under this section which relate to educational facilities
16 shall be developed in conjunction with the Alaska Association of School
17 Boards and the Alaska Association of School Administrators and reviewed
18 by those associations before final action on the regulations is taken by
19 the department.

20 * Sec. 9. AS 35.15.110(a) is amended to read:

21 (a) Title acceptable to the department to a suitable project site
22 shall be vested in the state before work is begun on the site, except
23 that, if the project involves construction of an educational facility,
24 title or sufficient interest determined acceptable by the department to
25 an approved site for a school building shall be vested in the muni-
26 cipality, the regional educational attendance area or the state before
27 advertisement for bids or initiation of construction contract negotia-
28 tions.

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