

Original sponsors: Sackett, Ferguson
and Hohman

Offered: 6/1/78
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 485 (Finance)

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 14.08.151 is amended to read:

16 Sec. 14.08.151. LAND AND BUILDINGS. (a) Except as provided in
17 (b) of this section and sec. 161(g) of this chapter, the [THE] ownership
18 of land and buildings used in relation to regional educational atten-
19 dance area schools shall remain vested in the state, and use permits
20 shall be given to the regional school boards.

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

22 (b) A regional school board may, by resolution, request, and the
23 commissioner of the department having responsibility shall convey, title
24 to land and buildings used in relation to regional educational atten-
25 dance area schools. If the state holds less than fee title to the land,
26 the commissioner of the department having responsibility shall convey
27 the entire interest of the state in the land to the regional school
28 board.

29 * Sec. 4. AS 14.08.161(d) and (e) are amended to read:

1 (d) Regional school boards may apply to the Department of Trans-
2 portation and Public Facilities [PUBLIC WORKS] for a grant of all or
3 part of the funds allocated for their school construction, repair, and
4 improvement projects. When a regional school board applies for a grant
5 of funds, the department shall [THE DEPARTMENT OF PUBLIC WORKS MAY]
6 grant funds to a regional school board for a school construction, re-
7 pair, or improvement project, and, if the request is for all funds
8 allocated, shall provide for the assumption by the regional school board
9 of all of the department's responsibilities relating to the planning,
10 design and construction of an educational facility. Thereafter, the
11 board shall

12 (1) select the appropriate professional personnel to develop
13 the designs;

14 (2) approve or disapprove the appropriate designs or revised
15 designs; and

16 (3) undertake construction, repair or improvement of the
17 educational facility.

18 (e) To carry out the purpose of this section, the Department of
19 Transportation and Public Facilities [PUBLIC WORKS] shall adopt regu-
20 lations relating to the application for and the making and the manner of
21 administration [CONDITIONS] of grants wherein the responsibility for
22 school construction, repair and improvement is assumed [AND THE ASSUMP-
23 TION OF RESPONSIBILITIES] by regional school boards under (d) of this
24 section. The department may require different terms in grant contracts
25 for different projects to meet local conditions and unique requirements
26 and to assure compliance with the public facilities procurement policies
27 developed by the department under AS 35.10.160 - 35.10.200.

28 * Sec. 5. AS 14.08.161(g) is repealed and re-enacted to read:

29 (g) Title or sufficient interest determined acceptable by the

1 department to an approved site for a school building to be constructed,
2 repaired or improved by a regional school board shall be vested in the
3 state or in the respective regional school board.

4 * Sec. 6. AS 35.15.080(a) - (c) are amended to read:

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

14 (1) shall provide for the assumption by the municipality or
15 regional educational attendance area of all of the department's respon-
16 sibilities relating to the planning, design and construction of an
17 educational facility;

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

27 (b) If the commissioner of transportation and public facilities
28 [PUBLIC WORKS] determines that assumption of responsibilities by a
29 municipality [OR REGIONAL EDUCATIONAL ATTENDANCE AREA] under (a)(2) of

1 this section is not practicable or not in the best interests of the
2 state, he shall notify the governing body of the municipality [OR AREA]
3 of his finding and specify reasons for it. If the governing body re-
4 quests reconsideration of the decision, he shall hold a hearing in the
5 municipality within 30 days following mailing of the request. Following
6 the hearing, he may affirm, modify or reverse his initial decision and
7 shall specify in writing the reasons.

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

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

27 (f) To carry out the purpose of this section, the commissioner of
28 transportation and public facilities [PUBLIC WORKS] shall adopt regula-
29 tions relating to the application for and the making and the conditions

1 of agreements and the local assumption of responsibilities for the
2 planning, design and construction of public works under this section.
3 He may require different terms in agreements for different projects to
4 meet local conditions and unique requirements and to assure compliance
5 with the public facilities procurement policies developed by the depart-
6 ment under AS 35.10.160 - 35.10.200. If necessary, the commissioner may
7 require as a condition of an agreement approval of the agreement by the
8 federal government. Regulations adopted, amended or repealed by the
9 department under this section which relate to educational facilities
10 shall be developed in conjunction with the Alaska Association of School
11 Boards and the Alaska Association of School Administrators and reviewed
12 by those associations before final action on the regulations is taken by
13 the department.

14 * Sec. 8. AS 35.15.090 is amended to read:

15 Sec. 35.15.090. USE OF APPROPRIATED FUNDS. Upon assumption by a
16 municipality or regional educational attendance area of the department's
17 responsibilities under sec. 80(a)(1) of this chapter, or upon [UPON]
18 execution of an agreement under sec. 80(a)(2) of this chapter, state
19 funds appropriated for a public works project which is the subject of
20 the assumption or the agreement shall be transferred to a special ac-
21 count in the state treasury. A municipality or regional educational
22 attendance area administering the project under the assumption or agree-
23 ment may draw on the account for costs of the project, under fiscal
24 control of the department. If an agreement provides for joint or co-
25 operative administration of the project, payment of costs shall be made
26 to the party incurring the costs.

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

28 (a) Title acceptable to the department to a suitable project site
29 shall be vested in the state before work is begun on the site, except

1 that, if the project involves construction of an educational facility,
2 title or sufficient interest determined acceptable by the department to
3 an approved site for a school building shall be vested in the muni-
4 cipality, the regional educational attendance area or the state before
5 advertisement for bids or initiation of construction contract negotia-
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