

1 IN THE HOUSE

BY DONLEY AND GRUENBERG

2

HOUSE BILL NO. 422

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to payments for purchases by public corporations of the state, the Alaska Commercial Fishing and Agriculture Bank, school districts, and municipalities; and providing for an effective date."

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

11 * Section 1. AS 14.03 is amended by adding a new section to read:

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Sec. 14.03.085. PAYMENTS FOR PURCHASES. Payments for purchases by a school district are subject to the requirements applicable to state agencies under AS 37.05.285(a) - (d) and 37.05.285(f)(1) - (2). When applying AS 37.05.285(a) - (d) and 37.05.285(f)(1) - (2) to a school district, "state" and "state agency" are read as "school district", and "state official" is read as "school district official". In this section, "school district" means a borough school district, a city school district, or a regional educational attendance area.

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20 * Sec. 2. AS 14.08.101 is amended to read:

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Sec. 14.08.101. POWERS. A regional school board may

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(1) sue and be sued;

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(2) contract with the department, the Bureau of Indian Affairs, or another [ANY OTHER] school district, agency, or regional board for the provision of services, facilities, supplies or utilities;

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(3) determine its own fiscal procedures including but not limited to policies and procedures for the purchase of supplies and equipment; except as provided by AS 14.03.085, the regional school

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1 boards are exempt from AS 37.05 (Fiscal Procedures Act) and AS 36.30
2 (State Procurement Code);

3 (4) appoint, compensate and otherwise control all school
4 employees in accordance with this title; these employees are not
5 subject to AS 39.25 (State Personnel Act);

6 (5) adopt regulations governing organization, policies and
7 procedures for the operation of the schools;

8 (6) establish, maintain, operate, discontinue and combine
9 schools subject to the approval of the commissioner;

10 (7) recommend to the department projects for construction,
11 rehabilitation, and improvement of schools and education-related
12 facilities as specified in AS 14.11.010(a), and plan, design, and
13 construct the project when the responsibility for it is assumed under
14 AS 14.11.020;

15 (8) by resolution adopted by a majority of all the members
16 of the board and provided to the commissioner of the department,
17 assume ownership of all land and buildings used in relation to the
18 schools in the regional educational attendance area;

19 (9) provide housing for rental to teachers, by leasing
20 existing housing from a local agency or individual, or by entering
21 into contractual arrangements with a local agency or individual to
22 lease housing that will be constructed by the local agency or indi-
23 vidual for that purpose;

24 (10) exercise those other functions that may be necessary
25 for the proper performance of its responsibilities.

26 * Sec. 3. AS 29.10.100 is amended by adding a new paragraph to read:

27 (49) AS 29.71.040 (payments for purchases)

28 * Sec. 4. AS 29.71 is amended by adding a new section to read:

29 Sec. 29.71.040. PAYMENTS FOR PURCHASES. Payments for purchases

1 by a municipality are subject to the requirements applicable to state
2 agencies under AS 37.05.285(a) - (d) and 37.05.285(f)(1) - (2). This
3 section applies to home rule and general law municipalities. When
4 applying AS 37.05.285(a) - (d) and 37.05.285(f)(1) - (2) to a munici-
5 pality, "state" and "state agency" are read as "municipality", and
6 "state official" is read as "municipal official".

7 * Sec. 5. AS 37.05.285(f) is amended to read:

8 (f) In this section

9 (1) "dispute" means a determination by the state official
10 responsible for authorizing the payments for the purchase of goods or
11 services that the performance or price charged is not in compliance
12 with the terms of the contract or purchase order;

13 (2) payment is considered made on the date when the payment
14 is personally delivered to the seller or agent of the seller or on the
15 date the payment is mailed;

16 (3) "state agency" has the meaning given in AS 37.05.400
17 and also includes the legislative and judicial branches, public corpo-
18 rations of the state, including the Alaska Railroad Corporation, and
19 the Alaska Commercial Fishing and Agriculture Bank.

20 * Sec. 6. AS 42.40.920(b) is amended to read:

21 (b) Unless specifically provided otherwise in this chapter, the
22 following laws do not apply to the operations of the corporation:

23 (1) AS 19;

24 (2) AS 30.15;

25 (3) AS 35;

26 (4) AS 36.30, except as specifically provided in that
27 chapter;

28 (5) AS 37.05, except as provided in AS 37.05.285;

29 (6) AS 37.07;

1 (7) AS 37.10.010 - 37.10.060;

2 (8) AS 37.10.085;

3 (9) AS 37.20;

4 (10) AS 37.25;

5 (11) AS 38;

6 (12) AS 44.62.040 - 44.62.320.

7 * Sec. 7. This Act does not apply to contracts entered into before
8 July 1, 1988.

9 * Sec. 8. This Act takes effect July 1, 1988.