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Referred: Labor & Commerce,
Judiciary and Finance

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1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

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HOUSE BILL NO. 122

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act changing the name of the Alaska State Building Authority; adding power to make certain property disposals to public entities; 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 09.38.015(c) is amended to read:

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(c) Property of the state, a general law or home rule municipality, the Alaska State Housing [BUILDING] Authority, the Alaska Municipal Bond Bank Authority, or other state public corporation is exempt.

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* Sec. 2. AS 18.55.020(a) is amended to read:

Sec. 18.55.020. ALASKA STATE HOUSING [BUILDING] AUTHORITY. (a) There is created in the Department of Commerce and Economic Development the Alaska State Housing [BUILDING] Authority consisting of the commissioner of commerce and economic development or the commissioner's designee and four residents of the state.

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* Sec. 3. AS 18.55.030 is amended to read:

Sec. 18.55.030. CORPORATE STATUS OF AUTHORITY. The Alaska State Housing [BUILDING] Authority is a public corporate authority of the state.

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* Sec. 4. AS 18.55.255 is amended to read:

Sec. 18.55.255. DISPOSAL OF SURPLUS PROPERTY [PROCEDURE FOR SALE OF LAND]. (a) The authority may sell real or personal property that it determines is excess to its needs. Except as provided in (b) of this section, the sale [SALE OF LAND] shall be by public auction or by

1 sealed bids at a price not lower than the fair market value determined
2 by an appraisal made within 180 days before [OF] the sale by a qual-
3 ified appraiser. Public notice shall be given by publishing notice of
4 the sale at least once a week for two consecutive weeks in a newspaper
5 of general circulation within the area in which the property to be
6 sold is located, and by posting notice of sale in at least two public
7 places in the area. In no event may [SHALL] the auction be held less
8 than 30 days after the last day of publication. If no acceptable bids
9 are received, the authority may sell the property at negotiated
10 sale[,] within six months after [OF] the date of the auction. A
11 negotiated sale may not be made on an appraisal made more than nine
12 months before the date of sale. The price at a negotiated sale may
13 not be less than the appraised value.

14 (b) Real or personal property of the authority may be sold to a
15 state or federal agency, political subdivision, regional housing
16 authority, or nonprofit entity for less than the appraised value
17 without competitive bidding, upon terms that the board determines to
18 be fair and proper and in the best interests of the public. The board
19 shall consider both the nature of the governmental or nonprofit enti-
20 ty's public services or functions and the terms under which the prop-
21 erty was acquired by the authority.

22 * Sec. 5. AS 18.55.288(1) is amended to read:

23 (1) "authority" means the Alaska State Housing [BUILDING]
24 Authority;

25 * Sec. 6. AS 18.55.290 is amended to read:

26 Sec. 18.55.290. SHORT TITLE. AS 18.55.010 -- 18.55.290 may be
27 cited as the Alaska State Housing [BUILDING] Authority Act.

28 * Sec. 7. AS 18.55.470(1) is amended to read:

29 (1) "authority" means the Alaska State Housing [BUILDING]

1 Authority;

2 * Sec. 8. AS 18.55.520(9) is amended to read:

3 (9) to make expenditures that are necessary to carry out
4 the purposes of AS 18.55.480 -- 18.55.960 and to make expenditures
5 from funds obtained from the federal government and the state includ-
6 ing the Alaska State Housing [BUILDING] Authority Fund, without regard
7 to any other laws pertaining to the making and approval of appropria-
8 tions and expenditures;

9 * Sec. 9. AS 18.55.950(2) is amended to read:

10 (2) "authority" means Alaska State Housing [BUILDING]
11 Authority;

12 * Sec. 10. AS 18.55.995 is amended to read:

13 Sec. 18.55.995. PURPOSE AND INTENT. The legislature finds that
14 an acute shortage of housing and related facilities exists in the
15 villages of Alaska and that adequate housing cannot be provided by the
16 private sector due to the economic depression that exists in most
17 villages of Alaska. It is the purpose and intent of the legislature
18 to provide a means for certain Native associations to form public
19 corporations with the powers and duties comparable to the Alaska State
20 Housing [BUILDING] Authority.

21 * Sec. 11. AS 18.55.996(b) is amended to read:

22 (b) There is created with respect to each of the associations
23 named in (a) of this section a public body corporate and politic to
24 function in the operating area of the individual associations to be
25 known as the regional housing authority of the associations possessing
26 all powers, rights and functions now or subsequently specified for the
27 Alaska State Housing [BUILDING] Authority, under the Alaska State
28 Housing [BUILDING] Authority Act (AS 18.55.010 -- 18.55.290) except
29 those specified with respect to the construction and acquisition of

1 public buildings for lease to the state or any subsequently specified
2 authority that is inconsistent with AS 18.55.995. The authority may
3 enter into agreements with local government, other political subdivi-
4 sions of the state, the state or the federal government for the exer-
5 cise of a function or power relating to construction, operation and
6 maintenance of public facilities or public utilities. Upon execution
7 of an agreement and for the period of the agreement the authority
8 shall have the same powers and functions relating to the subject
9 matter of the agreement as those that may legally be exercised by the
10 governmental unit with whom the agreement is made including the au-
11 thority to separately or together with the other unit borrow money and
12 issue notes, bonds or other evidence of indebtedness to finance a
13 project within the scope of the agreement subject to the express limi-
14 tations, if any, contained in the agreement. All obligations or
15 liabilities of the regional housing authority shall remain their own
16 and are not obligations or liabilities of the state.

17 * Sec. 12. AS 18.55.996(g) is amended to read:

18 (g) If an activity associated with the planning, financing, con-
19 struction or operation of a project by a regional housing authority
20 established in this section conflicts with an activity of the Alaska
21 State Housing [BUILDING] Authority, the governing body of the munici-
22 pality in which the project is located shall resolve the conflict.

23 * Sec. 13. AS 18.60.545(6) is amended to read:

24 (6) "state agency" or "agency of the state" means a state
25 department or agency, whether in the legislative, judicial, or execu-
26 tive branch, including such entities as the Alaska State Housing
27 [BUILDING] Authority; "state agency" or "agency of the state" does not
28 include the University of Alaska, a municipality, or an agency of a
29 municipality.

1 * Sec. 14. AS 35.05.040(9) is amended to read:

2 (9) lease or grant land or any interest in land to the
3 Alaska State Housing [BUILDING] Authority on terms and conditions
4 prescribed by the department;

5 * Sec. 15. AS 36.30.015(e) is amended to read:

6 (e) The boards of directors of the Alaska Railroad Corporation
7 and the Alaska State Housing [BUILDING] Authority shall adopt proce-
8 dures to govern the procurement of supplies, services, professional
9 services, and construction [BY THE CORPORATION]. The procedures must
10 be substantially equivalent to the procedures prescribed in this
11 chapter and in regulations adopted under this chapter.

12 * Sec. 16. AS 36.30.050(c) is amended to read:

13 (c) The lists may be used by the chief procurement officer or an
14 agency when issuing invitations to bid or requests for proposals under
15 this chapter. The lists may be used by the Legislative Council, the
16 court system, the Alaska State Housing [BUILDING] Authority, and the
17 Alaska Railroad Corporation.

18 * Sec. 17. AS 36.30.735(b) is amended to read:

19 (b) In this section, "state agency" means a state department or
20 agency, whether in the legislative, judicial, or executive branch,
21 including such entities as the Alaska State Housing [BUILDING] Author-
22 ity, but not including the University of Alaska, a municipality, or an
23 agency of a municipality or the Alaska State Housing [BUILDING] Au-
24 thority.

25 * Sec. 18. AS 36.30.990(1) is amended to read:

26 (1) "agency" means a department, institution, board, com-
27 mission, division, authority, public corporation, the Alaska Pioneers'
28 Home, or other administrative unit of the executive branch of state
29 government, except for the University of Alaska, the Alaska State

1 Housing [BUILDING] Authority and the Alaska Railroad Corporation; it
2 does not include a regional Native housing authority created under
3 AS 18.55.996, or a regional electrical authority created under AS 18.-
4 57.020;

5 * Sec. 19. AS 39.05.060(a)(4) is amended to read:

6 (4) Alaska State Housing [BUILDING] Authority;

7 * Sec. 20. AS 39.50.200(a)(4) is amended to read:

8 (4) "instrumentality of the state" means a state department
9 or agency, whether in the legislative, judicial, or executive branch,
10 including such entities as the University of Alaska and the Alaska
11 State Housing [BUILDING] Authority;

12 * Sec. 21. AS 39.50.200(b)(12) is amended to read:

13 (12) Alaska State Housing [BUILDING] Authority (AS 18.55.-
14 020);

15 * Sec. 22. AS 46.07.030(b) is amended to read:

16 (b) The location of a facility constructed under this chapter
17 shall be determined by the commissioner after consultation with the
18 governing body of the village in which the facility is located, as
19 well as with appropriate public agencies, including but not limited to
20 the Alaska State Housing [BUILDING] Authority. The aim of the consul-
21 tation is to achieve maximum coordination in public development plans
22 and activities affecting the community in which the facility is to
23 serve.

24 * Sec. 23. To be consistent with the changes made by secs. 1 -- 3 and 5
25 -- 22 of this Act, wherever in the Alaska Statutes and in regulations
26 adopted under those statutes "Alaska State Building Authority" is used, it
27 shall be read as referring to the Alaska State Housing Authority. Under
28 AS 01.05.031, the revisor of statutes shall implement this section in the
29 statutes, and, under AS 44.62.125(b)(6), the regulations attorney shall

1 implement this section in the administrative regulations.

2 * Sec. 24. This Act takes effect July 1, 1989.