

CS FOR HOUSE BILL NO. 345(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/5/94

Referred: Finance

Sponsor(s): REPRESENTATIVE JAMES

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the maintenance of and art requirements for certain public**
2 **buildings and facilities and to the art in public places fund; and providing for**
3 **an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1. AS 35 is amended by adding a new chapter to read:**

6 **CHAPTER 50. STATE MAINTENANCE OF STATE-OWNED BUILDINGS.**

7 **Sec. 35.50.010. STATE BUILDING MAJOR MAINTENANCE FUND. (a)**

8 **The state building major maintenance fund is established in the Department of**
9 **Administration. The fund consists of**

10 **(1) money appropriated to the fund by the legislature;**

11 **(2) the proceeds of general obligation bonds and revenue bonds issued**
12 **for major maintenance projects of state buildings;**

13 **(3) the construction cost proceeds deposited in the fund under**
14 **AS 35.50.030(a);**

1 (4) the major maintenance assessment fees deposited in the fund under
2 AS 35.50.090(a);

3 (5) money from the federal government that is for the major
4 maintenance of state buildings and that is appropriated to the fund; and

5 (6) interest on money in the fund, if appropriated into the fund by the
6 legislature.

7 (b) Subject to appropriation, the money in the state fund shall be used for
8 major maintenance projects for state buildings, and for the costs of employing or
9 contracting with persons to provide the expertise needed by the committee to perform
10 its duties under this chapter.

11 **Sec. 35.50.020. UNIVERSITY BUILDING MAJOR MAINTENANCE FUND.**

12 (a) The university building major maintenance fund is established as a fund of the
13 University of Alaska. The fund consists of

14 (1) money appropriated to the fund by the legislature;

15 (2) the proceeds of general obligation bonds and revenue bonds issued
16 for major maintenance projects of university buildings;

17 (3) the construction cost proceeds deposited in the fund under
18 AS 35.50.030(b);

19 (4) the major maintenance assessment fees deposited in the fund under
20 AS 35.50.090(b);

21 (5) money from the federal government that is for the major
22 maintenance of university buildings and that is appropriated to the fund; and

23 (6) interest on money in the fund, if appropriated into the fund by the
24 legislature.

25 (b) Subject to appropriation, the money in the university fund shall be used for
26 major maintenance projects for university buildings, and for the costs of employing or
27 contracting with persons to provide the expertise needed by the Board of Regents to
28 perform its duties under this chapter.

29 **Sec. 35.50.025. NONLAPSING APPROPRIATIONS.** Except as otherwise
30 provided by the particular appropriation, appropriations to the state fund or university
31 fund are not one-year appropriations, and appropriation balances do not lapse under

1 AS 37.25.010.

2 Sec. 35.50.030. REQUIRED DEPOSIT. (a) Subject to an appropriation for
3 the purpose, a state agency that is responsible for the construction of a state building
4 shall deposit into the state fund one percent of the construction costs of the state
5 building.

6 (b) Subject to an appropriation for the purpose, if the university is responsible
7 for the construction of a building, the university shall deposit into the university fund
8 one percent of the construction costs of the building.

9 (c) In this section, "construction costs" means all costs to construct the
10 building, including planning, design, and financing costs, but does not include the cost
11 of the land for the building.

12 Sec. 35.50.040. REVIEW COMMITTEE ESTABLISHED. (a) The State
13 Building Major Maintenance Review Committee is established in the department. The
14 committee consists of the commissioners, or their designees, of

- 15 (1) the Department of Administration;
16 (2) the Department of Transportation and Public Facilities; and
17 (3) three other departments selected by the governor on a two-year
18 rotating basis.

19 (b) The commissioner of administration shall serve as the chair of the
20 committee.

21 Sec. 35.50.050. EXPERT ASSISTANCE. The committee may employ or
22 contract with persons to provide the expertise needed by the committee to carry out
23 its duties under this chapter. The Board of Regents may employ or contract with
24 persons to provide the expertise needed by the Board of Regents to carry out its duties
25 under this chapter.

26 Sec. 35.50.060. COMMITTEE DUTIES. The committee shall

- 27 (1) develop criteria for establishing the major maintenance needs of
28 state buildings;
29 (2) analyze the major maintenance needs of state buildings;
30 (3) establish a method for prioritizing the major maintenance projects
31 needed for state buildings; the method must include consideration of the need for the

- 1 projects and the cost of the projects;
- 2 (4) prepare and maintain a six-year major maintenance plan for state
3 buildings;
- 4 (5) prepare a complete list of all major maintenance needs of state
5 buildings each year;
- 6 (6) prepare a prioritized list of the major maintenance projects that the
7 committee recommends be performed each year for state buildings; the selection shall
8 be based on the need for the projects, the cost of the projects, and other factors
9 determined significant by the committee;
- 10 (7) review the life cycle costs of state buildings; and
- 11 (8) develop annual maintenance and operating strategies.

12 **Sec. 35.50.070. BOARD OF REGENTS DUTIES.** The Board of Regents shall

- 13 (1) develop criteria for establishing the major maintenance needs of
14 university buildings;
- 15 (2) analyze the major maintenance needs of university buildings;
- 16 (3) establish a method for prioritizing the major maintenance projects
17 needed for university buildings; the method must include consideration of the need for
18 the projects and the cost of the projects;
- 19 (4) prepare and maintain a six-year major maintenance plan for
20 university buildings;
- 21 (5) prepare a complete list of all major maintenance needs of university
22 buildings each year;
- 23 (6) prepare a prioritized list of the major maintenance projects that the
24 Board of Regents recommends be performed each year for university buildings; the
25 selection shall be based on the need for the projects, the cost of the projects, and other
26 factors determined significant by the Board of Regents;
- 27 (7) review the life cycle costs of university buildings; and
- 28 (8) develop annual maintenance and operating strategies.

29 **Sec. 35.50.080. REPORTS TO LEGISLATURE.** (a) The commissioner of
30 administration shall provide to the legislature by January 15 of each year

- 31 (1) the committee's list of all current major maintenance needs for state

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buildings;

(2) a report on the activities of the committee during the previous fiscal year; and

(3) a prioritized list of the major maintenance projects recommended by the committee for state buildings for the next fiscal year.

(b) The Board of Regents shall provide to the legislature by January 15 of each year

(1) the Board of Regents' list of all current major maintenance needs for university buildings;

(2) a report on the activities of the Board of Regents under this chapter during the previous fiscal year; and

(3) a prioritized list of the major maintenance projects recommended by the Board of Regents for university buildings for the next fiscal year.

Sec. 35.50.090. MAJOR MAINTENANCE ASSESSMENT FEE. (a) Subject to an appropriation for the purpose, each fiscal year a state agency that occupies a state building shall deposit in the state fund an annual major maintenance assessment fee in the amount established by the committee each year for each square foot occupied by the state agency in the building.

(b) Subject to an appropriation for the purpose, each fiscal year the university shall deposit in the university fund an annual major maintenance assessment fee in the amount established by the Board of Regents each year for each square foot occupied by the university in a university building.

(c) The governor shall use the square foot rates established by the committee and the university each year to prepare the budget submitted by the governor to the legislature under AS 37.07.

Sec. 35.50.900. DEFINITIONS. In this chapter,

(1) "Board of Regents" means the Board of Regents of the University of Alaska;

(2) "building" includes improvements that are connected to the building, but does not include

(A) a school for which the major maintenance grant fund under

1 AS 14.11.007 may be used to make a grant to the school; or

2 (B) an international airport; in this paragraph, "international
3 airport" has the meaning given in AS 02.15.260;

4 (3) "committee" means the State Building Major Maintenance Review
5 Committee established by AS 35.50.040;

6 (4) "department" means the Department of Administration;

7 (5) "state agency" means a department, institution, board, commission,
8 division, authority, public corporation, committee, or other administrative unit of the
9 executive, judicial, or legislative branch of state government, but does not include the
10 University of Alaska, the Alaska Railroad Corporation, the Alaska Housing Finance
11 Corporation, the Alaska Aerospace Development Corporation, or the Alaska Industrial
12 Development and Export Authority;

13 (6) "state building" means a building owned by the state;

14 (7) "state fund" means the state building major maintenance fund
15 established under AS 35.50.010;

16 (8) "university" means the University of Alaska;

17 (9) "university building" means a building owned by the University of
18 Alaska;

19 (10) "university fund" means the university building major maintenance
20 fund established under AS 35.50.020.

21 * Sec. 2. AS 44.27.052(a) is amended to read:

22 (a) The council may

23 (1) hold public and private hearings;

24 (2) enter into contracts, within the limit of funds available, with
25 individuals, organizations, and institutions for services furthering the educational
26 objectives of the council's programs;

27 (3) enter into contracts, within the limit of funds available, with local
28 and regional associations for cooperative endeavors furthering the educational
29 objectives of the council's programs;

30 (4) accept gifts, contributions, and bequests of unrestricted funds from
31 individuals, foundations, corporations, and other organizations or institutions for the

1 purpose of furthering the educational objectives of the council's programs; and
2 (5) make and sign agreements and to do and perform any acts
3 necessary to carry out the purposes of AS 44.27.040 - 44.27.058 [AS 44.27.040 -
4 44.27.060].

5 * **Sec. 3.** AS 44.35.030 is amended to read:

6 Sec. 44.35.030. **CONSTRUCTION OF MEMORIALS TO ALASKA**
7 **VETERANS.** The Department of Military and Veterans' Affairs may construct
8 memorials to Alaska veterans. A memorial constructed under this section is not
9 subject to AS 35.15 [OR AS 35.27].

10 * **Sec. 4.** AS 35.27; AS 44.27.050(6), and 44.27.060 are repealed.

11 * **Sec. 5. APPLICATION.** (a) Notwithstanding the repeal of AS 35.27 by sec. 4 of this
12 Act, AS 35.27 continues in effect for the purpose of the design, construction, mounting, and
13 administration of a work of art if a contract for the design, construction, mounting, or
14 administration of the work of art is entered into under AS 35.27 before the effective date of
15 sec. 4 of this Act.

16 (b) Notwithstanding the amendment of AS 44.27.052(a)(5) by sec. 2 of this Act and
17 the repeal of AS 44.27.050(6) and 44.27.060 by sec. 4 of this Act, AS 44.27.052(a)(5), as it
18 reads before the effective date of this Act, and AS 44.27.050(6) and 44.27.060 continue in
19 effect for the purpose of the design, construction, mounting, administration, commission, or
20 loan of a work of art if a contract for the design, construction, mounting, administration,
21 commission, or loan of the work of art to be funded in whole or in part under AS 44.27.060
22 is entered into before the effective date of sec. 4 of this Act.

23 * **Sec. 6.** AS 35.50.010(a)(4), 35.50.020(a)(4), and 35.50.090, added by sec. 1 of this Act,
24 take effect July 1, 1995. The other provisions of this Act take effect immediately under
25 AS 01.10.070(c).