

S

B

4000

COMMUNICATIONS MESSAGE

TO	Nancy	DATE	2/3	TIME	9:50 AM
FROM	Mr Bob Green	AREA CODE	586	NUMBER	1083
OF		EXTENSION			
MESSAGE	SB 400 - mixed feelings - kids idea of				
	Camp kids live in small towns where is				
only one possibility - would like to					
negotiate for shorter periods. But					
he doesn't make a diff.					
		SIGNED	PAC		
PHONE	CALL BACK	RETURNED CALL	WANTS TO SEE YOU	WILL CALL AGAIN	WAS #
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					URGENT <input type="checkbox"/>

FORM NO 50 174

flexibility on
years
- kid or negotiate
Sch. Bd.
Wants

because we're still
not sure what to do
Parents - we should
make the decision. We
can sign rules from you
to me.
Language dropped
says a less a problem.
Current we're longer
and are probably
current too

on on payment of warrants,
is paid unless presented at the
within two years of the date of its
within that time are considered
of that time in a special fund or
nt shall be transferred to the
rohibited by the federal govern-
cali program. (§ 3 ch 150 SLA
ch 7 SLA 1961)

as. (a) The Department of
it every receipt, account, bill,
in the state treasury arising
es. It shall determine whether
ordance with laws and regu-
nd that the amount is correct

for payment an account, bill,
he state treasury, unless the
or is contracted against the
the state. (§ 6 art III ch 82

The Department of Revenue
ministration copies of receipt
by the Department of Reve-
udited, examined, and the
the records of the Depart-
f Administration may adopt
providing current recolpt
m § 5 ch 186 SLA 1957)

statistics. The Department

y, prepare reports as of the
howing the financial condi-
respective period and the

legislative auditor before
ons of the preceding fiscal
e as of the end of that year,
ch it considers necessary,
ion of the legislature and

(3) compile statistics necessary for the budget and other statistics required by the governor. (§ 8 art III ch 82 SLA 1955; am § 5 ch 186 SLA 1957; am § 1 ch 11 SLA 1965)

Article 3. Uniform Purchasing.

Section

220. Purchasing agent
230. Competitive bids
231. Estimation of flying hours required
240. Award of contracts and purchases
250. Delegation of duties

Section

260. Preference for Alaska products
270. Purchases through General Services Administration
280. Leases

Sec. 37.05.220. Purchasing agent. The Department of Administration is the purchasing agent for the state. The department shall

(1) purchase, rent, or otherwise provide for the furnishing of supplies, materials, equipment, or contractual services for all state agencies;

(2) have power to authorize an agency to purchase directly certain specified supplies, materials, equipment, or contractual services under conditions and procedures prescribed in AS 37.05.230;

(3) prescribe the manner in which supplies, materials, and equipment shall be purchased, delivered, stored, and distributed;

(4) prescribe the time, manner, authentication, and form of making requisitions for supplies, materials, equipment, and contractual services;

(5) fix standards of quality and quantity and develop standard specifications after consultation with the several state agencies, and approve or determine final specifications;

(6) have power to transfer to or between agencies or to sell or trade in supplies, materials, and equipment of agencies which are surplus, obsolete, or unused; and the department shall make proper adjustments in the accounts of the agencies concerned;

(7) prescribe the manner of inspecting deliveries of supplies, materials, and equipment and of making tests of samples submitted with bids and samples of deliveries to determine compliance with specifications;

(8) prescribe standard forms for bids and contracts for construction, purchases of supplies, and other purposes, which bids and contracts may contain provisions which the department considers necessary; but all contracts for construction shall require the filing of an acceptable performance bond and a penalty provision for failure to perform the contract according to its terms;

(9) provide for other matters which may be necessary to carry out the provisions of this chapter and the regulations adopted under it. (§ 1 art IV ch 82 SLA 1955; am §§ 6, 7 ch 186 SLA 1957; am § 1 ch 55 SLA 1960)

Sec. 37.05.230. Competitive bids. In the manner provided in this chapter and regulations established under it

(1) a contract for construction and repairs, or a purchase of and contract for supplies, materials, equipment, and contractual services must be based on competitive bids; an award shall be made to the lowest responsible bidder after advertising for bids, except that (A) a bid shall be awarded to an Alaska bidder if the bid is not more than five per cent higher than the lowest nonresident bidder's; and (B) competitive bids need not be required (i) for contractual services where no competition exists; (ii) for sales involving fair trade items; (iii) when, in the judgment of the purchasing agent, food, clothing, or medical supplies, or materials for use in laboratory and experimental studies may be purchased otherwise to the best advantage of the state; (iv) where rates are fixed by law or ordinance; (v) for items traded in on like items; or (vi) for professional services;

(2) if the amount of the contractual services, purchase, or sale is estimated to exceed \$5,000, sealed bids shall be solicited, when practicable, by publication in a newspaper calculated to reach prospective bidders and by posting notices in public places within the area where the work is to be performed or material furnished and in addition the department may also designate a trade journal for publication; the department shall also solicit bids by sending notices by mail to all active prospective bidders known to it and all bids shall be sealed when received, and shall be opened in public at the hour stated in the notice; the department may limit the solicitation of bids or negotiate directly if it finds that it is in the best interests of the state;

(3) a contractual service, purchase or sale where the known requirements are estimated to be less than \$5,000 may be made either upon competitive bids in accordance with (2) of this section or in the open market, in the discretion of the department; but, so far as practicable, shall be based on at least three competitive bids and recorded as provided in AS 37.05.240; small purchases of less than \$500 in the discretion of the department may be made on the open market, and may be by cash payment from petty cash accounts set aside for that purpose; the department shall determine the amount of the petty cash accounts needed by each state agency, and inspect the petty cash accounts at least once each year to determine that the total plus amounts of receipts for unreplenished disbursements is equal to the fixed sum of cash set aside; shortages in petty cash accounts are a personal liability of the responsible head of the agency to whom the account is set aside; the department shall make all necessary regulations governing use and replenishment of petty cash funds;

(4) the provisions of this section relative to competitive bids do not apply to contracts for the operation of transportation systems for students to and from the schools within the state, as are authorized under AS 14.09.010; and these contracts may be awarded by bid or negotiation and, at the discretion of the Board of Education, may be awarded for periods of three years or less;

Title 35
Public Buildings, Works,
and Improvements

Title 36
Public Contracts

Title 37
Public Finance

Title 34
Finance

§ 37
(E
of t
(
on
(
of
(
an
ex
ta
Co
ut
v:
b:
tl
c
0
r

In the manner provided in this section, for repairs, or a purchase of and maintenance, and contractual services an award shall be made to the lowest bidder except that (A) a bid is not more than five percent below the lowest bid; and (B) competitive bids for contractual services where no fair trade items; (iii) when, food, clothing, or medical supplies and experimental studies to the advantage of the state; (iv) for items traded in on like

services, purchase, or sale is solicited, when calculated to reach prospective bidders and in addition the notices by mail to all bidders shall be sealed when the hour stated in the notice; or to bid or negotiate directly with the state;

where the known requirements may be made either upon the terms of this section or in the open market; but, so far as practicable, competitive bids and recorded as process in the open market, and may be set aside for that purpose; out of the petty cash accounts and the petty cash accounts at the total plus amounts of which are equal to the fixed sum of which are a personal liability from the account is set aside; regulations governing use

to competitive bids do not apply to transportation systems for the state, as are authorized may be awarded by bid or contract of Education, may be

(5) an "Alaska bidder," for the purpose of bid awards under (1) (A) of this section, is a person who

- (A) holds a current Alaska business license,
- (B) submits a bid for goods or services under the name as appearing on the person's current Alaska business license,
- (C) has maintained a place of business within the state for a period of six months immediately preceding the date of the bid;

(6) the competitive bid requirements of this section do not apply to air taxi services used by state employees when no formal contract is executed; the department affected shall pay the air taxi operator the tariff rates as published by the operator with the Air Transportation Commission for the type of aircraft required; the tariffs need not be uniform throughout the state and may reflect the diverse conditions of various areas of the state; the air taxi service used in each case shall be selected by the state employee who is to fly in the aircraft, or if more than one state employee is flying in the aircraft by the employee in charge; in all cases the air taxi operator shall have complied with AS 02.05 and other prequalifying regulations established by the department;

(7) the provisions of this section relative to an "Alaska bidder" do not apply to contracts estimated to exceed \$5,000 of the Department of Transportation and Public Facilities which are authorized under AS 35.15 or AS 19.10;

(8) the provisions of this section relative to competitive bids do not apply to the purchase of products or services manufactured or provided by a sheltered workshop;

(9) the provisions of this section relative to competitive bids do not apply to the purchase of products or services provided by the correctional industries program established under AS 33.32;

(10) requests for and acceptance of bids or other proposals for professional services shall comply with AS 24.23 or AS 36.98. (§ 3 art IV ch 82 SLA 1955; am §§ 8 — 10, 23 ch 186 SLA 1957; am § 1 ch 77 SLA 1959; am § 1 ch 158 SLA 1962; am § 1 ch 82 SLA 1964; am §§ 1, 2 ch 92 SLA 1967; am § 1 ch 31 SLA 1970; am § 1 ch 92 SLA 1975; am §§ 1, 2 ch 194 SLA 1975; am Executive Order No. 39, § 11 (1977); am § 5 ch 53 SLA 1982; am §§ 6 — 8 ch 144 SLA 1982)

Revisor's notes. — In 1983, (1)(B) and (1)(C) of this section were renumbered as (1)(A) and (1)(B) respectively and reference to the repeal of former (1)(A) was deleted.

Cross references. — For preference for Alaska forest products, see AS 36.15.010; for preference for Alaska producers or dealers in making state purchases or awarding contracts for supplies, see AS 36.20.010.

Effect of amendments. — The first

1982 amendment added paragraph (9).

The second 1982 amendment in paragraph (2), substituted "\$5,000" for "\$2,500" near the beginning and inserted "limit the solicitation of bids or" near the end. The amendment also substituted "\$5,000" for "\$2,500" and "\$500" for "\$300" in paragraph (3) and added paragraph (10).

Legislative history reports. — For report or 1962 amendment, see 1962 House Journal, pages 591, 592.

0, SLA 1977; § 1, ch. 26, SLA 1980.

st; disqualification from or indirect pecuniary interest relating, ventilation, furnishing t for the furnishing of supplies from voting on any question member unless the member has the remaining members have the voting. (§ 2 ch 124 SLA

revisor of statutes pursuant to AS 5.031 and § 4, ch. 58, SLA 1982.

centers.

Editor's notes. — The repealed section derived from § 2, ch. 124, SLA 1976.

3. (a) Except as provided in (b) ownership of land and buildings attendance area schools shall permits shall be given to the

resolution, request, and the g responsibility shall convey, ation to regional educational is less than fee title to the land, ing responsibility shall convey d to the regional school board. 17 SLA 1978)

cept as provided in (b) of this section AS 14.08.161(g)" to the beginning of subsection, and added subsection (b).

n, repair, and improvement.

References. — For present provisions concerning the construction, reha- bilitation and improvement of schools and education-related facilities, see AS 14.11.

Editor's notes. — The repealed section derived from § 3, ch. 57, SLA 1976; §§ 4, 5, ch. 147, SLA 1978.

Chapter 09. Transportation of Pupils.

Section

14.09.010 Transportation of pupils
14.09.011 Transportation for nonpublic school students

Collateral references. — 68 Am. Jur. 2d Schools, §§ 234-241.

14.09.010 Schools and School Districts, § 14.09.010

Transporting children to or from school by independent contractor. 60 ALR 1089.

Liabilities and causes of loss within liability insurance covering transportation of school children. 154 ALR 1102.

Tort liability of public schools and institutions of higher learning for accidents associated with transportation of students. 34 ALR3d 1210.

Relief against school board's "bussing plan" to promote desegregation. 50 ALR3d 1089.

Sec. 14.09.010. **Transportation of pupils.** (a) The department may provide for the transportation of pupils who reside a distance from established schools, and in order to accomplish that purpose may

(1) require school districts to enter into contracts with the department for the administration, supervision, operation or subcontracting of the operation of transportation systems for students to and from the schools within their service area;

(2) require all school districts, transportation contractors and other recipients of state transportation funds to submit to the department an annual report, which includes a financial statement and other operational data required by the department;

(3) permit school districts to (A) establish supplementary systems of student transportation for students ineligible to utilize transportation facilities paid for by the state, (B) charge fares or fees for the supplementary transportation systems, and (C) use local tax funds to pay, in whole or in part, the cost of the supplementary system.

(b) Each school district mentioned in (a)(1) of this section is entitled to receive reimbursement from the state for the operation of the transportation system on a unit cost basis determined by the department.

(c) The school board of a district, or the department for areas not within school districts, shall designate as hazardous those routes which cannot be safely traveled by children not served by school bus. The designation may recognize hazards that exist only part of the time and in these instances the designation shall be applicable only during the time the hazards are found to exist. The board or the department shall

provide for the transportation of pupils on routes designated as hazardous. The additional cost of the transportation in a district shall be shared equally by the district and the department. Eligibility to receive school bus service on routes designated as hazardous shall not be subject to restrictions based on the minimum distance between established schools and the residences of pupils. (§ 1 ch 39 SLA 1966; § 1 ch 98 SLA 1966)

Revisor's notes. — Chapter 39, SLA 1966, amended AS 14.10.070 by adding a (c). Chapter 98, SLA 1966, revised Title 14 and the wording of AS 14.10.070 became AS 14.09.010. Therefore (c) as added by ch. 39, SLA 1966, is included above as AS 14.09.010(c).

Editor's notes. — Provisions similar to those contained in this section were formerly codified as AS 14.10.070 and derived from § 37-2-8(7), ACLA 1949; ch. 51, § 1, SLA 1957.

Opinions of attorney general. — Until the Alaska Supreme Court issues a decision overruling *Matthews v. Quinton*, Sup. Ct. Op. No. 31 (File No. 48), 362 P.2d 932 (1961), or modifying it in a significant manner, the law in the state is that public funds may not be used to provide transportation to private school children. 1978 Op. Att'y Gen. No. 23.

NOTES TO DECISIONS

Prior law. — For cases construing former similar provisions, see *Tapscott v. Page*, 17 Alaska 507 (1958); *Matthews v. Quinton*, Sup. Ct. Op. No. 31 (File No. 48), 362 P.2d 932 (1961), cert. denied, 368 U.S. 517, 82 S. Ct. 530, 7 L. Ed. 2d 522 (1962).

Borough was not acting as an agent of the state in furnishing transportation of pupils. *Kenai Peninsula Borough v. State*, Sup. Ct. Op. No. 1124 (File No. 2092), 532 P.2d 1019 (1975).

While the state did supervise the school transportation service insofar as it related to the funding provided by it and also had certain regulations in effect pertaining to

the over-all safety of the transportation system, the actual control of the transportation services was undertaken by the borough which, on its own behalf, entered into the contract with a school bus owner to furnish transportation service for specified routes. *Kenai Peninsula Borough v. State*, Sup. Ct. Op. No. 1124 (File No. 2092), 532 P.2d 1019 (1975).

Applied in *Girves v. Kenai Peninsula Borough*, Sup. Ct. Op. No. 1168 (File No. 2016), 536 P.2d 1221 (1975).

Cited in *Jennings v. State*, Sup. Ct. Op. No. 1467 (File No. 2658), 566 P.2d 1304 (1977).

Collateral references. — Transportation of school pupils at expense of public. 63 ALR 413; 118 ALR 806; 146 ALR 625.

Nature and extent of transportation

that must be furnished under statute requiring free transportation of school pupils. 52 ALR3d 1036.

Sec. 14.09.020. Transportation for nonpublic school students. In those places in the state where the department or a school district provides transportation for children attending public schools, the department also shall provide transportation for children who, in compliance with the provisions of AS 14.30, attend nonpublic schools which are administered in compliance with state law where the children, in order to reach the nonpublic schools, must travel distances comparable to, and over routes the same as, the distances and routes over which the

pupils on routes designated as hazardous shall not be transported in a district shall be determined by the department. Eligibility to be transported on routes designated as hazardous shall not be determined by the minimum distance between routes or the number of pupils. (§ 1 ch 39 SLA 1966;

Opinions of attorney general. —

Until the Alaska Supreme Court issues a decision overruling *Matthews v. Quinton*, Sup. Ct. Op. No. 31 (File No. 48), 362 P.2d 932 (1961), or modifying it in a significant manner, the law in the state is that public funds may not be used to provide transportation to private school children. 1978 Op. Att'y Gen. No. 23.

DECISIONS

the over-all safety of the transportation system, the actual control of the transportation services was undertaken by the borough which, on its own behalf, entered into the contract with a school bus owner to furnish transportation service for specified routes. *Kenai Peninsula Borough v. State*, Sup. Ct. Op. No. 1124 (File No. 2092), 532 P.2d 1019 (1975).

Applied in *Girves v. Kenai Peninsula Borough*, Sup. Ct. Op. No. 1168 (File No. 2016), 536 P.2d 1221 (1975).

Cited in *Jennings v. State*, Sup. Ct. Op. No. 1467 (File No. 2658), 566 P.2d 1304 (1977).

that must be furnished under statute requiring free transportation of school pupils. 52 ALR3d 1036.

for nonpublic school students. The department or a school district shall provide transportation for children attending public schools, the department shall provide transportation for children who, in compliance with § 14.30, attend nonpublic schools which are exempt from state law where the children, in compliance with § 14.30, must travel distances comparable to those of public schools, and the distances and routes over which the

children attending public schools are transported. The commissioner shall administer this nonpublic school student transportation program, integrating it into existing systems as much as feasible, and the cost of the program shall be paid from funds appropriated for that purpose by the legislature. (§ 1 ch 157 SLA 1972)

Statutory references. —
 Constitutionality of statute providing for transportation service for pupils of parochial or private schools. 168 ALR 1434.
 State constitution, under state

constitutional provision forbidding financial aid to religious sects, of public provision of school bus service for private school pupils. 41 ALR3d 344.

Chapter 11. Construction, Rehabilitation, and Improvement of Schools and Education-Related Facilities.

14.11.010. Recommendations and evaluations of projects and determination of responsibilities

14.11.010. Recommendations and evaluations of projects.

(a) An assembly or council of a municipality that is a school district or a regional school board may submit a request to the department for approval of an education-related facility construction, rehabilitation, or improvement project together with a report evaluating the condition of existing education-related facilities in the municipality or regional attendance area and a determination of the need for the project.

(b) With regard to projects requested under (a) of this section the department shall

(1) rank each project in the order of priority that serves the best interests of the state;

(2) prepare an estimate of the amount of money needed to finance the project approved by the department and recommend to the legislature appropriations for projects to be included in the budget submitted to the legislature;

(3) provide the governor with a copy of the report of the assembly, council, or regional school board that requested each project approved by the department;

(4) submit to the legislature within the first 10 days of each regular session a summary of the projects requested by each assembly, council, or regional school board.

(c) In establishing priorities among requested projects the department shall evaluate at least the following factors:

(1) the priorities assigned by the assembly, council, or school board to the project requested;