

SB

312

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/14/94

FURTHER: Finance

Date of 5-Day Notice: 3/10/94
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/17/94

HESS Committee considered SB 312

"An Act relating to school construction grants; and providing for an effective date."

and recommends:

- replace with _____ CS SB 312 (HES)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
Education	3/14/94	✓	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Nick Miller
Don DeLuca
Bob Murphy

Jim Moran - No Rec
Bill Miller - No Rec
Judy Sals - No Rec

8-LS1734E ✓

Ford

3/14/94

CS FOR SENATE BILL NO. 312(HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to school construction grants and to interscholastic school
2 activities; and providing for an effective date."

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

4 * Section 1. AS 14.11.013(c) is amended to read:

5 (c) The department may

6 (1) modify a project request when necessary to achieve cost-
7 effective school construction;

8 (2) require that school construction in a project request be phased;

9 and

10 (3) reject project requests and omit them from the six-year schedule due

11 to

12 (A) [(1)] incomplete information or documentation provided by
13 the district;

14 (B) [(2)] a determination by the department that existing

1 facilities can adequately serve the program requirements, or that alternative
2 projects are in the best interests of the state;

3 (C) [(3)] a determination that the project is not in the best
4 interest of the state.

5 * Sec. 2. AS 14.07.058 and 14.07.059 are repealed.

6 * Sec. 3. This Act takes effect July 1, 1994.



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

SPONSOR STATEMENT Senate Bill 312

Under current law, the Department of Education must accept or reject a school construction project *in toto*; a project can only be rejected if found to be "not in the best interests of the state", an undefined standard that could easily lead to litigation if used by the department. SB 312 would allow DOE to modify or revise the scope of submitted projects to assure that schools are adequately sized for the community to be served. In addition, SB 312 would allow DOE to require that school construction projects be phased, an approach which has worked extremely well for other grant programs such as village safe water. A phased-in approach will allow DOE an opportunity to review projects through their development and make adjustments as needed.

An all-or-nothing approach to approval of school construction projects is not effective either for school districts or for the department, and this bill seeks to remedy the situation.

DP:jf
3/16/94

FISCAL NOTE

STATE OF ALASKA

BILL NO. SB312

1994 LEGISLATIVE SESSION

Revision Date: March 14, 1994

Department Affected: Education

Title: "An Act relating to school construction grants; and providing for an effective date."

BRU: School Finance

Component: Educational Facilities Support

Sponsor: Senate Finance Committee

Requester: Senate Finance Committee

COMPONENT SERIAL NO. 1957

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ -0-

ANALYSIS: (Attach a separate page if necessary.) The proposed legislation provides an opportunity for the department to modify a school construction or major maintenance capital improvement project request in order to achieve cost effective construction and provides for phased funding of capital improvement projects.

Please see the attached continuation page for additional detail.

Prepared by: Duane Guiley

Division: School Finance

Phone: 465-8679

Date: March 14, 1994

Approved by Commissioner: [Signature]

Jerry Covey

Agency: Education

Date: March 14, 1994

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FISCAL NOTE (continued): DEPARTMENT OF EDUCATION

Division School Finance Bill Number SB 312

Bill Title "An Act relating to school construction grants; and providing for an effective date."

Sponsor Senate Finance Committee

As proposed, Senate Bill 312 provides an opportunity for the department to modify a school construction or school major maintenance capital improvement project request in order to achieve cost effective construction. Further, the proposed legislation provides for phased funding of a capital improvement project.


In 1993, the eligibility, classification, evaluation and prioritization of public school capital improvement projects changed significantly, due to passage of CSSB 7(FIN) am H. Section 9 of Chapter 78 of the 1993 Session Laws of Alaska established a new Bond Reimbursement and Grant Review Committee (BR&GRC). In addition to other duties, the committee shall develop criteria for construction of schools in the state, including requirements to achieve cost effective construction and establish a form for the grant applications. SB312 matches the recommendations of the BR&GRC.

The committee has forwarded a recommendation to the commissioner which requires a standardized facility evaluation and condition survey to be attached to each 1996 full funding project request. The committee also recommended that applications lacking the detailed architectural and engineering facility condition survey, which documents the deficiencies of the existing facility, should receive no more than a planning grant. These standardized documents will allow the department to objectively assess the feasibility and the merits of phase funding the project. The BR&GRC indicated that a district can not reasonably determine the scope or cost of a project without conducting a detailed analysis of the existing facilities.

This proposed statute will facilitate the implementation of the recommendations of the Bond Reimbursement and Grant Review Committee.

APPROVED:

Director Duane Guiley Division School Finance

Signature  Date March 14, 1994

Commissioner/Deputy _____

Signature  Date 3/15/94

Alaska State Legislature

Senator Steve Rieger, Chair
Senator Bert Sharp, Vice Chair
Senator Loren Lemman
Senator Mike Miller
Senator Jim Duncan
Senator Johnny Ellis
Senator Judith Salo



State Capitol
Room 516
Juneau, Alaska 99801
(907) 465-3762

Senate Committee on Health, Education and Social Services

MEMORANDUM

TO: HESS Committee Members
Senator Bert Sharp, Vice Chair
Senator Mike Miller
Senator Johnny Ellis
Senator Loren Lemman
Senator Jim Duncan
Senator Judy Salo

FROM: Senator Steve Rieger, Chair *SR*

DATE: March 16, 1994

The Committee Substitute for SB 312 adds Section 2, which repeals AS 14.07.058 (Alaska School Activities Association), and 14.075.059 (Alaska school activities fund). These statutes are attached.

Alaska School Activities Association was incorporated in 1986, and is supported solely through private funding. ASAA became ASAA, Inc. It was formed as a non-profit corporation so that it could accept donations from private sources. It was formulated with the same personnel, virtually the same by-laws, constitution, and function as ASAA.

Repealing existing statutes AS 14.07.058 and .059 would accomplish the following:

1/ ASAA, Inc., would continue to operate as a nonprofit corporation, supporting statewide tournaments, administrative functions, litigation defense and other expenses, etc., through private fundraising efforts

2/ The repeal of these statutes would remove the Department of Education's exposure to litigation over rulings of the Board of Control of ASAA, Inc. (on eligibility waivers or penalty rulings, for example).

Sec. 14.07.035. Accounting and disposition of receipts. [Repealed, § 28 ch 90 SLA 1991.]

Sec. 14.07.040. Supplies and equipment for state-operated schools. [Repealed, § 34 ch 46 SLA 1970.]

Sec. 14.07.050. Selection of textbooks. Textbooks for use in the public schools of the state shall be selected by district boards for district schools. (§ 1 ch 98 SLA 1966; am § 1 ch 96 SLA 1970; am § 2 ch 205 SLA 1970; am § 25 ch 59 SLA 1982)

Sec. 14.07.052. State Textbook Commission. [Repealed, § 2 ch 96 SLA 1970.]

Secs. 14.07.053 — 14.07.054. [Renumbered as AS 14.07.053 — 14.07.059.]

Sec. 14.07.055. Expenses and per diem. [Repealed, § 19 ch 53 SLA 1973.]

Sec. 14.07.057. Transmittal of textbook selections. A school board that selects its own books shall forward a list of the selections to the department. (§ 1 ch 98 SLA 1966)

14.058. Alaska School Activities Association. (a) There shall be within the department the Alaska School Activities Association.

(b) The purposes of the association are to provide for the efficient governing of interscholastic activities through the promotion of those activities and other interschool contests or programs sanctioned by the association and to assist in the promotion of those other activities and interests as it may from time to time elect.

(c) A public or private school or school district in the state may become a member of the association if it applies for membership. The department shall make applications available to all public or private schools or school districts in the state.

(d) The governing body of the association shall be the board of control with at least one member from each judicial district on the board of control. A member of the board shall be elected from each regional activities association by the members of that region. The term of office for each member is two years.

(e) The board of control in consultation with the department shall appoint an executive secretary and prescribe the duties and fix the salary of that executive secretary. The executive secretary shall serve at the pleasure of the board of control.

(f) *[Repealed, § 21 ch 14 SLA 1987.]*

(g) The department shall approve the association's constitution and bylaws to ensure that all regions of the state are treated on an equitable basis and in the best interests of the state. (§ 1 ch 128 SLA 1976; am § 45 ch 6 SLA 1984; am § 21 ch 14 SLA 1987; am § 10 ch 30 SLA 1992)

Revisor's notes. — Formerly AS 14.07.053. Renumbered in 1982.

Effect of amendments. — The 1992 amendment, effective May 16, 1992, deleted an exception clause from the end of subsection (d).

Opinions of attorney general. — The Alaska School Activities Association still

exists as a legal entity within the Department of Education, its board of control is still responsible for making eligibility decisions in accordance with its bylaws, and the state board still acts as an appeal body under those bylaws. Jan. 6, 1988 Op. Att'y Gen.

Sec. 14.07.059. Alaska school activities fund. (a) The Alaska school activities fund is established in the general fund under the administration of the department.

(b) The commissioner shall review the budget request of the Alaska School Activities Association and request a sum the commissioner approves that is equitable to all regions of the state.

(c) School districts and member schools of the Alaska School Activities Association may appropriate money to the fund.

(d) The department shall deposit in the Alaska school activities fund all fees, including membership fees and activity and events fees collected by the Alaska School Activities Association. (§ 1 ch 128 SLA 1976; am §§ 17, 18 ch 138 SLA 1986; am § 4 ch 90 SLA 1991)

Revisor's notes. — Formerly AS 14.07.054. Renumbered in 1982.

amendment, effective July 3, 1991, in subsection (d), deleted the former second and third sentences.

Effect of amendments. — The 1991

Sec. 14.07.060. Regulations. The board shall adopt regulations that are necessary to carry out the provisions of this title. All regulations shall be adopted under AS 44.62 (Administrative Procedure Act). (§ 1 ch 98 SLA 1966; am § 8 ch 96 SLA 1967)

NOTES TO DECISIONS

Quoted in State v. Northern Bus Co., 693 P.2d 319 (Alaska 1984).

Stated in Turley v. Municipality of Anchorage Sch. Dist., 631 P.2d 67 (Alaska 1980).

Cited in State v. Bering Strait Regional Educ. Attendance Area Sch. Dist., 658 P.2d 784 (Alaska 1983).

Sec. 14.07.070. Withholding state funds. State funds may not be paid to a school district or teacher that fails to comply with the school laws of the state or with the regulations adopted by the department. (§ 1 ch 98 SLA 1966)

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2d Schools.
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