

SCOMM

#10:70

## STATE OF ALASKA

The Department of Transportation and Public Facilities intends to negotiate contracts for the purpose of conducting inventory and condition surveys of public facilities in the Municipality of Juneau.

The selected consultants will be required to perform the following tasks:

1. Field investigations of all State funded or occupied public facilities including:

a. sewage transmission and treatment system;  
b. water transmission and treatment system;  
c. electrical generation and distribution systems;

d. health care and social services facilities;

e. educational facilities;

f. communications facilities and transportation facilities;

g. public safety and justice facilities;

h. recreational facilities;

i. sanitation facilities; and

j. administrative office spaces

2. Completes all entries on State provided forms which indicate:

a. general facility data;

b. the facility elements, type, quantity and condition;

c. extent of compliance with codes and standards;

d. energy consumption characteristics;

3. Develop recommendations and cost estimates for the work required to resolve deficiencies identified in the survey.

Consultants will be selected according to standard department policy with emphasis on the teams knowledge of arctic and sub-arctic design and construction practice and experience with building code inspection and compliance. Consultants with offices in the locations to be surveyed will be given preference over all others. Each team must have representation from the following disciplines: architectural, civil, mechanical, electrical and cost estimating. Oral interviews with the most highly rated teams may be required.

Submittals shall be addressed to Keith Gerken, Division of Facility Procurement Policy, Pouch Z, Juneau, Alaska 99811.

Submittals shall be received by 2 p.m. on June 6, 1979 in triplicate containing the following information:

1. Names responsibilities and resumes of all team members;

2. Applicable experience of each team member in arctic and sub-arctic design and construction;

3. GSA Form 255 or 254;

4. Performance of other similar projects

5. Other pertinent information

Forms indicating the data and methods required by the State are available for inspection at the Division of Facility Procurement Policy in Juneau. (465-4671)

Publish: May 24, 25, 29, 1979

500-209

# Planning, zoning considered for bush

By CHARLIE SPENCER  
News-Miner Bureau

JUNEAU—Alaska's sleeping giant, the unorganized borough, may be about to wake up and speak out in planning for its future.

Presently without a planning apparatus anything like the planning and zoning structure used in municipalities, the unincorporated areas could follow the lead of planners in the giant Doyon region in setting up regional planning bodies recognized by the state.

That was the message given legislators Tuesday.

But before the planning bodies can shift into gear, they need to be joined to the state government, said Raymond Kent, planning and development specialist for the Tanana Chiefs Conference.

Kent told the Senate Community and Regional Affairs Committee that TCC official decided about a year ago to begin work on a development plan for the area covered by the Doyon regional Native corporation—which covers more than a third of the state.

The effort now has expanded into a look at each of six sub regions of the Doyon area, considering—besides planning and zoning—economic planning and both natural and human resource development, he said.

"We're dealing with everything except health," said Kent. Health planning already is under way and could be incorporated in the comprehensive planning, he said.

Though the committee also heard testimony Tuesday on a Yukon Flats Borough proposals, Kent said TCC is not looking at a tax base nor is it

working directly with the borough proposal consultants.

Each of the six sub regions would probably have an autonomous planning commission, composed of two representatives from each community. TCC plans to put more than 60 people in the field working on comprehensive plans for each community as well as for each region, Kent said.

Support for the effort has been strong from 37 communities which chipped in about \$500,000, Kent said. Federal grants have given the planners about a \$1 million budget to work with.

But the necessary planning and zoning powers can only be obtained by joining the planning apparatus with state government, Kent said. TCC has written proposed legislation that would place the local commissions under the

state Department of Community and Regional Affairs.

The legislature still would act as the unorganized borough's assembly, but would delegate the planning and zoning duties to the department if the legislation is passed, Kent explained. The plan would be an unprecedented linking of the Native groups in the Interior and state government. And it would be a way to involve local residents in state planning efforts such as the present land-disposal program, Kent said.

What TCC wants, he said, is the proposed bill to be introduced this session and be aired and studied before next session opens.

Also coming in for study soon is a report due from consultants hired by the state to look at the formation of a borough in the Upper Yukon Flats area.

The borough would stretch from the Fairbanks North Star Borough to the southern boundary of the north slope borough. It would become another of the "pipeline boroughs," said Ralph Darbyshire, of Darbyshire and Associates of Anchorage.

By stretching over to include the pipeline corridor, the new borough could pick up a tax base of between \$600 million and \$1 billion, Darbyshire predicted.

With the pipeline, "The economic feasibility is there to form a borough government," Darbyshire said.

But when he finishes the borough study and returns to the 11 villages with their options, Darbyshire said he will explain not only the benefits but also the cost to each individual of creating a borough.

He said, however, that in looking at the benefits it is important to consider not only the possible new services but the possible new leverage the borough would have in dealing with state government and providing local employment.

Darbyshire said the villagers are looking to a borough of their own because the alternatives don't look attractive. Going in with either of the neighboring boroughs would mean joining with areas of largely different preoccupations. And remaining unincorporated may mean taxation from the state.

A proposal is current in the legislature to levy a 7-mill tax on the unorganized borough.

"The general reaction I got, as I left the villages, was: when can we get our borough going?" Darbyshire said.

## PROGRAM PLANNING AND FACILITY PROCUREMENT PROCESS

### STATEMENT OF PURPOSE

When a school district makes a decision regarding delivery of educational services, it should do so on the basis of some degree of planning. The purpose of this publication is to define, guide, organize and encourage the process of planning for delivery of educational services: and the planning, for design and construction of necessary facilities to the end that more effective results accrue.

The subjects within this publication include:

- (a) Educational facility program planning and facility procurement processes and procedures.
- (b) Use of energy conservation standards and alternate energy sources
- (c) Advantages of using Rural Schools Prototype Analysis and "check list" in Volume II of study for more effective design solutions and building use.
- (d) Use of design criteria to analyze effectiveness of options
- (e) Procedures for post occupancy evaluation and final life cycle cost analysis.

1.0 DEFINE GOALS AND OBJECTIVES

- 1.1 Identify user responsibility that generates need for program.
- 1.2 Identify local state and federal policies that affect this possible project.

The School District Administration develops material which will serve as a background to identify need for program and if necessary, facility(ies), and assists in evaluating alternative approaches.

In defining the goals and objectives, the School District Administration should work with all local entities, and should be aware of the latest State and Federal policies relating to the services they provide. State policy is derived from the Governor's priorities, legislative priorities, statutory responsibilities, departmental regulations, long range development plans, etc.

2.0 STATEMENT OF EDUCATIONAL PHILOSOPHY AND GOALS

2.1 District Board and local Community School Steering Committee develop statement of educational philosophy.

2.2 Identification of educational goals by the District Board and local Community School Steering Committee.

2.3 Prioritization of educational goals and establishment of a building utilization policy by District Board and local Community School Steering Committee.<sup>2</sup>

Working with the local Community School Steering Committee, the District's Board, administration, and staff should develop a statement of educational philosophy and goals, which will express the conviction of the district's residents, students, and staff pertaining to:

- (a) purpose of the school
- (b) learning theories
- (c) areas and methods of instruction
- (d) types of learning activities
- (e) Basic student skills to be obtained

The School Board is the legal entity in dealing with the State and may define broadscope philosophy statements and goals while expecting the local Community School Steering Committee to further amplify and refine. This leads to local control of facility development once resources are evaluated and needs stated.

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<sup>1</sup>See Section E, Guide to Planning Educational Facilities (CEIP): Section I, A Guide to the Development of Program Statements and Educational Specifications, Small High School Planning Study: Program and Space Guidelines (D.O.E.) Latest Edition

<sup>2</sup>Rural School Prototype Analysis, Volume II, Sec.

3.0 PLANNING FUND REQUEST AND BUDGET AND MANAGEMENT APPROVAL

- 3.1 Describe Project activities which will be performed.
- 3.2 Indicate which activities and to what extent they will be complete prior to the November bond vote, if the project is to be funded through bonds.
- 3.3 Using Original Project Budget Form, indicate costs for these activities.<sup>1</sup>
- 3.4 Submit all materials to Department of Education
- 3.5 D.O.E. obtains letter of concurrence from DOT/PF. Submit with request
- 3.6 D.O.E. submits to Budget and Management for review and approval of funding request.

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<sup>1</sup>See Grant Procedures Manual Section IV for Form and instructions

If it appears that construction of a physical facility may be necessary to accomplish the educational goals of the school district, the district administration may apply for such funds as may be available to begin a needs survey (step 4.0) and prepare a program statement. (Step 5)

Application for program planning funds must be submitted to the Department of Education. Included in the application should be a list of personnel required, travel budget, and scope of work to be performed with these funds.

After receiving the application, the Department of Education shall prepare a request with the School District's approval and assistance, DOT/PF's concurrence, and shall submit the request to Division of Budget and Management for approval.

The physical Facilities Planning Fund was created by the Legislature under the control of the Division of Budget and Management to fund two types of efforts during the facility procurement process:

- (1) Program planning pre-requisite to project funding, design and construction. (described in this step)
- (2) In the case of bond propositions, project design services performed prior to November bond vote. (step 19)

#### 4.0 NEEDS SUMMARY<sup>1</sup>

- 4.1 Survey and determine educational resources in both district and local community.
- 4.2 Survey existing programs and facilities, (technical assistance of architect/engineer may be desirable).<sup>2,3</sup>
- 4.3 Determine districts short and long-range program and facility needs.
- 4.4 Consider alternatives to building e.g., more efficient class scheduling and/or building use, pupil transportation, televised programs, etc.<sup>4</sup>
- 4.5 Provide justification for identified needs, e.g., emergency, unhoused students, sub-standard buildings, program expansion, or special requirements.
- 4.6 Prioritize above projects.

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<sup>1</sup>See Sections B, C, Guide for Planning Educational Facilities (CEFP): Sections I - V, A Guide to the Development of Program Statements and Educational Specifications, Small High Schools Planning Study Program and Space Guidelines (D.O.E.) Latest Edition

<sup>2</sup>Energy Factors

<sup>3</sup>Site Selection - See DOT/PF Site Selection Criteria/Evaluation (Sect. Grant Manual)

<sup>4</sup>See D.O.E. Guidelines for determining Program Delivery Options.

Planning for future school construction requires continuous appraisal of existing facilities. The first task under this step is to survey the entire school district to:

- a. evaluate effectiveness of, and future potential for, present programs and facilities
- b. assessment of existing facilities, inventory, and condition survey information
- c. consider what is needed
- d. decide how best to accommodate needs and provide services.

At the direction of the governing body of the district, the district administration should conduct a district-wide needs survey to establish a plan by which the district's students can be housed for the present and future years. Such a survey should be both an inventory and a utilization study.

In the assessment process, consideration should be given to possible alternatives to building, such as more efficient class scheduling and/or building use, televised programs, student transportation, and intradistrict cooperative programs to enhance or improve certain instructional programs.

A survey of program/facility needs and a determination of how best to provide for them should involve as many people as possible. Thus a district/community steering committee composed of representatives from various segments of the population should be formed. Use of local Community School Committees (C.S.C.) is encouraged. Districts may find it desirable to involve an architect/engineer in surveying of existing facilities.

Consideration should be given to the possibility of cooperative delivery of programs in conjunction with other local, State, or Federal agencies having compatible needs.

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In preparing needs summary, school district administration shall consider energy guidelines developed by the energy agency in determining site selection, programs, design factors, and configuration, in order to conserve energy.

Utilizing local participation, School District Administration conducts site survey throughout the district to establish possible facility sites in local communities.

\* Additionally, support may be requested from other State Agencies.

## 5.0 INITIAL PROGRAM STATEMENT<sup>1</sup>

- 5.1 Develop Program of Studies including:
- minimum state graduation requirements.
  - District graduation requirements.
  - Course offerings.
- 5.2 Identify Generic Space Desired<sup>2</sup> (e.g., Educational Flexible; wet/dry; Educational Convertible; Special.)
- 5.3 School District Board Approval of preliminary program statement.

The program of studies is a major part of the planned-opportunities-for-learning component of the curriculum. As such, it is an organized statement of the courses available to the students and of the conditions under which each course may or must be taken. It shows, among other things, the program goals for each subject matter field, the specific courses offered in each subject area, and the amount of credit granted for satisfactory completion of each course toward graduation.

Once the initial program is determined, generic spaces should be identified. If necessary, the final detailed statement may be developed as the initial design work is being performed.

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<sup>1</sup>See Section E, Guide to Planning Educational Facilities (CEFP): Sections IV and V, A Guide to Development of Program Statements and Educational Specifications, Small High School Planning Study: Program and Space Guidelines (D.O.E.)

<sup>2</sup>See DOT/PF Procedures Manual, Section X.

6.0 DEVELOP ALTERNATIVE SOLUTIONS AND ESTIMATE THEIR LIFE CYCLE COSTS (LCC)

- 6.1 District describes several means of solving the needs identified in 4.0.<sup>1</sup>
- 6.2 District identifies physical facility(ies) required, if any, for each program delivery alternative.<sup>1</sup>
- 6.3 School District requests LCC from DOT/PF.
- 6.4 Utilize LCC data to prioritize alternatives, then submit alternatives to D.O.E., including alternative site selections if necessary, and alternative energy factors, on standard forms.<sup>2</sup>
- 6.5 Department of Education using DOT/PF Life Cycle Cost program, performs Life Cycle Costing Analysis of each alternative.<sup>3</sup>

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<sup>1</sup>See D.O.E.'s checklist in DOT/PF's Procedures Manual for discussion of determining the alternatives.

<sup>2</sup>See STATE OF ALASKA Budget instructions and forms (and examples of completed forms).

<sup>3</sup>See DOT/PF procedures manual for explanation of LCC analysis interpretation.

The objectives of this task are two-fold:

1. What are the alternative ways in which the previously detailed program and/or facility needs can be met?
2. What are the cost implications of each of those alternatives?

The district should investigate several feasible alternative means of solving the needs identified in Step 4 e.g., shifting, expanded scheduling.

The impacts of such alternatives should include:

1. Degree it satisfies needs
2. Effect on overall program within the district.
3. Effect on local community.
4. Estimated funds required.

The Life Cycle Cost Analysis assistance which is provided by DOT/PF is designed to aid educational planners to answer each of the above questions. Educational planners should approach DOT/PF's LCC Analysts and request a copy of "A Users Manual for Alaska Life Cycle Costing". This document will detail the nature of the LCC system, the information it can generate for the planner and how the educational planner can best make it work for him.

The LCC Analysis for each alternatives should be:

1. Detailed statements describing the nature of the program costs (personnel, material, equipment, travel, etc.).
2. Detailed descriptions of the facility and its costs (design, construction, operation and maintenance).
3. Cost information programmed for inclusion in formal funding requests.

- 7.0 DEPARTMENT OF EDUCATION PRIORITIZATION OF PROJECTS, SCHOOL DISTRICT NOTIFICATION, AND SUBMISSION OF FINAL BUDGET TO GOVERNOR
- 7.1 D.O.E. evaluation of LCC reports and subsequent statewide prioritization of programs and program alternatives.
- 7.2 D.O.E. informs School District the status of the projects within the district, and where they are in the Department's statewide priorities.
- 7.3 D.O.E. with DOT/PF finalizes funding amounts for budget requests for each facility by location.
- 7.4 D.O.E. with DOT/PF completes budget forms for each facility requested (by location) and submits funding request to Governor's Office, Division of Budget and Management.
- 7.5 Division of Policy Development and Planning monitors interagency review of all funding requests.
- 7.6 Funding requests are returned to the Department of Education and appropriate school district with any other agency comments.
- 7.7 D.O.E. requests are adjusted, if necessary, and finalized.
- 7.8 D.O.E. submits final request to Governor's Office, Division of Budget and Management for final review by the Budget Review Committee (BRC).

The prioritized alternatives are sent to the Governor's Office, Division of Budget and Management and then to Budget Review Committee (BRC) through the Department of Education.

The BRC reviews the funding requests, holds hearings, and makes a final approval/recommendation to the Governor for a funding request.

The Governor's Office submits funding request to the Legislature

8.0 LEGISLATIVE ACTION ON FUNDING

The funding proposition is analyzed (modified) and approved/disapproved by the Legislature.

9.0 NOTIFICATION OF FUNDS AVAILABLE

9.1 If funding is approved by the Legislature, Department of Education notifies school district.

School districts are notified of the availability of funds for their district by D.O.E. Included with the notification is a packet of information on requirements for completing a grant application or request for DOT/PF Procurement.

10.0 VERIFY PRIORITIES AND SUBMIT D.O.E. APPROVAL REQUEST FORM

The school district verifies priorities originally submitted in Step 7.0 and submits the D.O.E. approval request form for each project it desires to commence work on.

This form must be completed by the district and signed by D.C.E., prior to submitting application to DOT/PF for procurement.

11.0 PROCUREMENT METHOD DECISION

- 11.1 District Board and staff discuss procurement methods for each school district project.
- 11.2 Determine, for each project, the procurement method and whether DOT/PF and/or school district will administer.
- 11.3 District board/Staff select school District Facility Coordinator if District desires to use grant procedure

NOTE: SCHOOL DISTRICT FACILITY COORDINATOR  
MUST BE PROVIDING SERVICES BEFORE  
COMMENCING WITH STEP 13.

See DOT/PF Procedures Manual Section VII.

The DOT/PF Procedures Manual contains a section entitled "Methods of Design and Construction". The discussion contained therein (plus DOT/PF analysis and recommendations if requested by the school board) should enable the school district to determine what contracting techniques they wish to have employed to meet their specific project schedule and budget requirements.

The School Board should then evaluate whether their Capital Improvement Program would be better accomplished through District Administration, through DOT/PF Procurement, or some degree of joint participation

AS 35.15.080(a) provides that "a municipality, or if the public work is an educational facility, a regional attendance area may, by resolution of its governing body, request assumption of all of the department's responsibilities relating to the planning and construction of a public works project."

AS 35.15.080(f) provides that "the Commissioner of Transportation and Public Facilities shall adopt regulations relating to the application for and the making and the conditions of agreements and the local assumption of responsibilities for the planning, design and construction of public works under this section."

AS. 35.15.090 provides that "Upon assumption by a municipality or regional educational attendance area of the department's responsibilities under Sec 80(a)(1) of this chapter, or upon execution of an agreement under Sec. 80(a)(2) of this chapter, state funds appropriated for a public works project which is the subject of the assumption of the agreement shall be transferred to a special account in the state treasury. A municipality or regional educational attendance area administering the project under the assumption of agreement may draw on the account for costs of the project, under fiscal control of the department. If an agreement provides for joint or cooperative administration of the project, payment of costs shall be made to the party incurring the costs.

If School District intends to apply for a grant, the district should have at this time a person(s), who meets the DOT/PF qualifications of a facility coordinator.

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<sup>1</sup>See Appendix K "Grant Facility Coordinator Qualifications,"  
Facility Procurement Contract.

12.0(A) GRANT APPLICATION PROJECT RESOLUTION

12.1(A) School Board passes resolution indicating the intent to apply for project grant(s).

A project resolution must be adopted for each project and should include the following information:

1. Statement of desire for a grant and the grantee priority for the project in their Capital Improvement Program.
2. Name of project and location.
3. Type of project.
4. Size of project (Number of Students, etc.)
5. Funding amount and source for each project.
6. Resolution Number.
7. Desired percentage of construction cost to be applied to "Art Work in Public Places". (The minimum requirement is .005% in the case of Rural Schools and 0.01% for urban area schools), and person(s) who will be participating in selecting artist(s) and artwork.<sup>1</sup>
8. Notification of authorized signatory(ies) and delegated authority.
9. Amount of funds desired for equipment.

NOTE: If the district wishes to reduce the percentage recommended for equipment, justification should be given and certification that the balance of funding necessary for an operational facility will be supplied by the district from other funds.

Recommended Percentages

- A. Elementary 10% of total construction cost
- B. High School - 13% of total construction cost
- C. Vocational Education - 15% of total construction cost

10. Statement indicating whether ownership of the facility by the grantee is requested.

<sup>1</sup>See Alaska State Council on the Arts, Art in Public Places Regulations.

12.0(B) DOT/PF PROCUREMENT APPLICATION RESOLUTION

12.1(B) School Board passes Resolution indicating the intent to use DOT/PF Procurement.

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[ Resolution for DOT/PF Procurement. A project resolution must be adopted for each project and should include:

1. desire to use DOT/PF Procurement and the priority of the project in the district Capital Improvement Program.
2. General concept of work desired.
3. Size of Project (Number of students, etc.)
4. Funding source and amount.
5. Resolution number.
6. Desired percentage of construction cost to be applied to "Art work in public places (The minimum requirement is .005% in the case of rural schools and 0.01% for urban schools) and person(s) who will be participating in selection of artist(s) and art work.<sup>1</sup>
7. Title and location of project.
8. Amount of funds desired for equipment.

NOTE: If the district wishes to reduce the percentage recommended for equipment, justification should be given and certification that the balance of funding necessary for an operational facility will be supplied by the district from other funds.

Recommended Percentages

- A. Elementary 10% of total construction costs
  - B. High Schools 13% of total construction costs
  - C. Vocational Educational 15% of total construction costs
9. Statement indicating whether ownership of facility by the School District is requested.

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<sup>1</sup>See Alaska State Council on the Arts in Public Places Regulations.

13.0(A) PREPARATION OF APPLICATION FOR GRANT PROCUREMENT

- 13.1(A) District prepares Scope of Work form
- 13.2(A) District prepares budget form
- 13.3(A) District encloses Board Resolution (See Step 12(A))
- 13.4(A) District enclose processed D.O.E. Project Approval Form
- 13.5(A) District completes application form

Prepare Scope of Work Statement including:

Project Name:  
School District assign a project title for each facility.

Project Schedule:  
Identify project task/phases, dates for completion of phases, times for state inspections.

Requirements for Art Work:  
Include amount of funding on budget form, (AS 35.27.010-030) requires "at least one percent, in the case of a rural school facility, one half of one percent of the construction cost of a facility....will be reserved for the following purposes: the design, construction, mounting and administration of works of art in the public building or facility." "Construction cost is that cost expended for the actual construction of the facility, exclusive of the costs of land acquisition, site investigations, design services, administrative costs equipment purchases and any other costs not specifically incurred with the construction of the facility."

Type of Facility Desired:  
Indicate whether use of prototype facility is desired (applicable to rural schools only at this time)

Work To Be Accomplished:  
A statement of design and construction work involved, including land acquisition, special equipment or system requirements, any unique considerations affecting project administration, design, or construction. Describe additional services, if any which are required of DOT/PF e.g., inspection, surveying etc. Grant administration services should not be described.

Prepare Project Budget:  
Utilizing fee schedules for DOT/PF services, prepare a project budget (grant administration level of service is established by schedule and must be shown on budget form....other DOT/PF services are optional)

Note: On the budget form the total percentage of categories 3-6 should not exceed 20% of project funding (exclusive of land acquisition costs). If the funding does exceed 20%, a letter of explanation must be transmitted to DOT/PF for approval of the higher percentage.

Complete the application form:

Indicate funding source by chapter, year and funding amount

Indicate the ownership of the project site, any restrictions, any use permits, easements, etc., which are required and whether obtained.

State location as specifically as possible.

Indicate the date the district desires to move in and begin occupying the facility.

Assemble all attachments and send entire package to DOT/PF Grant Administrator.

- 13.0(B) PREPARATION OF APPLICATION FOR DOT/PF  
PROCUREMENT
- 13.1(B) District prepares Scope of Work desired
- 13.2(B) District prepares project budget
- 13.3(B) Submit Board Resolution (See Step 12(B))
- 13.4(B) District encloses processed D.O.E.  
Project Approval form.
- 13.5(B) School District prepares application for  
procurement

The School District, working with the DOT/PF Project Planner if necessary develops a narrative description indicating the work to be provided by DOT/PF and any unique considerations affecting project administration, design, or construction; work to be accomplished by the school district; work to be accomplished by other agencies; the project schedule, (specifically the desired date of completion and any special requirements, e.g., pre-purchase of long lead time items or other unique timing requirements; affected regulatory agency requirements, including local government review and comments (AS 35.30.010-040); requirements regarding art works in public facilities (AS 35.27.010-030) any other unique project elements considered to have an impact on project administration, design, or construction such as environmental impact report requirements, public hearings, etc.

Application for DOT/PF procurement should include:

Project name

Must include no more than twenty-four (24) letters  
(for purposes of entry on computer)

Project location  
specific location

Note: Include the DOT/PF region within which the project  
lies.

User capacity

Include the number of occupants using the facility

Special equipment

Any extraordinary equipment, furnishings etc. required  
by this type of contract, or the intent to have built-in  
equipment.

Occupancy date

Desired date of occupancy

Occupancy life

Anticipated life-span of school

Occupancy period

Specific periods of the year when the facility will not  
be occupied.

Assemble all completed materials and send to appropriate  
regional Facility Procurement Chief

### 14.0 DEVELOPMENT OF EDUCATIONAL SPECIFICATIONS

Upon completion of Grant Application or DOT/PF procurement Application the district may proceed with the Development of Education Specifications.

After the district's needs assessment is completed and the program statement is developed, the necessary background to produce educational specifications for a proposed building is assembled. This information should assist in developing the educational specifications. These specifications will indicate what a district and a community wants its school to do educationally, so that the architect can design an appropriate structure to house the educational program specified.

An outline of the educational program planned for the students who will use the school should contain:

- Historical/cultural background
- Socio-economic consideration
- Population and enrollment trends
- A statement of educational philosophy and goals
- An outline of program statement
- A calculation of the number of teaching spaces needed
- A determination of equipment needs and space requirements
- A comment on community use of facility and any special physical features desired
- A list of other community activities that may be accommodated in the building
- Probable future needs
- A list of the facilities thought to be necessary to accommodate the desired program.

Note: District may desire to use services of design professional who will prepare project bid documents to assist in preparation of education specifications.

15.U(A) PROCEDURES UPON DOT/PF RECEIPT OF GRANT APPLICATION<sup>1</sup>

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<sup>1</sup>For further explanation of procedures see DOT/PF Project Budget Preparation procedures

Grant Administrator:

Reviews application for; completeness of work scope, definition and that all required attachments have been submitted.

Establishes project title.

Verifies land ownership status and determines acceptability to state

Prepares a facility procurement project control request for a project number and the chargeable collocation code. Requests preliminary verification of funding source and review project budget submitted with application.

Grant Administrator will negotiate budget if Financial Review Officer's review and development of Level Of Service shows changes are necessary. For services requested of DOT/PF, the Financial Review Officer will prepare the DOT/PF portion of the project budget.

Grant Administrator performs other necessary internal duties prior to notification of grant award.

Upon completion of the above, the Grant Administrator will:

1. Complete contract form and all appendicies
2. Assign L.C.C. facility number and grant number
3. Assemble all appropriate guidelines and design standards which, by reference, are to become a part of the contract conditions.
4. Prepare a cover letter, with instructions; transmit contract and budget for signature by grantee, and transmit all assembled materials described above.

Instruct school district staff in reporting requirements under the terms of the contract.

District establishes scope of work for the appropriate staff members.

Facility Coordinator sends copy of grantee's resolution and project budget to the Alaska State Council on the Arts.

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<sup>1</sup>See DOT/PF Grant Procedure Manual for form and instructions

15.0(B) PROCEDURES UPON DOT/PF RECEIPT OF THE  
PROJECT APPLICATION FOR DOT/PF PROCUREMENT  
FROM A SCHOOL DISTRICT

Project Planner:

Reviews application for completeness, appropriate information included and that all necessary attachments are included.

Establishes project title

Prepares a project budget

Obtains a project number and the chargeable collocation code and request preliminary verification of funding source and review of project budget.

Upon completion of the above, DOT/PF will:

1. assign L.C.C. facility number
2. assemble all guidelines and design standards for project
3. send copy of school district's resolution and project budget to the Alaska State Council on the Arts.
4. DOT/PF acquires land

Division of General Design and Construction appoints project manager(s).

16.0(A) CONTRACT FINALIZATION

School District reviews contract obtains authorized signature(s) and returns all three (3) copies to DOT/PF Grant Administrator.

DOT/PF Commissioner signs and returns two fully executed copys of the contract to the Grant Administrator for distribution.

Grant Administrator sends executed contract to Grantee.

*Grant*

NO STEP 16.0(B)

- 17.0(A) SELECTION OF DESIGN PROFESSIONAL BY GRANTEE<sup>1</sup>
- 17.1(A) Utilizing scope of work statement, grantee advertises for consultant.
- 17.2(A) Grantee facility coordinator nominates consultant selection committee members
- 17.3(A) Facility Coordinator arranges meeting with selection committee
- 17.4(A) Selection committee evaluates consultant firm(s) proposals
- 17.5(A) Facility Coordinator tabulates scores
- 17.6(A) District negotiates contract with approved firm and finalizes contract with consultant firm.

In advertising for consultants, grantee shall advertise the project in Juneau, Anchorage, Fairbanks and other appropriate locations. The advertisement must make known the criteria for selecting consultants.

Facility Coordinator prepares a list of names for consultant selection committee (composed of not less than 3 persons including the facility coordinator) for approval by the authorized signatory.

Facility Coordinator arranges meeting and instructs selection committee members in the selection procedure.

Each member scores his evaluation independently on the form provided.

Facility Coordinator: tabulates the scores, selects the highest three firms from the evaluation score sheets, obtains approval from authorized signatory to negotiate, and negotiates contract\*

When negotiations have been completed and contract is signed by design professional, Facility Coordinator recommends to authorized signatory acceptance of contract.

Record copy of contract shall be sent to DOT/PF

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<sup>1</sup>For full description of procedure, See Section V of Grant Manual, "Consultant Selection, Procedures and Criteria".

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\* DOT/PF has developed contract forms for professional services (based on different types of services). These contracts are designed to simplify contract administration, eliminate misunderstandings regarding scope of services and to clearly establish the responsibilities of the parties to the contract.

17.0(E) SELECTION OF DESIGN PROFESSIONAL BY DOT/PF WITH SCHOOL DISTRICT PARTICIPATION<sup>1</sup>

17.1(B) Utilizing School District's Scope of Work, description; DOT/PF, Division of General Design and Construction advertises for consultant

17.2(B) Project Manager appoints selection Selection Committee

17.3(B) Project Manager arranges meeting with selection committee

17.4(B) Selection Committee evaluates consultant firm(s) proposals

17.5(B) Project Manager tabulates scores and informs director of highest 3 firms in order of priority.

17.6(B) Project Manager request for authority to negotiate contract

17.7(B) Negotiate contract with consultant

17.8(B) Finalize Contract

Project Manager advertises for bids in Juneau, Anchorage, Fairbanks and other appropriate locations. The advertisement must make known the criteria for selection of consultant(s).

Selection Committee is chosen. It must be composed of a minimum of three persons and must include one member from the school district, the project manager and a representative from facility procurement policy division.

Project Manager arranges meeting and instructs selection committee members on evaluation procedures

Each member of the selection committee evaluates the consultant proposals, independently on the forms provided.

The project manager tabulates scores and transmits selection committee's evaluations to the division director who requests authority to negotiate from his Deputy Commissioner.

Upon receipt of the Commissioner's approval on the Authority to Enter Contract Negotiations form, Project Manager negotiates contract with Consultant Firm(s) and both parties sign contract.

The original and two copies of the executed consultant contract and the date necessary to support the consultant's fee shall be transmitted to the Commissioner.

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<sup>1</sup>See DOT/PF "Consultant Selection - Design and Construction Project." (P&P # )

18.0(A) MATERIALS TO BE SUBMITTED TO THE ARCHITECT BY THE FACILITY COORDINATOR

Assemble all materials prepared by the School District including: Scope of Work, Educational Specifications Educational Program, special requirements of the district and any other materials the school district has developed regarding the project.

18.1(A) District Facility Coordinator assembles all materials received by the District from appropriate agencies<sup>1</sup>

Assemble all materials from the Council on the Arts and State agencies including: codes, regulations, design standards and, if the School District has elected to utilize DOT/PF School Prototype Study, a copy of the study.

18.2(A) District Facility Coordinator assemble all materials provided by the State agencies and Alaska State Council on the Arts regarding art work requirements and names of person(s) who will be selecting Artist(s) and Art Work<sup>2</sup>

Transmit all of the above to A/E with a clear statement of work scope, schedule, and budget so that he will prepare work plan required in Section 4 of his contract, and Step 19 in this manual.

18.3(A) If school district has elected to utilize DOT/PF School Prototype Study, district Facility Coordinator obtains copy from DOT/PF and transmits to A/E with appropriate information filled out in "checklist" by district.<sup>3</sup>

18.4(A) District Facility Coordinator transmits all material to A/E with appropriate instructions for use of all materials.

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<sup>1</sup>See Contract document Appendix B

<sup>2</sup>See Alaska State Council on the Arts, Art Work in Public Facilities Regulations.

<sup>3</sup>See Rural School Prototype Study, Vol.I & II

18.0(B) MATERIAL TO BE SUBMITTED TO THE ARCHITECT  
BY THE PROJECT MANAGER

18.1(B) DOT/PF Project Manager assembles all  
program materials received from school  
district

18.2(B) DOT/PF Project Manager assembles all  
materials from appropriate State  
regulatory agencies and all DOT/PF design  
standards.

18.3(B) DOT/PF Project Manager assembles all  
materials regarding "Art in Public  
Places" Requirements.

18.4(B) If School District has elected to  
utilize Rural School Prototype, DOT/PF  
Project Manager assembles all district  
prepared items of "Checklist", a copy of  
Vol. I & II.

18.5(B) DOT/PF Project Manager transmits all  
assembled materials to A/E with appropriate  
instructions for use of all materials.

23  
Assemble all materials prepared by the School District  
including: Scope of Work, Educational Specifications,  
Educational Program, Special requirements of the district  
and any other materials the school district has developed  
regarding the project.

Assemble all materials from State agencies including codes,  
regulations, design standards and, if the School District  
has elected to utilize DOT/PF School Prototype Study, a  
copy of the study.

Assemble all materials from the Alaska State Council on  
the Arts regarding "Art in Public Places" requirements  
and the names of those person(s) who will be selecting the  
artist and Artwork.

Transmit all of the above to A/E with a clear statement of  
work scope, schedule, and budget so that he will prepare  
work plan required in Section 4 of his contract, and Step 19  
in this manual.

19.0(A) DESIGN PHASES UNDER GRANT PROCUREMENT

19.1(A) Consultant firm prepares schedule and work plan documents for district approval

19.2(A) Consultant prepares schematic design documents

19.3(A) District requests LCCA from DOT/PF on design option prepared by consultant.

19.4(A) District selects design option and instructs consultant.

19.5(A) Consultant prepares design development documents.

19.6(A) District facility coordinator reviews for compliance with required standards, codes and regulations.

19.7(A) Consultant submits copies of documents to all regulatory agencies for review and approval.

19.8(A) District facility coordinator reviews regulatory agency reports and requires consultant to modify design, if necessary.

19.9(A) District prepares certification that documents meet all regulatory agency requirements and sends to Grant Administrator and also authorizes

19.10(A) Consultant prepares construction contract documents.

19.11(A) District repeats Steps 19.6-19.9.

The design professional (Consultant) submits schedule and work plan documents to grantee facility coordinator for review and authorization to proceed with next phase of design work.

Utilizing the prototype analysis material, if so directed, the design professional produces schematic design(s) utilizing school district's program statement and preliminary educational specification material.

Both the costs of constructing and the costs of operating and maintaining a facility over its lifetime (i.e., life cycle cost) are to be criteria in the evaluation process. DOT/PF maintains an office which will produce Life Cycle Cost estimates for the various design options proposed. The School District or Department of Education must request these estimates from DOT/PF prior to making a final selection of a design option.

There are many possible criteria that can be used to select the desired design option from those produced by the design professional. Some of these criteria might be:

1. How well do the options meet the space and functional requirements of the educational programs involved?
2. Does the design conform to what criteria the community has requested?
3. How cost effective, in terms of manpower, will the school be to operate and maintain.
4. What are the differences in costs of constructing, operating, and maintaining each option.

Grantee Facility Coordinator reviews for compliance with all DOT/PF standards, generic space standards, assignable/non-assignable space ratios, and prepares a report to submit to Grant Administration and Department of Education.

Grantee's design professional submits copies of drawings to all regulatory agencies: DOT/PF, D.O.E., D.E.C., DHSS, and DPS (Fire Marshall) for review and approval. (DOT/PF reviews for compliance in the areas of barrier-free design regulations, energy conservation requirements and art work regulations.

Design professional obtains all letters of approval/disapproval received from regulatory agencies and sends copies to the grantee's facility coordinator. .

When all regulatory agencies issue approval, grantee facility coordinator drafts letter for authorized signatory to sign which authorizes the design professional to proceed with next phase of document preparation.

Grantee submits a letter of certification to DOT/PF stating that the documents meet all regulatory agency requirements and all DOT/PF contractual requirements.

19.0(B) DESIGN PHASES UNDER DOT/PF PROCUREMENT

19.1(B) Consultant firm prepares schedule and work plan documents for district review and DOT/PF approval.

19.2(B) Consultant prepares schematic design documents

19.3(B) DOT/PF prepares LCCA on each design option prepared by consultant

19.4(B) With District, DOT/PF selects design option and instructs consultant to proceed with next phase.

19.5(B) Consultant prepares design development documents.

19.6(B) DOT/PF project manager reviews design documents for compliance with required standards, codes and regulations

19.7(B) Consultant submits copies of documents to all regulatory agencies for review and approval.

19.8(B) DOT/PF project manager reviews regulatory agency reports and requires consultant to modify, design, if necessary.

19.9(B) Consultant prepares construction contract documents.

19.10(B) District repeats Steps 19.6-19.9.

The design professional (consultant) submits schedule and work-plan-documents to DOT/PF. After department prepares LCCA on each option design, the department and the school district review the documents. The Department receives concurrence from the school district and issues approval of a design development option and authorizes preceeding with the next design phase.

General Design and Construction review documents for compliance with DOT/PF design standards, generic space standards, assignable/non-assignable space ratios, and school districts program scope.

Design professional submits copies of documents to all regulatory agencies: DOT/PF, DOE, DEC, DH&SS, DPS (Fire Marshall) for review and approval (DOT/PF reviews for compliance in the areas of barrier-free design regulations, energy conservation requirements, and art work regulations)

The design professional obtains all letters of approval/ disapproval received from regulatory agencies and sends copies to DOT/PF project manager

When all regulatory agency reports are received and approved, DOT/PF reviews and directs the design professional to proceed with next phase of document preparation.

- 20.0 FINAL PROGRAM STATEMENT<sup>1</sup>
- 20.1 Prepare final program statement
- 20.2 Review and approval by School Board and local community steering committee.
- 20.3 Review and approval by Department of Education.
- 20.4 D.O.E. approval of final construction documents<sup>2</sup>

The final program statement must be reviewed and approved by the school district board, with local community steering committee participation, and then by the Department of Education.

This document will be used by the architect to prepare final interior layout in projects.

Before construction contract bids are invited for the project, the final working documents must be submitted to the Commissioner of the Department of Education at least 15 working days before the bid invitation is made. Included with the documents should be a letter signed by the superintendent requesting the Department's review and approval of submitted documents.

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<sup>1</sup>See Section E, Guide to Planning Educational Facilities (CEFP); Sections IV and V, A Guide to the Development of Program Statements and Educational Specifications, Small High School Planning Study: Program and Space Guidelines (D.O.E.)

<sup>2</sup>See Procedures For Review and Approval School Building Plans, D.O.E. June, 1978.

21.0(A) CONSTRUCTION CONTRACT BID

21.1(A) Advertise for bids

21.2(A) Receive bids, publicly read, evaluate and tabulate bids

The School District's facility coordinator (or design professional if part of contract) advertises for construction contract as per the requirements of AS 35.15.030 and DOT/PF procedures and sets a fixed time for receipt of bids.

School district receives bids and reads them publicly at the designated time and place.

Evaluate bids for:

1. relative cost/benefit (when applicable to bid technique)
2. compliance with bid request
3. compliance with project budget.

Facility Coordinator then tabulates bids.

21.0(B) CONSTRUCTION CONTRACT BID

DOT/PF advertises for construction contract as per AS 35.15.030 and DOT/PF procedures, and sets a fixed time for receipt of bids.

21.1(B) Advertises for bids

21.2(B) Receive bids, publicly reads evaluates and tabulates bids

DOT/PF receives bids and reads them publicly at the designated time and place

Evaluate bids for:

- 1. relative cost/benefit (when applicable to bid technique)
- 2. compliance with the bid request
- 3. compliance with project budget

DOT/PF tabulates bids.

22.0(A) BID EVALUATION AND RECOMMENDATIONS

- 22.1(A) The Grantee Facility Coordinator reviews the bids received, and evaluates responsiveness of the bidder(s).
- 22.2(A) At the request of the School District, DOT/PF prepares final LCC analysis for use in bid evaluation, if appropriate to bid technique chosen.
- 22.3(A) Grantee Facility Coordinator prepares budget adjustment form, if necessary, for submission to authorized signatory with a recommendation for bid award.

The Facility Coordinator makes evaluation of low bidder. When the basis for bid has been the submittal of proposed design by the contractor, the School District should obtain a final LCC analysis on the design to check if the design conforms to the performance and cost objectives of the project and to aid in evaluating the various construction bids it receives. This cost estimate can be prepared by DOT/PF, at the request of the School District. The cost estimates will detail, more accurately, the life cycle cost (LCC) including energy use efficiency, of the proposed facility than was available during the evaluation of the design options.

If adequate funds are available for construction contract award, Grantee Facility Coordinator prepares a letter for authorized signatory to send to DOT/PF Grant Administrator, certifying that adequate funds are available within the budget to award the construction contract and requesting Commissioner concurrence (enclose copy of budget or budget adjustment form) and bid tabulation for record purposes.

DOT/PF Grant Administrator prepares a letter of concurrence/non-concurrence and transmits letter to Commissioner's office with a copy of Grantee's request. It is signed and forwarded to the Grantee.

22.0(B) BID EVALUATION AND RECOMMENDATION  
DOT/PF PROCUREMENT

22.1(B) The Project Manager(s) review the bid received, evaluates proposals, if any, and evaluates responsiveness of bidder(s)

22.2(B) Preparation of final L.C.C.A.

22.3(B) Project Manager(s) prepares: budget adjustment form, if necessary, and a letter for the director's signature; to send to the Deputy Commissioner, Design and Construction.

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For 22.2(B) explanation on LCC Analysis see 22.2(A)

DOT/PF Project Manager prepares letter for director's signature to send to Deputy Commissioner, Design and Construction. Enclose budget or budget adjustment form to show availability of funds and requests issuance of contract award notification.

23.0(A) CONTRACT PROCEDURES AND AWARD

23.1(A) Facility Coordinator transmits notice of award to contractor.

23.2(A) Facility Coordinator prepares contract

23.3(A) Contractor reviews and signs contract

23.4(A) School District facility coordinator sends copy of Contractors Estimated Pay Schedule to DOT/PF.

23.5(A) DOT/PF Grant Administrator drafts contract Appendix "H", (Grant Facility Procurement Contract)

23.6(A) Facility Coordinator reviews contract contract, bid and performance bonds, and fire and liability insurance policies for compliance.

School District facilities coordinator transmits notice of award to contractor and prepares construction contract utilizing DOT/PF form and procedures, and transmits three (3) copies to contractor for signature

Contractor reviews, signs, and transmits the contract to the facility coordinator along with required bid and performance bonds, proof of fire and liability insurance, and estimated pay schedule.

Facility coordinator sends copy of Contractor's estimated pay schedule to DOT/PF Grant Administrator requesting adjustment of schedule for advance payment (Appendix "H", Grant Facility Procurement Contract), if necessary.

If all Contract requirements are met, Facility Coordinator forwards contract to authorized signatory for signature

After contract is signed, Facility Coordinator returns fully executed copy to contractor with notice to proceed and sends record copy of contract to DOT/PF Grant Administrator.

23.0(B) CONTRACT PROCEDURES AND AWARD

23.1(B) DOT/PF Commissioner's Office sends notice of award to contractor

23.2(B) Division of General Design & Construction prepares construction contract and sends three (3) copies to contractor for signature.

23.3(B) Contractor reviews and signs contract

23.4(B) DOT/PF reviews contract, bid and performance bonds, and fire and liability insurance policies for compliance with contract requirements.

23.5(B) General Design and Construction sends contract to Commissioner for signature.

Upon receipt of the notice of award and the contract, the contractor reviews contract, and signs it. Transmits contract to DOT/PF, Commissioner's office along with all required bid and performance bonds, fire and liability insurance policies and estimated pay schedule.

DOT/PF reviews performance and bid bonds, fire and liability insurance policies, and contract for compliance with requirements.

If requirements are met, contract is signed and the fully executed contract and notice to proceed signed by DOT/PF Commissioner are sent to the contractor.

24.0(A) CONSTRUCTION INSPECTION

School District Facility Coordinator and/or design professional (as contracted) performs construction inspections for compliance with contract documents.

Work to be accomplished includes, but is not limited to:

- Field orders
- May recommend change orders
- Preparation of field reports

24.0(B) CONSTRUCTION INSPECTION

Perform same duties as above but DOT/PF performs work.

25.0(A) PROJECT ADMINISTRATION

25.1(A) Facility Coordinator performs project administration

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Facility Coordinator performs project administration including the preparation of monthly status reports and sending them to DOT/PF Grant Administrator for review, preparation of certifications of compliance for grantee's authorized signatory and, if necessary, may recommend change order which may not exceed 90% of the construction contingency.

Facility Coordinator reports status of art work selection to the grant administrator.

25.0(B) PROJECT ADMINISTRATION

25.1(B) Construction Manager performs project administration

DOT/PF Construction Manager performs project administration including the preparation of monthly status reports and sending them to the school district, if necessary, may recommend change orders not to exceed 90% of construction contingency.

Ascertain that the superintendent or designee(s) has chosen artist and artwork required in AS 35.27.010-030, and send copy of status report on art work to Alaska State Council on the Arts.

26.0(A) CONCURRENT WITH STEP 25.0(A), DOT/PF  
GRANT ADMINISTRATOR REVIEWS MONTHLY  
STATEMENTS, REVIEWS CERTIFICATIONS OF  
COMPLIANCE AND, IF DISCREPANCIES OCCUR  
WHICH CANNOT BE RESOLVED, MAY REQUEST  
A TECHNICAL OR FINANCIAL AUDIT OF THE  
PROJECT.

26.1(A) Send record copy of status report on  
artist and artwork selection to  
Alaska State Council on the Arts

26.0(B) Concurrent with Step 25.0(B) school  
district superintendent reviews monthly  
project status reports

27.0(A) FINAL INSPECTION

School District facility coordinator makes request for DOT/PF, D.O.E., and all appropriate regulatory agencies participation.

School District, DOT/PF, D.O.E. and appropriate regulatory agencies perform final inspection.

27.0(B) FINAL INSPECTION

Perform same duties as above, but DOT/PF makes the request to all agencies and school district.

28.0(A) PAYMENT OF CONSTRUCTION COMPLETION RESERVE

28.1(A) School Facility Coordinator submits to Grant Administrator, request for payment of construction completion reserve.

28.2(A) IXOT/PF performs final project audit before payment of construction completion reserve.

28.0(B) PAYMENT OF CONSTRUCTION COMPLETION RESERVE

28.1(B) DOT/PF Construction Manager submits request  
for project closeout to Financial Review  
Officer

28.2(B) DOT/PF performs project closeout activity

29.0(A) OWNERSHIP OF FACILITY

If School District has not chosen to own the facility, upon final acceptance of the project, the School District, must obtain a facility use permit from the Department of Education.

The School District must maintain the facility in conformance with DOT/PF criteria<sup>1</sup>.

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<sup>1</sup>See DOT/PF Procedures Manual, Section XIII for facility maintenance criteria.

30.0(A) WARRANTY INSPECTION PERIOD

30.1(A) School District performs warranty inspections during the one-year period following project acceptance.

The School District obtains contractor repair or replacement as required by these inspection reports.

School District may budget for Design Professional assistance for this task.

30.0(B) WARRANTY/INSPECTION PERIOD

DOT/PF obtains contractor repair or replacement as required by these inspections.

30.1(B) DOT/PF (with school board staff participation, if desired by school district) performs warranty inspections during the one-year period following project acceptance.

DOT/PF may budget for design professional for this task

### 31.0 POST OCCUPANCY EVALUATION

It is important for all parties involved to have the benefit of some "hindsight" evaluation of the process they have just been through. The purpose of the post-occupancy evaluation is for all parties to discuss the problems and solutions that worked for or against efforts to produce useful cost efficient buildings. The School District, D.C.E., and DOT/PF will utilize this information to improve it's planning and facility procurement process for future projects.

School District, DOT/PF, D.O.E., the architect and his consultants participate in a post-occupancy evaluation, and prepare a report for use by DOT/PF and the School District.

DOT/PF performs an energy audit using guidelines being developed by the energy agency.

In conjunction with the School District and the architect, DOT/PF prepares a final life cycle costing report for inclusion in the State's data base system.

To Gene  
Fr his  
Rural sub  
file

# Rural School Construction

Southwest Alaska Empire, Juneau, Alaska, Friday, March 30, 1979 —PAGE ELEVEN

## Costs Are High

**EDITOR'S NOTE**—Given a little remedial work, educators say Alaska's rural high school program can bring its grades up to snuff. But a recent university study said so far, the program has flunked. This is the last in a three-part series that takes a look at fledgling high schools in the bush.

By MARY LENZ  
Associated Press Writer  
MCGRATH (AP) — In Takotna, Iditarod School District officials said, a one-room school

cost \$160,000. In Talaida, a one-room school cost more than \$500,000 and had to be closed when four students moved and enrollment dipped below minimum requirements.

A recent report issued by the University of Alaska-Fairbanks, Center for Cross Cultural Studies criticized the transplant of educational concepts and curriculum designed for urban areas with little thought to bush conditions or the native way of life.

Building concepts suitable for urban areas have also been transplanted and are, perhaps, the most glaring example of the faults cited in the report.

Asked why building costs were so high, one educator replied: "Because everybody is Alaska is turning a fast buck. The school in Takotna was developing major cracks two months after it was built. A good log cabin is much more suited to the environment."

Terry Chase, assistant super-

intendent of the Iditarod district headquartered at McGrath, says sometimes he thinks of school buildings as "mechanical monsters." But he denied that contractors were getting to the state.

"It's still pretty competitive. The lowest bidder gets the job," Chase said, "You have to realize the cost of building in rural Alaska is very high. In Talaida, all the building material had to be flown in by helicopter."

The report said new bush schools have often "inhibited rather than enhanced" the adaptability of study programs to bush conditions.

School officials interviewed said state codes geared for urban areas seem to be applied with little thought to bush conditions.

Chris Roust, Department of Education facilities coordinator in Juneau, said agencies object to making exceptions for rural areas because, among other things, that makes it more difficult to train agency employees.

Asked if that meant codes were written for the convenience of the agencies, he said: "I would believe so, yes."

Roust said the Department of Public Safety is proposing a new rule requiring sprinkler systems to be installed in schools. "In

some of these locations it's almost impossible to get drinking water, much less sufficient water to run a sprinkler system," Roust said.

Roust said there were no water or sewer facilities in Takotna and they had to be built.

"Water is required because you must have drinking fountains in the school," he said. "In many rural locations they have had to provide electrical power, generators and oil tanks."

"The proliferation of regulations is a problem," he said. "We're constantly making comments to regulatory agencies trying to get exceptions for rural

areas."

Educators have pointed out that it is somewhat difficult to hire, maintenance personnel for complex equipment from villages where electricity did not exist before the school was built. The teacher, who may know little about mechanics, has to fix everything from toilets to generators.

Roust said much of the problem lies in the fact that the state did not tell building designers what it wanted and "they assumed a scaled down version of a large city school was desired."

He said more recent designs have been "quite simple" and the

state is trying to insure that "a lot of the guidance comes from the local district rather than somebody in Anchorage or Juneau."

"I'm not saying the prices will be coming down but we believe since there isn't a lot of other construction going on in the state we should get some pretty good prices." He said construction prices were quite high while the pipeline was being built.



# Educators Say Schools In Bush Need Upgrading

**EDITOR'S NOTE:** Given a little remedial work, educators say Alaska's rural high school program can bring its grades up to snuff. But a recent university study said so far, the program has flunked. This is the first of a three-part series that takes a look at fledgling high schools in the bush.

By MARY LENZ

Associated Press Writer

**ANCHORAGE (AP)** — Alaskan educators agree that the rural high school program is seriously flawed, but it seems to be the only alternative.

A report written by the Center for Cross Cultural Studies at the University of Alaska Fairbanks, said drastic changes must be made or "many small high schools are doomed to failure, along with a whole generation of young people."

The report cited high teacher turnover, low student achievement test scores and inadequate curriculum and called for major revisions to be made as quickly as possible.

Terry Chase, assistant superintendent and vocational education director of the Iditarod school district, is among educators who agree with criticisms voiced in the report but who say rural high schools have a lot to offer.

"We still have along way to go, but we are way ahead of anything we had in the past," he said. "The dropout percentage is by far lower than it was when students were required to live away from home."

In 1976, a consent decree was signed by the state to settle the Molly Hootch case, brought on behalf of 2,600 rural students.

Before that, the only way Alaska's rural teenagers could get to high school was by airplane.

Most of them were natives. Some went to boarding schools in Alaska's major towns, some were sent out of state and many were unable to cope with homesickness or living in an entirely different culture.

One educator said sending native children to faraway schools "wrecked a lot of lives."

Steve Hole of the Department of Education, said since the decree was signed, 30 new high schools housing 1,000 students have been built in rural communities. He said new high schools or additions to old facilities are under construction in 67 communities.

Hole said since many facilities are still under construction, the Education Department has no idea how much money will be spent on building rural schools. The last legislature appropriated \$65 million for the program, Hole said.

Both Chase and Marshall L. Lind, state commissioner of education, said they have no figures to prove it, but they believe costs of food, lodging and 24-hour care for students at boarding schools outweigh costs of building village schools.

"The program must be put in the perspective of the alternatives. We know what those are and they have not been proven to be successful," Lind said. "Give the schools a fair shake, some of them have only been operating for two years. You are not going to have an Anchorage West High School in every community in the state."

The report, a preliminary docu-

ment to be expanded later, said small schools should not try to copy programs of large, urban high schools.

Bob Juettner, city administrator of McGrath, was among researchers who worked on the report.

"Where the crunch comes is that the small high schools try to teach with two or three teachers what big schools teach with 30 or 40," he said.

He agreed that small schools can provide needed personal attention, "but how much can one teacher teach? After awhile, the kids get tired of seeing the same face and good teachers burn out, so you find lots of them gone after two years."

The good point of rural schools, he said is that "kids don't get lost in the shuffle, they feel more secure going to school at home."

Dr. Ray Barnhart, director of the group which produced the report, said it criticized aspects of rural education but was favorable to the small high schools as a concept.

He said staying with their family in their local community "helps students create an identity. We're not talking about the school only, but the whole environment. The smaller school is by far the most positive situation."

One of the chief criticisms was that rural high schools provide background for vocational education but not for students who want to go to college.

But Lind said studies have shown that students given a firm grasp of the basics can handle college no matter what size school they come from.

There were two issues related  
the Hootch case.

- 1) A CONSTITUTIONAL QUESTION  
WHICH IS NOW IN THE  
SUPREME COURT, AND
- 2) THE QUESTION OF EQUAL  
PROTECTION. THE SETTLEMENT  
AGREEMENT CONTAINS THE  
PROVISIONS THE STATE HAS  
COMMITTED TO PERFORM.

THE CREATION OF REAR'S  
SCHOOL

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WHO PAYS FOR MAINT  
OF REAR SCHOOLS

DOE submits to the  
Legislature a report  
of the project re-  
quests made by the  
Regional School Board  
within first 10 days  
of the session

*Anchor*

*Anch Daily News*  
*3-31-79*

# Smith campaigns to cut Bush school funds

By **BILL WILSON**  
Daily News Staff Writer

Anchorage assemblyman Don Smith, mounting a statewide petition drive to head off state spending for the Molly Hootch rural education settlement, says it doesn't matter that the attorney general's office believes his initiative couldn't be legally enforced.

"I can't believe that what has been done can't be redone, that the wheel can't be reinvented," he said. "It's just that no one has been gutsy enough to stand up and fight it."

**ASSISTANT** attorney general Richard Burnham says the Hootch settlement, which mandates the building of schools in Bush villages having eight or more school-aged youth, is a consent decree and therefore can't be amended by the vagaries of public opinion.

"He wants to go back to the thing that generated the suit in the first place," Burnham said. "A petition can have no effect on an order of the court."

Smith, a representative of southern Anchorage and the Hillside, says he has mailed out 1,500 copies of his petition in the last three weeks and has received more than 1,500 signatures back.

"**THEY ARE** full of it," Smith says of his critics. "The rural legislators wanted a little pork barrel deal, they wanted a pound of flesh. They can say what they want to say, but if they hear the will of the people, they might change."

His petition reads:

"We the undersigned Alaskans strongly urge that a review and reevaluation be made of the rural high school construction program. We ask that all funds be frozen until a new plan is developed. The new plan should call for no school to accommodate less than 250 students, have only one high school in each rural education attendance area, require a study of the program's total life cycle costs and not allow the building of a high school where an already functioning high school exists."

**THIS WEEKEND**, Smith plans to mail additional copies of the petition to people who have already signed it and urge them to drum up more signatures.

Burnham and officials of the state

Department of Education laugh at Smith's estimate of \$700 million as the price associated with educating what he calls 2,300 students.

In the last two years, a \$59 million bond, which built schools in Kodiak, Cordova and Nome in addition to smaller Bush communities, and a \$110 million appropriation from the legislature have been poured into the rural school program.

**SMITH** favors a return to the regional school concept that was abandoned in 1972. Under his plan, students would be forced to "travel up or down the river a hundred or so miles if they didn't want to take the correspondence courses." At the regional schools, students would live in state-financed housing.

Bill Thompson, manager of the state Department of Education's management, law and finance office, says that even though the construction of numerous small bush schools requires a hefty initial investment, the total difference in cost between the rural construction program and taking the students away from their villages is about the same.

Thompson, who analyzed the comparative costs after the Hootch case was filed in 1972, said "it was a wash. Financially, it cost no more to educate a child at home than it does away from home." The difference, he says, is that under the Hootch settlement, a big dose of "up front money" is required, while under the

old plan, the costs mount over the course of the child's education.

**THOMPSON** also points to what he calls the "high social cost" of taking children away from their homes during their formative years, saying the drop-out rate was high and the process is tough on families.

"What kind of education can be offered to rural high school students with such small schools?" Smith says. "I do not want to see precious tax dollars wasted on such a program." Smith says that he will try to speak before the House Finance Committee April 19 to urge them to freeze rural education money. Should that fail, he vows an initiative drive to get his proposal on a statewide ballot.

# Municipality of Anchorage



ANCHORAGE ASSEMBLY

POUCH 6-650  
ANCHORAGE, ALASKA 99502  
(907) 274-2525

Assemblyman Don Smith  
Box 57 SRA  
Anchorage, Alaska 99507  
Phone: 344-1098 Home  
276-4325 Office

April 19, 1979

To Members of the Alaska Legislature

I'm urging that you consider freezing unspent Rural High School construction monies in order to give time for a review and re-evaluation of the program.

Why am I asking for such an action? My reason is that I do not believe that enough time and consideration was given to how the State of Alaska should attempt to solve the problem of education in rural Alaska.

I believe that Legislative action last year may have committed this State to a program which will not meet the needs of a small number of rural Alaskan High School Students and yet cost this State over a billion dollars within the next 20 years.

The out of court settlement of the Hootch case in my opinion can be delayed pending a reasonable review. The initial commitment on the part of the State was for \$20 million of the \$59 million dollar bond issue in 1976 to be used for construction of rural high schools. We should not allow the threat of further suit's or a continuation of the Hootch case to stop reasonable consideration of the consequences of building high schools in 126 villages in the State.

I think that we need to look at other alternatives besides just the construction of the traditional one room school house.

## CURRENT RURAL ELEMENTARY SCHOOL PROGRAM

I've talked with teachers and parents from rural Alaska who indicate to me that the current program for educating elementary children is not working. Are we structuring the curriculum for the uniqueness of rural Alaska so that children in grades K - 8

Representing South Anchorage



are capable of actually going on to High School? I've heard that there are inadequate books, programs that just won't work in the rural environment and that the problems are immense in getting qualified teachers and then being able to keep them.

#### QUALITY OF EDUCATION

Just what kind of high school education are you truly going to give in a classroom with 8 or 10 or for that matter 15 to 20 students? Do you really believe that students coming from this type of school will be capable of competing with other students when they go to college? How many native leaders do you think there will be in the future with this kind of high school training? I'm convinced that you will set back many of the advances that the Alaskan Native people have made in the past 20 years. Our rural high school students cannot receive the kind of training they will need in a school of 8 to 10 students. They need more than just the basics.

What about the recent University of Alaska study on Rural High School Education? Isn't that a warning flag that should be looked at. Remember, once this money is spent the program cannot be re-done. I've heard that the Hootch lawyers are now beginning to complain that the rural high school students are not going to be receiving the same kind of education that a student receives at West Anchorage High School -- of course not!

#### WHAT ARE THE COSTS?

Just what sort of committment has been made? While the figures are difficult to acquire, it's obvious that well over \$160 million has been committed to date. This breaks down as follows:

\$ 59 Million from the bond issue in 1976
96 million from chapter 134 SLA 1978
4.5 million from chapter 137 SLA 1978
1 million from chapter 113 SLA 1978
<u>\$160.5 million</u>

These monies are only for construction! Original estimates appear to be over 2 years old which means that with inflation the totals will be much higher in order to build schools in all 126 villages. I even understand that REAA officials are speculating that this program with all the money currently committed will need an additional \$250 million to be completed!

That's over \$400 million dollars in order to build schools in 126 villages for no more than 2,300 to 2,600 kids!

For most State projects there is a requirement for life-cycle cost estimates. Do you realize that this has never been done? What are the costs going to be to fly in fuel, buy costly electricity, repair the facilities, provide for staff including their accommodations? You can bet it will easily exceed the construction costs!

I've talked with architects, builders and contractors and they all have told me that there are tremendous problems in trying to build these type of facilities in rural Alaska and that construction costs will be out of sight. I'd suggest that you talk privately to some of these people and find out how they view this program. I've heard that some of the schools are even being designed with obvious deficiencies and will require additional money to complete.

#### WHO'S IN CHARGE?

You should try and find out information on this program. I've never seen such a mess! The Department of Education handles one part, the REAA's another and the Department of Transportation the other. I'm convinced from my attempts to gather information that no one knows what the other is doing. You'd think that it would be a simple matter to chart a specific school. How many kids, how many students each year for the next 5 to 8 years, design of the school, estimated costs, size, a schedule of when the school will be designed, bid and constructed, any over-runs, and on and on! Believe me, you won't get very far. I know that certain Legislators have tried to acquire information and have been given the run around.

#### WHAT KIND OF STAFFING WILL BE REQUIRED?

What will the staffing requirements be for these 126 schools? As noted in the appendix, I have a letter from a person in Eagle who cites the number of Teachers now in the Eagle School. Are we going to be structuring the schools like in Eagle, from one teacher for 28 students in 1971 to 5 certified teachers & 1 secretary for 35 students? You'd almost think so if any kind of program is to be offered. What kind of PTR are we contemplating for rural high schools? What sort of commitment will we have in terms of costs for these teachers and their accommodations?

Are we going to be doing away with the current correspondence study program? Will students be allowed at State expense as is done today to travel to a larger community and board in order to get a decent education?

What is the REAA program costing us and shouldn't there be

an analysis made of this commitment. I see REAA Board members staying in Anchorage for days at a time - wearing special jackets identifying them with a certain REAA. How much is this program costing? I've heard that the 21 superintendents are receiving salaries in the \$60,000 dollar range plus each REAA has their own large administrative staffs. Should consideration be given to combining some of these REAA's?

#### ALTERNATIVES

While Native Leaders have criticized the boarding school program, shouldn't consideration be given to building 8 or 10 high school centers in rural Alaska? These schools would then be much closer to the students homes and therefore would allow for more contact with families.

What about using our new satellite TV communication system? Maybe all we need is a small addition to the local grade school and some coordination through the grade school teacher to work with the students in their correspondence studies.

I'm sure that there are many other options that have not been adequately reviewed and could go a long way to solve the problem of rural Alaska high schools. They may not be the perfect answer to the problem but neither is just spending money and hoping that it will be the cure.

#### CONCERNS OF VILLAGES AND PARENTS

I understand that there have been numerous complaints in the Governor's office in Nome concerning this program. Parents have been complaining because there has not been adequate notice given nor no community input on just what kind of school is going to be built.

I have also been told that many villages, particularly in the lower kuskokwim, were interested in seeing some type of regional high school built in their region instead of the current program.

#### JUST WHAT ARE THESE FACILITIES TO BE USED FOR?

In my review of this program I looked at three plans for the different kinds of schools that are to be built. My first reaction was that they were glorified community centers! Each has a large gym with attached kitchen facilities. If the need is truly for classrooms, then why aren't we just flying out portable trailer units like Alyeska used on the pipeline and connect them to the existing grade schools? This would certainly not be the nicest facility but would meet the need of having a classroom for the rural high school student.

I think that while the buildings can be called high schools, we're really being asked to build 126 communities their own community center and as a second thought we're including a classroom or classrooms all under the guise of education!

#### CONCLUSION

We are still only a state of 400,000 people. There are lots of things we'd all like to have. The committment of over a possible 1 billion dollars for high schools for such a small number of students is insane! Life in rural Alaska is tough and will always be difficult. Reasonable people I'm sure wouldn't object to a program that set up a few more regional high schools or an expanded correspondance program, but the State shouldn't be asked to expend its limited resources on this program, one at best that will not work.

As you know, I started a modest petition drive about a month ago. With very little effort I have collected over 2,200 signatures asking that you halt this program. This program should be stopped immediately and be given a complete review and re-evaluation. Alaskans deserve to know exactly what is planned and what the total costs are going to be. Not just construction costs, but a breakdown of all costs for the next 20 years. Various options should also be made available.

As a second recommendation, I would like to suggest that a blue ribbon commission be formed that could participate in the analysis.

Thank you for taking the time to review this request.

  
Don Smith

Eagle, Alaska 99738  
April 7, 1979

Don Smith  
402 W. 3rd Avenue Suite 18  
Anchorage, Alaska 99501

Dear Mr. Smith,

While in Anchorage last week, it was with great joy I learned some one was finally concerned enough to do some thing about "run away spending in bush schools". I am appalled over the sudden increases with the new organization of Rural Regional School Districts.

In 1971, Eagle had one teacher with 28 students grades 1-8.

In 1978-79 Eagle has 35 students grade 1-12 with five certified teachers plus a secretary.

Eagle is located in the Gateway Regional School District, which has approx. 550-570 students the last time I asked, with an operating budget of 2 million dollars and a construction budget of 2.5 million dollars. Of course there is now an office building for a superintendent, ass't. superintendent, home studies coordinator who flies in to visit his students at regular intervals, a building personnel for construction plus several office staff. This structure was superimposed upon the already existing adm. personnel in the schools, such as principals, asst. principals and head teachers. It appears the major increases in the operating budget have gone for administrative personnel, and their per diem and travel.

Eagle has a mixed school of Indian and Causasian since it serves th e two communities. If I could get any inkling that the quality of education had improved, I might be less concerned. At \$3,636 per student, not including construction budget, which would more than double the cost per student, students could attend the best schools in the country.

Godd luck! If there is anything which I can do from this rural setting, please let me know. Attached are a few of suggestions for change which I have listed.

Sincerely,

## ALASKA REGIONAL RURAL SCHOOL DISTRICTS

How can one get hold of this FISCAL EXTRAVAGANZA RIP-OFF? Perhaps you already have some answers; one knows it is twice as difficult to cut back and to prevent budget explosion. I should think the urban area residents would be truly concerned, as they carry the taxation load while funds are limited for their schools. Only a few of these rural residents pay any taxes and many receive funds through other programs in order to live here, yet demand all the 1st class services.

1. Appeal the HOOTCH case - I believe there is enough evidence that the education received in small high schools does not counter balance the need for students to leave a community for high school, nor remain home and take correspondence courses. Presently a H.S. diploma does not indicate any achievement level. Need to set up specific academic standards to receive a H.S. diploma.

I believe a precedent has been set for rural services in the health services for which the state has been responsibility. In the small ~~urban~~ bush communities, emergency services and minor illnesses cared for (elementary schools); in the Regional Centers which would be Tok in our case, more diagnostic treatment available (high school) and higher medical centers only provided in large cities which would Fairbanks in our case (university settings).

2. Alaska Education Department interpretation of the HOOTCH case: Much could be done within this court decision without this financial explosion. Let the legislators take the reins and put down some fiscal ceilings under which they must operate.

3. Ceiling on administrative costs; money seems to flow like water; biggest job seems to get it all spent.

4. Ceiling on central administration staff per number of students. Outrageous to have a superintendent plus asst. superintendent when each of the schools already has a principal or head teacher depending on size. Why is a secretary necessary when two certified teachers H.S. only have 10 - 12 students between them? Lets get originality in staffing such cases.

5. If a community with less than 30 or 40 (?) students wishes a high school program, allow the state to provide a teacher and the local community provide the building and utilities; Eagle School grade 1-8 was provided in this manner 1899 - 1940's.

6. Correspondence courses - decide if the state or school district has this responsibility rather than duplicating as now occurs. Students living in Eagle, three miles from present school have elected to use correspondence courses - some under state supervision and others under school district. A good basic education can be received with home study, if ability and interest is there. Some correspondence students in Alaska (1-12 grades) have graduated from college Magnum-Cum-Laude.

7. Halt building programs when other community buildings are available. Fancy buildings do not mean good educational programs; lets look inside the classrooms.

8. Better supervision of necessary rural buildings; Eagle's last school bldg, a multi-purpose building cost over \$200 a square foot and is a night mare of problems. I have been told this is more than the Kennedy Center in Wash. D.C. cost. We have been building in same community for the past seven years and know this is not necessary.

9. School Board Duplication - Presently every school has a school board (5 members) plus a Regional School Board with a representative from each of the areas. That is similar in an urban area to a school board from each class room and a school board for each individual school (many urban schools have more enrollment than the entire Gateway Regional School District has.)

No salary, but much cost involved in travel and pre diem. Ceiling put on such costs as our Regional School Board voted to send members to numerous outside meetings, plus all members to a southeastern meeting when one could have attended and reported back. It is unfortunate not to find citizens more responsible for fiscal matters; in light of their actions, regulations are required.

10/ Term "certified teacher" seems to have lost most of its meaning, except for receiving large salaries. Univ. of Alaska has so watered down its programs to meet native inabilities that it has lost its credibility. I support their effort to provide programs for the 15% of our population (native) but not at the expense of the rest of the 85% of our population. LET'S STOP THIS SELL OUT TO ALASKA NATIVES - NO ONE IS HELPING THEM BY THIS TREND. I know - I live here with them and they are my friends.

One can now become a "certified teacher" via correspondence thru the Univ. of Alaska if one has worked as a teacher's aide in the rural school. This was intended for natives, but also applies to caucasians. Many of our native population have the ability and could meet all the standards set up for the "Caucasian population" and should share the benefits. Those in the "watered-down" programs, should be identified as such and receive benefits accordingly.

11. OPENING UP MORE ALASKA RURAL LAND could set us up for sky rocketing costs unless guide lines are set up on costly bush services, prior to opening of land. Historically, people have cried for land, to get into the wilderness; then they do get there, they begin to demand all types of services be provided to them on the spot by the state - education, roads, health and welfare to mention just a few.

I admire a family wishing to live out in rural Alaska, who educates their children via correspondence course and provides own health care and transportation *and welfare.*

THE STATE NEEDS TO SET UP SPECIFIC GUIDELINES FOR THESE RURAL SERVICES BEFORE THEY CONTINUE ON THEIR "BIG LAND GIVE AWAY PROGRAM."



be itemized as allocations within the bill for the general appropriations act. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.055. State public facilities plan. (a) The commissioner shall develop and annually revise a statewide comprehensive facility procurement plan for public facilities of the state and its municipalities.

(b) In developing and annually revising the facility procurement plan, the commissioner shall

(1) request and receive on an annual basis from all state agencies a projection of the anticipated facility needs of the agency for the next annual capital improvement program;

(2) consult with officials and representatives of municipalities, the federal government, interested corporations and other organizations concerning public facility needs in the state;

(3) develop specific facility procurement plans for projects in each of the following categories:

- (A) sewage transmission and treatment systems;
- (B) water transmission and treatment systems;
- (C) electrical generation and distribution systems;
- (D) health care and social services facilities;
- (E) educational facilities;
- (F) communications facilities and transportation facilities;
- (G) public safety and justice facilities;
- (H) recreational facilities; and
- (I) sanitation facilities;

(4) prepare recommendations to accommodate the various levels of service identified by state agencies and other parties with respect to the services described in (3) of this subsection, to include recommended

- (A) current and future facility needs;
- (B) space standards and design guidelines for the appropriate facility types;
- (C) maintenance and operations standards for the appropriate facility types;
- (D) construction techniques and contracting methods;
- (E) facility project budget requirements; and
- (F) the relative costs of identified alternatives (life cycle cost analysis);

(5) identify common public facility needs among the various user agencies; and

(6) submit its findings, plans and recommendations to the governor and to the appropriate state agency to facilitate the development of agency capital improvement budget requests.

(c) In the preparation and revision of the facility procurement plan, the commissioner may

(1) develop and adopt regulations for use in carrying out the purpose of (b) of this section; regulations may not be adopted under this section unless approval is received from appropriate program agencies;

(2) make recommendations on the total capital improvement program to affected state agencies, local governments, and other interested parties and organizations, and to the divisions of budget and management and policy development and planning.

(d) In this section, "public facility"

(1) means a capital improvement within one of the categories described in (b) of this section which is constructed

(A) for subsequent occupancy or operation by the state, a public corporation of the state, the University of Alaska, a political subdivision, or a regional educational attendance area;

(B) by a political subdivision or any private party with the assistance of financial support provided by the state if funds appropriated or paid by way of a grant or loan in advance of construction of the facility, or any part of it, are 50 per cent or more of the estimated costs of construction of the facility;

(2) does not include projects constructed with the proceeds of one or more loans issued by a loan program administered by the Department of Commerce and Economic Development. (§ 14 ch 168 SLA 1978)

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# Alaska Statutes

## Title 35. Public Buildings, Works, and Improvements.

### Chapter

- 05. Administration (§§ 35.05.010 — 35.05.050)
- 07. State Participation in Flood Control Projects (§ 35.07.010)
- 10. Public Works (§§ 35.10.010 — 35.10.200)
- 15. Construction Procedures (§§ 35.15.010 — 35.15.120)
- 20. Acquisition and Disposition of Property (§§ 35.20.010 — 35.20.070)
- 25. General Provisions (§§ 35.25.010 — 35.25.020)
- 27. Art Works in Public Buildings and Facilities (§§ 35.27.010 — 35.27.030)

### Chapter 05. Administration.

#### Section

- 10. Planning and construction
- 20. Rules and regulations
- 30. Duties of department

#### Section

- 40. Powers of department
- 50. Federal aid

**Sec. 35.05.010. Planning and construction.** The department is responsible for the planning and construction of public works. (§ 1 art III title I ch 152 SLA 1957)

*Revisor's note.* — The following executive order signed by Governor William A. Egan was transmitted to the legislature on January 22, 1962. It was not disapproved by the legislature during the 1962 session and therefore became law under the provisions of § 23 art III of the state constitution and AS 21.30.130.  
"EXECUTIVE ORDER NO. 14.  
Pursuant to Section 23, Article III, Constitution of the State of Alaska, I

hereby reassign from the Department of Public Works to the Department of Fish and Game the function of constructing, maintaining, and operating vessels predominantly utilized by the Department of Fish and Game. I consider this transfer of function necessary for efficient administration.  
"Dated at Juneau, Alaska, this 30 day of June, 1961."

**Sec. 35.05.020. Rules and regulations.** The department shall adopt rules and regulations which it considers necessary to carry out the purpose of this title. (§ 1 art III title I ch 152 SLA 1957)

*Cross reference.* — As to regulations concerning prequalification of contractors, see notes to AS 35.15.050.

Publication of regulations concerning

bidding and letting of contracts in Administrative Code. — See same catchline in note to AS 35.15.050.

**Sec. 35.05.030. Duties of department.** The department has the following powers and duties: (1) direct approved public works planning and construction; (2) employ assistants and employees; (3) certify and approve vouchers; (4) prepare a departmental budget; (5) review the annual public works program. (§ 2 art IV title I ch 152 SLA 1957)

**Sec. 35.05.040. Powers of department.** The department may (1) acquire property; (2) exercise the power of eminent domain; (3) take immediate possession of real property, or any interest in it under a declaration of taking or by other lawful means; (4) acquire rights-of-way for present or future use; (5) dispose of excess property or property rights; (6) accept and dispose of federal funds or property available for public works construction, maintenance, or equipment; (7) enter into contracts or agreements relating to public works with the federal government and political subdivisions, and also enter into contracts with a foreign government if approved by the federal government; (8) exercise any other power necessary to carry out the purpose of this title; (9) lease or grant land or any interest in land to the Alaska State Housing Authority on terms and conditions prescribed by the department; (10) procure directly materials, labor and contractual services for planning, designing and constructing public facilities of the state. (§ 2 art III title I ch 152 SLA 1957; am § 15 ch 99 SLA 1965; am § 3 ch 216 SLA 1975)

*Cross reference.* — See Editor's note to Article 6 of AS 35.10.

*Effect of amendment.* — The 1976 amendment added (10).

**Sec. 35.05.050. Federal aid.** Legislative assent to federal aid for Alaska, including aid given to Alaska through a department or agency of the federal government, is given. The department may apply for, contract, and do all things necessary to cooperate with the United States Government for the construction of public works under federal acts. (§ 1 art II title III ch 152 SLA 1957)

### Chapter 07. State Participation in Flood Control Projects.

#### Section

- 10. State assumption of nonfederal flood control project costs

*Revisor's note (1971).* — In ch. 129, SLA 1971, AS 35.07 appeared as AS 35.30.

**Sec. 35.07.010. State assumption of nonfederal flood control project costs.** To the extent that funds are made available by the legislature, the state shall assume 99 per cent of the nonfederal costs of

planning, land acquisition, construction and maintenance of flood control projects authorized within the state by the United States before or after June 6, 1971, except that the state shall assume the full share of nonfederally funded costs with respect to those facilities which are primarily state responsibilities, including but not limited to highways and roads, parks and recreation, and fish and game facilities. The state shall participate in federal flood control projects under this section only as to those projects authorized and approved by the Department of Public Works. (§ 1 ch 129 SLA 1971)

## Chapter 10. Public Works.

### Article

1. Public Works Planning and Construction (§§ 35.10.010 — 35.10.080)
2. Boat Harbor, Dike, Jetty, and Breakwater Facilities (§§ 35.10.090 — 35.10.120)
3. Financial Provisions (§§ 35.10.130 — 35.10.135)
4. Prohibitions and Penalties (§§ 35.10.140 — 35.10.150)
5. Public Facility Procurement Policy (§§ 35.10.160 — 35.10.200)

### Article 1. Public Works Planning and Construction.

Section	Section
10. Standard plans and specifications and limitation on cost	40. Failure of contractor to perform work
15. Architectural barrier regulations: enforcement	50. Duty of department to examine and report on existing public buildings
20. Consultation with municipal planning commissions	60. Inspection and testing of materials
25. Compliance with local building codes	70. Research on public works
30. Inspection and supervising public works construction	80. Statement of work authorized, completion schedule, and recommendations

**Sec. 35.10.010. Standard plans and specifications and limitation on cost.** The department shall prepare and adopt plans and specifications and determine standards for the construction of each public work. Each public work shall be limited in cost to the amount of the appropriation made for that purpose. The plans and specifications may be amended from time to time as the department considers advisable. This section does not apply to the construction of school buildings in incorporated cities, unless the construction is done in whole or in part with state funds, or to the construction of school buildings when the construction amounts to less than \$2,000. (§ 1 art III title III ch 152 SLA 1957)

Am. Jur. reference. — 43 Am. Jur., Public Works and Contracts, § 1 et seq.

**Sec. 35.10.015. Architectural barrier regulations: enforcement.** (a) The Department of Public Works shall prepare, promulgate and enforce regulations governing the construction of public buildings and facilities by or for the state, including the University of Alaska, and its political

subdivisions, whether financed in whole or in part by federal funds, to insure that the public buildings and facilities are accessible to, and usable by, the physically handicapped, aged or infirm. The regulations of the department shall conform to a standard comparable to the applicable provisions of federal law or regulation and to the publication entitled "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped" or any amendments to this publication as approved by the American Standards Association, Incorporated, under the sponsorship of the National Society for Crippled Children and Adults and the President's Committee on Employment of the Physically Handicapped.

(b) The department shall develop and maintain an inventory of all public buildings and facilities with respect to their compliance with the regulations adopted under (a) of this section. The department shall make an annual report to the governor and the legislature describing work performed in the preceding calendar year to upgrade public buildings and facilities to conform with the regulations. In addition, the department shall develop cost estimates and recommended priorities for the upgrading of public buildings and facilities that do not conform with the regulations adopted under (a) of this section and shall include these estimates and the recommended priorities in the annual report to the governor and the legislature.

(c) In this section, "public facilities" includes vessels owned by the state and operated by the division of marine transportation of the Department of Public Works as a part of the Alaska marine highway system. All ferries owned or operated by the state shall be equipped with elevators or other passenger lifting equipment, ramps, or other facilities and devices to ensure that these vessels are accessible to and usable by physically handicapped, aged or infirm passengers. In this subsection, "accessible to and usable by" means that a physically handicapped, aged or infirm passenger can board, disembark and move between decks and about the public areas aboard a state ferry with personal comfort and with safety to himself, other passengers and members of the crew. (§ 1 ch 119 SLA 1966; am § 1 ch 48 SLA 1972; am §§ 1, 2 ch 249 SLA 1976)

Effect of amendments. — The 1972 amendment inserted "including the University of Alaska" in the first sentence of present subsection (a).

The 1976 amendment, in the first sentence of present subsection (a), substituted "shall prepare, promulgate and enforce" for "is responsible for preparing and promulgating," inserted "whether financed in whole or in part by federal funds" and added "aged or infirm" to the end of the sentence. The amendment also substituted "to a standard comparable to the applicable provisions of federal law or regulation and" for "as far as it is feasible"

in the second sentence of present subsection (a), and added subsections (b) and (c).

Editor's note. — Section 3, ch. 249, SLA 1976, provides: "After June 25, 1976, no ferry may be constructed, lengthened, completely renovated, or purchased for use or entered into service by the division of marine transportation of the Department of Public Works as a part of the Alaska marine highway system that does not include adequate facilities and devices to ensure that the vessel is accessible to and usable by physically handicapped, aged or infirm passengers. Some staterooms and all

restrooms, indoor passageways, outdoor weather decks, and other public areas aboard the vessel shall be so designed and constructed as to permit access and use by physically handicapped, aged or infirm passengers, including but not limited to those persons occupying a wheelchair."

Section 4, ch. 249, SLA 1976, provides: "After June 25, 1976, no public building or

facility in the state may be planned, designed, financed, constructed, opened to public use, or otherwise placed in operation unless it meets the standards established under AS 35.10.015, as amended by sec. 1 of this Act."

Legislative committee report. — For report on ch. 119, SLA 1966, see 1966 House Journal, p. 889.

**Sec. 35.10.025. Compliance with local building codes.** A public building shall be built in accordance with applicable local building codes including the obtaining of required permits. This section applies to all buildings of the state and corporate authorities of the state. (§ 1 ch 89 SLA 1968)

**Sec. 35.10.030. Inspection and supervising public works construction.** The department shall supervise and inspect the construction of public works and shall see that the work performed in constructing, repairing, altering or improving public works is in accordance with the drawings and specifications for them, that the interests of the state are fully protected, and that no person, firm, or corporation employed on any work performs the work in any other or different manner than is provided by the contract and the plans and specifications. (§ 3 art III title III ch 152 SLA 1957)

**Sec. 35.10.040. Failure of contractor to perform work.** If a contractor or person in charge of the construction of a public building in the state fails to perform the work in a good and workmanlike manner and does not perform the work in accordance with the plans and specifications of the contract, the department shall direct what legal action, if any, shall be taken. (§ 4 art III title III ch 152 SLA 1957)

Am. Jur. reference. — 43 Am. Jur., Public Works and Contracts, § 48.

**Sec. 35.10.050. Duty of department to examine and report on existing public buildings.** The department shall, from time to time, examine all existing public buildings and report the condition of each and any necessary additional construction which is needed on them. (§ 4 art III title III ch 152 SLA 1957)

**Sec. 35.10.060. Inspection and testing of materials.** The department may inspect and test materials, supplies, equipment and machinery used by a contractor constructing or maintaining public works, and may develop methods and procedures for inspection and testing. (§ 5 art III title III ch 152 SLA 1957)

**Sec. 35.10.070. Research on public works.** The department may gather, investigate and compile information concerning the use, construction and maintenance of public works, the practices and methods of efficient organization, financing and such other information, data and statistics of the state and the extent of natural resources of building materials in the state. The department shall disseminate this information, together with recommendations it considers advisable. (§ 6 art III title III ch 152 SLA 1957)

**Sec. 35.10.080. Statement of work authorized, completion schedule, and recommendations.** Not later than February 1 of each year, the department shall prepare a statement showing the public works authorized within the past six-year period and the completion schedule as of that date, together with recommendations regarding the need for additional public works construction, if any. (§ 7 art III title III ch 152 SLA 1957)

#### Article 2. Bont Harbor, Dike, Jetty, and Breakwater Facilities.

Section	Section
90. Application for federal funds	110. Contracting with communities for local participation
100. Determining need and priority of projects	120. Leasing marine or harbor facilities

**Sec. 35.10.090. Application for federal funds.** The department shall apply in the name of the state, as applicant, to the appropriate federal agency for the construction or assistance in the construction of boat harbor, dike, jetty or breakwater harbor facilities where the facilities are necessary, feasible and appropriate to the local economy. (§ 1 art IV title III ch 152 SLA 1957)

**Sec. 35.10.100. Determining need and priority of projects.** The department shall prepare the preliminary determination of need for each such project and its feasibility and appropriateness through representations and data submitted to it by the residents of each community desiring a project, and from other information available to it. The department shall approve and make the final determination of those projects, and their order or priority for which application is made. (§ 2 art IV title III ch 152 SLA 1957)

**Sec. 35.10.110. Contracting with communities for local participation.** The department may contract with a community for the participation of the community either in the financing of projects or, instead of local financial participation, to contract with the community for its installing necessary piling, floats, and related equipment and facilities whether at the community's direct expense or through local volunteer labor, after completion of the basic boat harbor, dike, jetty, or breakwater facilities. (§ 3 art IV title III ch 152 SLA 1957)

**Sec. 35.10.120. Leasing marine or harbor facilities.** The department may lease for a period up to 50 years or may sell for a nominal sum to an incorporated city, public utility district, or other incorporated area marine or harbor facilities constructed or rebuilt with territorial funds or state funds or with territorial or state and federal matching funds. The intent of this section is to allow cities, public utility districts, and other incorporated areas to lease or purchase marine or harbor facilities so that they may enforce municipal ordinances on them and legally assess fees to meet maintenance costs. (§ 1 ch 162 SLA 1955)

Revisor's note. — All other sections in this title have a common source, ch 152 SLA 1957. This section is all of ch 162 SLA 1955.

### Article 3. Financial Provisions.

#### Section

- 130. Construction within appropriations and limits imposed by legislature
- 135. Public facility planning fund

**Sec. 35.10.130. Construction within appropriations and limits imposed by legislature.** Each public work shall be constructed in a completed manner within the appropriation and limits imposed by the legislature. (§ 1 art V title III ch 152 SLA 1957)

**Sec. 35.10.135. Public facility planning fund.** There is established within the Department of Administration, Division of Budget and Management a public facility planning fund. The fund is a capital fund and consists of (1) money appropriated by the legislature, (2) money reimbursed to it from the proceeds of the sales of general obligation bonds and revenue bonds issued for projects and (3) money reimbursed to it from appropriations for any projects; for which money from the fund has been spent. The fund is available for expenditure, on a reimbursable basis, only for the purposes of providing working capital for facility program planning and for facility procurement planning as specified in this chapter. All expenditures from the fund are subject to an independent audit which shall be made annually and reported to the governor and the legislature. (§ 1 ch 57 SLA 1973; am § 1 ch 58 SLA 1976)

Effect of amendment. — The 1976 amendment rewrote this section.

Editor's note. — Section 3, ch. 58, SLA 1976, provides: "The fund balances remaining in the state operated schools advance planning revolving fund established in sec. 13, ch. 147, SLA 1974 and in the Department of Public Works public facility procurement planning fund established in sec. 2, ch. 216, SLA 1975 and

in the state capital improvement advance planning fund established in sec. 1, ch. 57, SLA 1973 are transferred as of the effective date of the Act to the public facility planning fund established in sec. 1 of this Act."

Legislative committee report. — For report on ch. 58, SLA 1976 (CSHB 624 am S), see 1976 House Journal, p. 557.

### Article 5. Public Facility Procurement Policy.

#### Section

- 160. Findings and purpose
- 170. Duties of department
- 180. Physical facility procurement and planning policies

#### Section

- 190. Coordination by department
- 200. Definitions

Editor's note. — Section 2, ch. 216, SLA 1975, provides: "There is within the Department of Public Works a public legislature for the purpose of providing procurement planning working capital and is available on a reimbursable basis for procurement planning. The fund shall be used by the commissioner to develop facility procurement planning methodologies for submission for review by the legislature by January 1, 1976. The

facility procurement planning fund. The fund is a working capital reserve fund and consists of money appropriated by the commissioner shall prepare a report delineating the various procurement policies which shall govern the expenditures of capital funds by the state and shall delineate the amounts of preplanning funds necessary for the implementation of these policies."

**Sec. 35.10.160. Findings and purpose.** The legislature finds that since the needs of the state for physical facilities of all kinds are diverse the planning, design and construction of public facilities should be executed in accordance with facility procurement policies development by the Department of Public Works and reviewed annually by the legislature. (§ 1 ch 216 SLA 1975)

Legislative committee report. — For am S), see 1975 House Journal, p. 894; 1975 report on ch. 216, SLA 1975 (SCS CSHB 429 Senate Journal, p. 1370.

**Sec. 35.10.170. Duties of department.** In addition to other duties prescribed by statute, the department shall

(1) develop facility procurement policies for the planning, design, construction, maintenance and operation of public facilities of the state;

(2) develop and maintain an inventory of physical facilities currently owned or occupied by the state;

(3) make projections of future public facility needs of the state, analyze facilities needed, and establish methodology for program planning and facilities project planning, design and construction, based upon

(A) a justification of the level of service anticipated by the program agency, utilizing population projections and estimates approved by the governor;

(B) consideration of the geographical area to be served by the facility and relevant data concerning the agency's existing public facilities in that area;

(C) the date by which the services are to be provided;

(D) alternative program methods for providing the services; and  
(E) pertinent data requested by the department in accordance with procedures developed under § 180 of this chapter;  
(am § 1 ch 168 SLA 1978)

(4) engage in experimental projects as necessary relating to any available or future method of facility procurement, design or construction and any method of improving existing design, planning and construction techniques;

(5) develop life cycle costs of public facilities of the state;

(6) develop life cycle costing methodologies for the following special purposes:

(A) budget forecasting to support facility program planning and analysis,

(B) systematic cost estimating to forecast planning, design and construction,

(C) budget forecasting to support development of annual maintenance and operating strategies and life cycle cost plans,

(D) alternative methods of space acquisition and space equalization which will maximize the effectiveness of public funds;

(7) apply for and accept, on behalf of the state, grants from the federal government or an agency of it or from another state foundation, corporation, association or individual for any of the functions or purposes of the department and may expend any of the money received under this section for any of the functions or purposes. (§ 1 ch 216 SLA 1975)

**Sec. 35.10.180. Physical facility procurement and planning policies.** (a) The department shall develop and keep current by periodic revision physical facility procurement and planning policies for rural schools, public buildings, and other state facilities, and shall develop regulations and guidelines for the implementation of these policies.

(b) In developing and revising these policies the department shall seek public review and evaluation by any reasonable means and shall

(1) consult and cooperate with officials of the federal government, local governments, other political subdivisions of the state and other interested persons regarding physical facility procurement planning;

(2) request and receive from an agency or other unit of the state government the assistance and data needed to carry out the requirements of this section.

(c) The commissioner shall submit copies of proposed policies and plans annually, within 10 days after the legislature convenes, to the legislature. The legislature may approve, reject or modify the policies and plans by concurrent resolution. If the legislature fails to act during the legislative session, the policies and plans are approved. (§ 1 ch 216 SLA 1975)

**Sec. 35.10.190. Coordination by department.** (a) The department shall coordinate the procurement of physical facilities for the state to insure the greatest cost savings of planning, design and contractual techniques.

(b) When the state or an agency of the state determines that a public facility is to be constructed or renovated, it shall, unless exempted by regulations of the department, submit to the department an application for a certificate that the proposed facility complies with adopted facility procurement policies. The department may reject the application but if it does so it shall state in writing the reasons for the rejection. If a written statement that the application is rejected does not issue within 30 days after receipt of the application by the department, unless the department and the applicant have agreed upon an extension of time for consideration, the certificate of compliance shall not be required. Except as provided otherwise by regulation or by this section, no public facility of the state may be constructed or renovated by the state unless a certificate that the facility complies with adopted facility procurement has been issued. (§ 1 ch 216 SLA 1975)

**Sec. 35.10.200. Definitions.** In §§ 160 — 200 of this chapter,

(1) "life cycle costs" means analytic techniques which provide data to describe the first cost of procurement of public facilities and the maintenance cost, operation cost and occupancy cost of the facilities;

(2) "policies" includes but is not limited to budget accounting and cost planning techniques, facility design techniques, and contractual techniques for the procurement of labor, materials and contractual services;

§ 35.15.010 PUBLIC BUILDINGS, WORKS AND IMPROVEMENTS § 35.15.030

## Chapter 15. Construction Procedures.

Section	Section
10. Construction by department	90. Use of appropriated funds
30. Advertisement, bids, contracts, and informal bids	110. Title to site and completion of project
80. Local control of state public works projects	120. Definitions

**Sec. 35.15.010. Construction by department.** (a) Except as provided in AS 44.33.300, it shall be the general policy of the department to require the construction of all public works under bid contract. However, when the estimated cost of a construction project is less than \$100,000, or when it appears to be in the best interests of the state, the department may perform the work, notwithstanding any other provisions of law. A complete record shall be kept by the commissioner or his designee of all transactions entered into under this section including names of employees involved in the transactions.

(b) Construction or professional services in connection with the construction of a public work performed by the department under (a) of this section which have an estimated cost exceeding \$5,000 may not be performed by the department unless the commissioner determines, in writing, that the cost to the state will be less than that incurred as a result of a formally advertised or negotiated contract. The determination of the commissioner shall be supported by findings of fact which shall set out enough facts and circumstances to clearly justify the determination. The determinations and findings shall be maintained as a permanent record of the department.

(c) In this section, "professional services" means architectural, engineering, or land surveying services. (§ 1 art III title IV ch 152 SLA 1957; am § 5 ch 277 SLA 1976; am § 1 ch 143 SLA 1977; am § 4 ch 104 SLA 1978)

Cross reference. — For provisions requiring consistency with local government plans and ordinances before commencing construction of a public project, see AS 35.30.010 et seq.

**Effect of amendments.**

The 1977 amendment, in present

subsection (a), substituted "\$100,000" for "\$20,000" in the second sentence and added the third sentence.

The 1978 amendment added subsections (b) and (c).

**Sec. 35.15.020. Request for public bids.** The department may request bids and award contracts for construction work. The department may require the contractor to furnish equipment, labor, materials, and supplies for the project, or it may elect to furnish the materials and supplies. If the department elects to provide materials and supplies for a project, it shall make the election at the time it adopts the construction program. The department shall request bids for the total of the materials and supplies for a project according to the class, type, and nature of the materials and supplies, and may award a contract upon the basis it considers efficient and economical, whether upon the basis of delivery to the construction project directly or to a central storehouse or storehouses maintained by the department. Those materials and supplies so purchased by the department may be delivered to the project site without expense to the contractor, or it may sell them to the contractor at cost and make the materials and supplies a part of the construction cost. (§ 3 art III title IV ch 152 SLA 1957)

**Sec. 35.15.030. Advertisement, bids, contracts, and informal bids.**

When the estimated cost of any construction under this chapter exceeds \$100,000, the department shall, except as provided in § 10 of this chapter and in AS 44.33.300, proceed to advertise, request bids, and award the contract in the manner provided in §§ 40 and 50 of this chapter. When any proposed construction contract is for a sum less than \$100,000, it is discretionary with the department whether the contract is advertised and awarded in accordance with §§ 40 and 50 of this chapter. In all events the department shall request informal bids from as many contractors as can be requested conveniently. A complete record shall be kept by the commissioner or his designee of all transactions entered into under this section including names of employees involved in the transactions. (§ 4 art III title IV ch 152 SLA 1957; am § 31 ch 71 SLA 1972; am § 6 ch 277 SLA 1976; am § 2 ch 143 SLA 1977)

**Effect of amendments.**

The 1977 amendment substituted "under this chapter exceeds \$100,000" for "exceeds \$20,000" in the first sentence,

substituted "\$100,000" for "\$20,000" in the second sentence, and added the fourth sentence.

**Sec. 35.15.040. Procedures for the award of contracts.** (a) If federal funds are used, the award of the contract shall comply with federal law and the rules and regulations promulgated under it and with state law to the extent it is consistent with federal law.

(b) In all other cases, the award of the contract shall comply with this title, and AS 37.05, and the rules and regulations promulgated under them and which are consistent with this title. (§ 5 art III title IV ch 152 SLA 1957)

**Sec. 35.15.050. Award of contracts.** The department shall award the contract to the lowest responsible bidder, or it may reject all bids. If no satisfactory bid is received, the department may readvertise the project. The department shall make the award in compliance with applicable federal law and the regulations promulgated under it, with this title, and in compliance with AS 37.05, and the rules and regulations promulgated under it, where they are not in conflict with this title and federal law. (§ 6 art III title IV ch 152 SLA 1957)

The purpose of this section and the Fiscal Procedures Act (AS 37.05) is not only to protect the state and the public purse from uneconomic contracts let because of failure to request competitive bids and because of possible favoritism, but also to insure that contractors are insured a certain amount of "fair play" in dealing with the state government and in competing with one another for state contracts. 1959 Op. Atty. Gen., No. 27.

The department has authority to require contractors to set up a system of prequalification of contractors as a prerequisite for bidding on state construction projects. 1959 Op. Atty. Gen., No. 27.

And under such system to require contractors to furnish periodic and

great use to the portion of the public interested in dealing and contracting with the state. 1959 Op. Atty. Gen., No. 27.

financial statement. — 1959 Op. Atty. Gen., No. 27.

Without following the Administrative Procedure Act. — The department would not be required to follow the Administrative Procedure Act (AS 44.62) in adopting regulations to implement a program of prequalification of contractors. 1959 Op. Atty. Gen., No. 27.

Publication of regulations concerning bidding and letting of contracts in Administrative Code. — A policy of publishing regulations concerning bidding and letting of contracts in the Administrative Code is consistent with the Alaska Administrative Procedure Act, since these regulations are regulations in which an important portion of the public has a vital interest and since they are of

Am. Jur. reference. — 43 Am. Jur., Public Works and Contracts, §§ 41 to 50.

Sec. 35.15.060. Prior contracts unaffected. Sections 10 -- 60 of this chapter do not apply to contracts entered into before April 1, 1957. (§ 8 art III title IV ch 152 SLA 1957)

Sec. 35.15.080. Local control of state public works projects. (a) A municipality or, if the public work is an educational facility, a regional educational attendance area established under AS 14.08 may, by resolution of its governing body, request the assumption of all of the department's responsibilities relating to the planning and construction of a public works project of the state which is to be located within the boundaries or operating area of the municipality or regional educational attendance area and which would otherwise be constructed in the manner provided in § 10 of this chapter. After receipt of the request, the department

(1) shall provide for the assumption by the municipality or regional educational attendance area of all of the department's responsibilities relating to the planning, design and construction of an educational facility;

(2) may provide by agreement for transfer to and assumption by the municipality of the department's responsibilities relating to the planning, design, and construction of a public works project, unless the commissioner determines that assumption of responsibilities by the municipality is not practicable or not in the best interests of the state.

(b) If the commissioner of transportation and public facilities determines that assumption of responsibilities by a municipality under (a)(2) of this section is not practicable or not in the best interests of the state, he shall notify the governing body of the municipality of his finding and specify reasons for it. If the governing body requests reconsideration of the decision, he shall hold a hearing in the municipality within 30 days following mailing of the request. Following the hearing, he may affirm, modify or reverse his initial decision and shall specify in writing the reasons.

(c) A municipality may request joint assumption of responsibilities with the department relating to the planning, design and construction of a public works project. A regional educational attendance area may request joint assumption of responsibilities with the department relating to the planning, design and construction of an educational facility. Two or more municipalities or regional educational attendance areas may by mutual agreement provide for cooperative assumption of responsibilities relating to the planning and construction of a public works project. If two or more municipalities or regional educational attendance areas request assumption of responsibilities for a project and meet the standard of practicability set out in (a)(2) of this section, the commissioner shall determine which municipality or regional educational attendance area is best able to direct planning, design, and construction of the project and enter into an agreement with that municipality or regional educational attendance area, or provide for joint or cooperative administration, as the parties may agree or the commissioner may determine. Decisions of the commissioner under this subsection are final.

(d) Provisions of this title governing planning, design, and construction of public works by the department, and regulations adopted under the provisions, govern the administration of projects assumed by a municipality or regional educational attendance area under this section. For that purpose the provisions supersede any conflicting provisions of ordinance or charter of a municipality.

(e) An organized borough may plan and construct public works under this section and make an agreement with the department for that purpose irrespective of restrictions of other provisions of law on the acquisition and exercise of borough powers. Borough exercise of the power conferred under this subsection does not preclude exercise by a city of the borough of the same power within the city.

(f) To carry out the purpose of this section, the commissioner of transportation and public facilities shall adopt regulations relating to the application for and the making and the conditions of agreements and the local assumption of responsibilities for the planning, design and construction of public works under this section. He shall include in grant contracts terms and conditions requiring a regional school board and its contractors to adhere to the provisions of AS 36.05.010 with respect to the payment of wage rates on construction projects, and AS 36.10.010 with respect to employment preference, and may require different terms in agreements for different projects to meet local conditions and unique requirements and to assure compliance with the public facilities procurement policies developed by the department under AS 35.10.160 — 35.10.200. If necessary, the commissioner may require as a condition of an agreement approval of the agreement by the federal government. Regulations adopted, amended or repealed by the department under this section which relate to educational facilities shall be developed in conjunction with the Alaska Association of School Boards and the Alaska Association of School Administrators and reviewed by those associations before final action on the regulations is taken by the department.

(am §§ 6, 7 ch 147 SLA 1978)

**Effect of amendment.** — The 1978 amendment, effective July 1, 1978, in subsection (a), inserted "all of" near the middle of the first sentence and in the second sentence, inserted the item (2) designation, added item (1), and inserted "transfer to and," deleted "or regional educational attendance area" following "assumption by the municipality" and "or area" following "of responsibilities by the municipalities," and substituted "a public works project" for "the public works project," all in item (2). The amendment also deleted the former third sentence of subsection (a), which read "The parties may by mutual agreement provide for joint or cooperative assumption of responsibilities by the department and the municipality or regional educational attendance area," and

inserted "for the planning, design and construction of public works" in the first sentence, inserted the language beginning "shall include in grant contracts" and ending "with respect to employ-

in the first sentence of subsection (b), substituted "commissioner of transportation and public facilities" for "commissioner of public works" and "under (a)(2) of this section" for "or regional educational attendance area under this section" and deleted "or area" following "body of the municipality." In subsection (c), the amendment added the present first through third sentences, inserted "(a)(2) of" in the present fourth sentence, and substituted "municipality or regional educational attendance area" for "subdivision or area" in the present fourth sentence. In subsection (f), the amendment substituted "commissioner of transportation and public facilities" for "commissioner of public works" in the first sentence, in-

serted "with respect to employment preference, and" in the second sentence, and added the fourth sentence.

As the rest of the section was not affected by the amendment, it is not set out.

**Sec. 35.15.090. Use of appropriated funds.** Upon assumption by a municipality or regional educational attendance area of the department's responsibilities under § 80(a)(1) of this chapter, or upon execution of an agreement under § 80(a)(2) of this chapter, state funds appropriated for a public works project which is the subject of the assumption or the agreement shall be transferred to a special account in the state treasury. A municipality or regional educational attendance area administering the project under the assumption or agreement may draw on the account for costs of the project, under fiscal control of the department. If an agreement provides for joint or cooperative administration of the project, payment of costs shall be made to the party incurring the costs. (§ 1 ch 57 SLA 1976; am § 8 ch 147 SLA 1978)

**Effect of amendment.** — The 1978 amendment, effective July 1, 1978, added the first sentence, substituted "§ 80(a)(2)" for "§ 80" and inserted "the assumption or" in the language beginning "Upon assumption by a municipality" and ending "§ 80(a)(1) of this chapter, or" to the beginning of the first sentence, and inserted "assumption or" in the second sentence.

**Sec. 35.15.100. Responsibility of department.** When a municipality or regional educational attendance area has assumed responsibility for a public works project in accordance with §§ 80 — 120 of this chapter, the department is relieved of responsibility to the extent it is assumed by the municipality or regional educational attendance area. The department may provide technical assistance on the responsibility assumed if requested to do so by the municipality or area and shall be reasonably compensated for that assistance from the account established under § 90 of this chapter. (§ 1 ch 57 SLA 1976)

**Sec. 35.15.110. Title to site and completion of project.** (a) Before advertisement for bids or construction contract negotiations, the department shall approve both the project site and the land interest in the site, except that, if the project involves construction of an educational facility, title or sufficient interest determined acceptable by the department to an approved site for a school building shall be vested in the municipality, the regional educational attendance area or the state before advertisement for bids or initiation of construction contract negotiations.

(am § 1 ch 62 SLA 1978; am § 9 ch 147 SLA 1978)

**Effect of amendments.** — The first 1978 amendment, effective June 10, 1978, rewrote subsection (a), which formerly read "Title acceptable to the department to a suitable project site shall be vested in the state before work is begun on the site."

The second 1978 amendment, effective July 1, 1978, added the exception to the end of subsection (a).

As the rest of the section was not affected by the amendments, it is not set out.

(b) Responsibility for maintenance of the project shall be established in the original contract agreement. The department shall participate in the final inspection of the project and approve of the final documents on the project. (§ 1 ch 57 SLA 1976)

**Sec. 35.15.120. Definitions. In §§ 80 — 120 of this chapter**

(1) "construction" or any derivative of the term "construct" means, in addition to the meaning given in AS 35.25.020, selecting and acquiring a project site and necessary rights-of-way and easements, providing for and connecting to utilities, and building, supervising and inspecting the public works project;

(2) "governing body" means in the case of a municipality, its assembly or council, and, in the case of a regional educational attendance area, its regional school board;

(3) "municipality" means a general law or home rule city or organized borough, including but not limited to a unified municipality organized under AS 29.68.240 — 29.68.440. (§ 1 ch 57 SLA 1976)

**Chapter 20. Acquisition and Disposition of Property.**

<p>Section</p> <p>10. Acquisition of land, rights-of-way, and materials by purchase or eminent domain</p> <p>20. Declaration of taking</p> <p>30. Acquisition of excess lands</p> <p>40. Authority to condemn or acquire publicly owned property for the purpose of exchange</p>	<p>Section</p> <p>50. Authority to purchase property for the purpose of exchange</p> <p>60. Sale of obsolete equipment and material</p> <p>70. Vacating of lands or rights in land</p>
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**Sec. 35.20.010. Acquisition of land, rights-of-way, and materials by purchase or eminent domain.** The department, on behalf of the state and as part of the cost of constructing or maintaining a public work, may purchase, acquire, take over, or condemn under the right and power of eminent domain land in fee simple or easements which it considers necessary for present public use, either temporary or permanent, or which it considers necessary and reasonable for the public use. By the same means, the department may obtain material including clay, gravel, sand, or rock, or the land necessary to obtain the material, and the necessary land or easements to provide access to it. The department may acquire the land or material notwithstanding the fact that the title to it is in the state or a department, agency, commission or institution of the state. (§ 1 art I title IV ch 152 SLA 1957)

This section and AS 35.20.020 grant to the Department of Public Works eminent domain powers, as well as the right to employ a declaration of taking in eminent domain proceedings. Tallman v. State, Sup.

Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).  
Am. Jur. reference. — 18 Am. Jur., Eminent Domain, § 1 et seq.

**Sec. 35.20.020. Declaration of taking.** A declaration of taking, in the form of an order signed by the commissioner of the department, declaring that the real property, or an interest in it, or any easement is necessary for the public use of the state is sufficient to vest title in the

state. However, a declaration of taking is not effective until eminent domain proceedings have been instituted in the proper court, and a copy of the declaration of taking is filed in the office of the recorder located in the recording district where the land is located. The department may pay or have paid, from the appropriate fund, into court the amount it considers represents a reasonable valuation for the lands, easement or materials taken. (§ 1 art I title IV ch 152 SLA 1957)

This section and AS 35.20.010 grant to the Department of Public Works eminent domain powers, as well as the right to employ a declaration of taking in eminent domain proceedings. Tallman v. State, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Sec. 35.20.030. Acquisition of excess lands.** When a part of a parcel of land is taken and the remainder is in such shape or condition as to be of little value to its owner, or gives rise to claims or litigation concerning severance or other damage, the department may acquire the whole parcel and may sell the remainder or exchange it for other property needed for public works. (§ 2 art I title IV ch 152 SLA 1957; added by § 3 ch 122 SLA 1960)

**Sec. 35.20.040. Authority to condemn or acquire publicly owned property for the purpose of exchange.** When property which is devoted to or held for another public use for which the power of eminent domain may be exercised is taken for purposes set out in this title, the department may, with the consent of the person or agency in charge of the other public use, condemn the real property to be exchanged for the real property so taken. This section shall not limit the authorization of the department to acquire, other than by condemnation, property for those purposes in any other manner. (§ 2 art I title IV ch 152 SLA 1957; added by § 3 ch 122 SLA 1960)

**Sec. 35.20.050. Authority to purchase property for the purpose of exchange.** When the commissioner formally declares that it is in the best public interest of the state to do so, the department may acquire by purchase or otherwise privately or publicly owned land or an interest in it for the purpose of exchanging it for privately or publicly owned land which the department is authorized by law to acquire. (§ 2 art I title IV ch 152 SLA 1957; added by § 3 ch 122 SLA 1960)

**Sec. 35.20.060. Sale of obsolete equipment and material.** The department may sell, exchange or otherwise dispose of obsolete machinery, equipment and material no longer needed, required or useful for construction or maintenance purposes. Money derived from the sale of the property shall be credited to the fund from which the purchase was originally made. (§ 3 art IV title IV ch 152 SLA 1957)

**Sec. 35.20.070. Vacating of lands or rights in land.** The department may vacate land, or part of it, or rights in land acquired for public work

purposes by executing and filing a deed in the appropriate recording district. Upon vacating, title reverts to the persons, heirs, successors, or assigns in whom it was vested at the time of the taking. The department may transfer land considered no longer necessary for public works purposes to the Department of Natural Resources for disposal. The proceeds of disposal by the Department of Natural Resources shall be credited to the funds from which the purchase was originally made. (§ 4 art IV title IV ch 152 SLA 1957)

## Chapter 25. General Provisions.

### Section

- 10. Purpose and intent
- 20. Definitions

**Sec. 35.25.010. Purpose and intent.** The purpose of this title is to establish a public works department capable of carrying out a public works planning and construction program which will provide public buildings necessary to efficient government, and boat harbors, jetties, dikes and breakwaters necessary to the economy of Alaska communities, all of which is to the advantage and benefit of the general welfare of the public. (§ 2 art I title I ch 152 SLA 1957; am § 32 ch 71 SLA 1972)

**Effect of amendment.** — The 1972 amendment substituted "department" for "division" near the beginning of this section. **Legislative committee report.** — For report on ch. 71, SLA 1972 (HCSSB 383 am H), see 1972 House Journal, p. 898.

**Sec. 35.25.020. Definitions.** In this title, unless the context otherwise requires,

(1) "construction" or any derivative of the term "construction" means construction, reconstruction, alteration, improvement or major repair;

(2) "department" means the Department of Public Works;

(3) "excess lands" means lands acquired for the state in excess of land required for a public work, when the remaining portion of a parcel of land acquired is left in a shape or condition as to be of little or no value to its owner, or to give rise to claims or litigation concerning severance or other damage;

(4) "maintenance" means the preservation of each type of facility as nearly as possible in its original condition as constructed, or as improved;

(5) "public building" means a building owned or controlled and held by the state for government or public use;

(6) "public works" means all fixed works constructed or maintained by the Department of Public Works or any of its divisions, and includes but is not limited to work on a public building, boat harbor, jetty, dike, breakwater, or airport. (§ 3 art I title I ch 152 SLA 1957; am §§ 1, 2 ch 122 SLA 1960; am § 1 ch 96 SLA 1962)

## Chapter 27. Art Works in Public Buildings and Facilities.

### Section

- 10. Purpose
- 20. Art requirements for public buildings and facilities

### Section

- 30. Definitions

**Sec. 35.27.010. Purpose.** The state recognizes its responsibility to foster culture and the arts and the necessity for the viable development of its artists and craftsmen. The legislature declares it to be a state policy that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for state buildings and other public facilities. (§ 1 ch 54 SLA 1975)

**Legislative committee report.** — For report on ch. 54, SLA 1975 (CSHB 133 [Finance]), see 1975 Senate Journal, p. 939.

**Sec. 35.27.020. Art requirements for public buildings and facilities.**

(a) Plans for public buildings and facilities constructed after June 30, 1975 and for remodeling or renovation after June 30, 1975 where the total cost of the remodeling or renovation is \$250,000 or more shall contain provisions for the inclusion of works of art including but not limited to sculptures, paintings, murals, or objects relating to Native art.

(b) The department, before preparing plans and specifications for public works and facilities, shall consult with the Alaska State Council on the Arts regarding the desirability of inclusion of works of art.

(c) At least one per cent or, in the case of a rural school facility, at least one-half of one per cent of the construction cost of a building or facility approved for construction by the legislature after the enactment date of this chapter will be reserved for the following purposes: the design, construction, mounting and administration of works of art in the public building or public facility.

(d) Public buildings and facilities with an overall construction cost of less than \$250,000 are exempt from the requirements of this chapter unless inclusion of works of art in their design and construction is specifically authorized by the department.

(e) The artist who executes these works of art shall be selected by the architect for the department with the approval of the department, after consultation with the Alaska State Council on the Arts and the principal user of the public buildings or facilities. (§ 1 ch 54 SLA 1975)

(f) The artist who executes these works of art in the public schools shall be selected by the superintendent of a school district in which a public school is to be built with the approval of the school board. Should the department find in the best interest of the state that the selection of the artist who executes these works of art by the superintendent may result in a cost overrun to the state or delay of construction, the department shall make the selection of the artist in consultation with the superintendent.

(g) The architect, superintendent, department, and the Alaska State Council on the Arts shall encourage the use of state cultural resources in these art works and the selection of Alaska resident artists for the commission of these art works.

(am §§ 1, 2 ch 96 SLA 1977)

**Effect of amendment.** — The 1977 amendment substituted "or, in the case of a rural school facility, at least one-half of one percent of the construction cost" for "of the overall construction cost" in subsection (c) and added subsections (f) and (g).  
As the rest of the section was not affected by the amendment, it is not set out.

**Sec. 35.27.030. Definitions.** In this chapter

(1) "department" means the Department of Public Works;

(2) "public facilities" includes schools, office buildings, court buildings and other facilities which are designed for substantial public use, as well as the vessels of the state ferry system.

(3) "construction cost" is that cost expended for the actual construction of the facility, exclusive of the costs of land acquisition, site investigation, design services, administrative costs, equipment purchases and any other costs not specifically incurred within the construction contract or contracts awarded for the construction of the facility. (§ 1 ch 54 SLA 1975; am §§ 3, 4 ch 96 SLA 1977)

**Effect of amendment.** — The 1977 amendment inserted "schools, office buildings, court buildings and other facilities which are designed for substantial public use" in paragraph (2) and added paragraph (3).

**Chapter 30. Consistency With Local Government Plans and Ordinances.**

Section	Section
10. Review and approval by local planning authorities	30. Waiver
20. Compliance with municipal ordinances	40. Definitions

**Cross reference.** — As to construction procedures, see AS 35.15.010 et seq.

**Sec. 35.30.010. Review and approval by local planning authorities.**

(a) Except as provided in (b) of this section, before commencing construction of a public project,

(1) if the project is located in a municipality, the department shall submit the plans for the project to the planning commission of the municipality for review and approval;

(2) if the project is located within two miles of a village, the department shall submit the plans to the village council for review and comment.

(b) Prior approval by a municipal planning commission may not be required before the commencement of construction of a highway or local service road if

(1) the Department of Transportation and Public Facilities and the municipality have entered into agreement for the planning of the project under AS 19.20.060 or 19.20.070 and the plans for the project are completed in accordance with the terms of that agreement;

(2) the municipality has adopted a municipal master highway plan under AS 19.20.080 and the highway or local service road is consistent with the plan adopted; or

(3) the Department of Transportation and Public Facilities has entered into agreement with the municipality for the planning of transportation corridors under AS 19.10.280 and the plans for the project are completed in accordance with the provisions of that agreement.

(c) If final disapproval by resolution of the governing body of the affected municipality or village is not received within 90 days from the date the project was submitted to the municipality or village, the department may proceed with the project. (§ 3 ch 143 SLA 1977)

**Sec. 35.30.020. Compliance with municipal ordinances.** A department shall comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners. (§ 3 ch 143 SLA 1977)

**Sec. 35.30.030. Waiver.** If a department clearly demonstrates an overriding state interest, waiver of local planning authority approval and the compliance requirement may be granted by the governor. The governor shall issue specific findings giving reasons for granting any waiver under this section. (§ 3 ch 143 SLA 1977)

**Sec. 35.30.040. Definitions.** In this chapter

(1) "department" means the Department of Transportation and Public Facilities, and the University of Alaska;

(2) "public project" means a public building or other structure, public work, or other facility, highway, or local service road constructed or maintained by a department; the term includes the acquisition by purchase or agreement of land and rights in land for materials and the extraction or removal of materials necessary for completion of a highway under AS 19.05.080 — 19.05.120;

(3) "village" means an unincorporated community of the unorganized borough where at least 25 people reside as a social unit. (§ 3 ch 143 SLA

**Sec. 37.05.150. Funds and accounts.** The accounting system shall be in accordance with accepted principles of governmental (fund) accounting and shall include both budgetary and property accounts. The system shall provide records showing at all times by funds, accounts, and other pertinent classifications the amounts appropriated, the estimated revenues, actual revenues or receipts, the amounts available for expenditure, the total expenditures, the unliquidated obligations, actual balances on hand, and the unencumbered balances of appropriations for each state agency. (§ 3 art III ch 82 SLA 1955; am § 5 ch 186 SLA 1957)

**Sec. 37.05.155. Special funds.** (a) The following funds shall be treated for accounting purposes as accounts in the general fund:

- (1) FICA administration fund (AS 39.30.050);
- (2) special revolving fund — surplus property (AS 44.71.030(c));
- (3) Repealed by § 49 ch 32 SLA 1971.
- (4) second injury fund (AS 23.30.040);
- (5) the vocational rehabilitation small business enterprises revolving fund (AS 23.15.130);
- (6) fishermen's fund (AS 23.35.060).

(b) There shall be created in the general fund for each of the funds designated in (a) of this section a reserve equal to the excess of revenues received by each fund over expenditures made from that fund. (§ 1 ch 5 SLA 1968; am § 49 ch 32 SLA 1971)

*Legislative committee report. — For report on ch. 32, SLA 1971 (HB 111 am), see 1971 House Journal, p. 138.*

*"General fund". — The general fund is not specifically created by statute. Its existence is noted in this section which provides that certain enumerated funds shall be treated for accounting purposes as accounts in the general fund. 1969 Op. Att'y Gen., No. 5.*

*The general fund in Alaska consists of money received from state taxes and*

*licenses and money received from non-tax or license sources, such as oil and gas royalty payments. 1969 Op. Att'y Gen., No. 5.*

*All public moneys and revenue coming into the state treasury constitute the general fund of the state. 1969 Op. Att'y Gen., No. 5.*

*Quoted in Thomas v. Rosen, Sup. Ct. Op. No. 1504 (File No. 3073), 569 P.2d 793 (1977).*

**Sec. 37.05.157. General fund; "reserve for capital outlay" account.** (a) There is created within the general fund the "reserve for capital outlay" account.

(b) Twenty-five per cent of the annual receipts paid the state from mineral lease bonuses and rentals for state land and royalties derived from minerals produced on state land shall be allocated to the reserve for capital outlay account.

(c) The proceeds of the reserve for capital outlay account are subject to annual appropriation by the general appropriation act. (§ 10 ch 168 SLA 1978)

**Sec. 37.05.158. General fund; "reserve for energy facilities development" account.** (a) There is created within the general fund the "reserve for energy facilities development" account.

(b) Five per cent of the annual receipts paid the state from mineral lease bonuses and rentals for state land and royalties derived from minerals produced on state land shall be allocated to the reserve for energy facilities development account.

(c) The proceeds of the reserve for energy facilities development account shall be subject to annual appropriation by the legislature. Plans for expenditures from the account shall be submitted by the governor in accordance with the Executive Budget Act (AS 37.07) as part of his annual budget presentation. (§ 11 ch 168 SLA 1978)

**Sec. 37.05.160. Property records.** The Department of Administration shall direct the use of inventory records by all state agencies to show all fixed and movable property of the state. The records shall be based on a physical inventory and charged with all subsequent purchases and shall be reduced by all property traded in, condemned, or disposed of. The accuracy of the property record shall be verified periodically by actual inspection of the property by the department. The state agencies may be required to take physical inventory of properties annually and at other times as the department directs. (§ 4 art III ch 82 SLA 1955; am § 5 ch 186 SLA 1957)

**Sec. 37.05.170. Obligations.** No payment may be made and no obligation incurred against any fund unless the Department of Administration certifies that its records disclose that there is a sufficient unencumbered balance available in the fund and that an appropriation or expenditure authorization has been made for the purpose for which it is intended to incur the obligation. (§ 5 art III ch 82 SLA 1955; am § 5 ch 186 SLA 1957)

*Am. Jur. and ALR references. — 42 Am. Jur., Public Funds, § 56.*

*Power of state to incur indebtedness for relief of distress due to unemployment or other unusual conditions, 73 ALR 609; 87 ALR 371.*

*Power of board or officials to depart from literal requirements in respect of deposits or loans of public funds in their control. 104 ALR 623.*

**Sec. 37.05.180. Two-year limitation on payment of warrants.** No warrant upon the state treasury is paid unless presented at the office of the commissioner of revenue within two years of the date of its issuance. All warrants not presented within that time are considered paid and money held at the expiration of that time in a special fund or account for the payment of the warrant shall be transferred to the general fund, except where transfer is prohibited by the federal government for state participation in a federal program. (§ 3 ch 130 SLA 1951; am § 1 ch 128 SLA 1960; am § 1 ch 7 SLA 1961)

(D) alternative program methods for providing the services; and  
(E) pertinent data requested by the department in accordance with procedures developed under § 180 of this chapter;  
(am § 1 ch 168 SLA 1978)

(4) engage in experimental projects as necessary relating to any available or future method of facility procurement, design or construction and any method of improving existing design, planning and construction techniques;

(5) develop life cycle costs of public facilities of the state;

(6) develop life cycle costing methodologies for the following special purposes:

(A) budget forecasting to support facility program planning and analysis,

(B) systematic cost estimating to forecast planning, design and construction,

(C) budget forecasting to support development of annual maintenance and operating strategies and life cycle cost plans,

(D) alternative methods of space acquisition and space equalization which will maximize the effectiveness of public funds;

(7) apply for and accept, on behalf of the state, grants from the federal government or an agency of it or from another state foundation, corporation, association or individual for any of the functions or purposes of the department and may expend any of the money received under this section for any of the functions or purposes. (§ 1 ch 216 SLA 1975)

Sec. 35.10.180. Physical facility procurement and planning policies. (a) The department shall develop and keep current by periodic revision physical facility procurement and planning policies for rural schools, public buildings, and other state facilities, and shall develop regulations and guidelines for the implementation of these policies.

(b) In developing and revising these policies the department shall seek public review and evaluation by any reasonable means and shall

(1) consult and cooperate with officials of the federal government, local governments, other political subdivisions of the state and other interested persons regarding physical facility procurement planning;

(2) request and receive from an agency or other unit of the state government the assistance and data needed to carry out the requirements of this section.

(c) The commissioner shall submit copies of proposed policies and plans annually, within 10 days after the legislature convenes, to the legislature. The legislature may approve, reject or modify the policies and plans by concurrent resolution. If the legislature fails to act during the legislative session, the policies and plans are approved. (§ 1 ch 216 SLA 1975)

Sec. 35.10.190. Coordination by department. (a) The department shall coordinate the procurement of physical facilities for the state to insure the greatest cost savings of planning, design and contractual techniques.

(b) When the state or an agency of the state determines that a public facility is to be constructed or renovated, it shall, unless exempted by regulations of the department, submit to the department an application for a certificate that the proposed facility complies with adopted facility procurement policies. The department may reject the application but if it does so it shall state in writing the reasons for the rejection. If a written statement that the application is rejected does not issue within 30 days after receipt of the application by the department, unless the department and the applicant have agreed upon an extension of time for consideration, the certificate of compliance shall not be required. Except as provided otherwise by regulation or by this section, no public facility of the state may be constructed or renovated by the state unless a certificate that the facility complies with adopted facility procurement has been issued. (§ 1 ch 216 SLA 1975)

Sec. 35.10.200. Definitions. In §§ 160 — 200 of this chapter,

(1) "life cycle costs" means analytic techniques which provide data to describe the first cost of procurement of public facilities and the maintenance cost, operation cost and occupancy cost of the facilities;

(2) "policies" includes but is not limited to budget accounting and cost planning techniques, facility design techniques, and contractual techniques for the procurement of labor, materials and contractual services;

§ 35.15.010 PUBLIC BUILDINGS, WORKS AND IMPROVEMENTS § 35.15.030

## Chapter 15. Construction Procedures.

Section	Section
10. Construction by department	90. Use of appropriated funds
30. Advertisement, bids, contracts, and informal bids	110. Title to site and completion of project
80. Local control of state public works projects	120. Definitions

Sec. 35.15.010. Construction by department. (a) Except as provided in AS 44.33.300, it shall be the general policy of the department to require the construction of all public works under bid contract. However, when the estimated cost of a construction project is less than \$100,000, or when it appears to be in the best interests of the state, the department may perform the work, notwithstanding any other provisions of law. A complete record shall be kept by the commissioner or his designee of all transactions entered into under this section including names of employees involved in the transactions.

be itemized as allocations within the bill for the general appropriations act. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.055. State public facilities plan. (a) The commissioner shall develop and annually revise a statewide comprehensive facility procurement plan for public facilities of the state and its municipalities.

(b) In developing and annually revising the facility procurement plan, the commissioner shall

(1) request and receive on an annual basis from all state agencies a projection of the anticipated facility needs of the agency for the next annual capital improvement program;

(2) consult with officials and representatives of municipalities, the federal government, interested corporations and other organizations concerning public facility needs in the state;

(3) develop specific facility procurement plans for projects in each of the following categories:

- (A) sewage transmission and treatment systems;
- (B) water transmission and treatment systems;
- (C) electrical generation and distribution systems;
- (D) health care and social services facilities;
- (E) educational facilities;
- (F) communications facilities and transportation facilities;
- (G) public safety and justice facilities;
- (H) recreational facilities; and
- (I) sanitation facilities;

(4) prepare recommendations to accommodate the various levels of service identified by state agencies and other parties with respect to the services described in (3) of this subsection, to include recommended

- (A) current and future facility needs;
- (B) space standards and design guidelines for the appropriate facility types;
- (C) maintenance and operations standards for the appropriate facility types;
- (D) construction techniques and contracting methods;
- (E) facility project budget requirements; and
- (F) the relative costs of identified alternatives (life cycle cost analysis);

(5) identify common public facility needs among the various user agencies; and

(6) submit its findings, plans and recommendations to the governor and to the appropriate state agency to facilitate the development of agency capital improvement budget requests.

(c) In the preparation and revision of the facility procurement plan, the commissioner may

(1) develop and adopt regulations for use in carrying out the purpose of (b) of this section; regulations may not be adopted under this section unless approval is received from appropriate program agencies;

(2) make recommendations on the total capital improvement program to affected state agencies, local governments, and other interested parties and organizations, and to the divisions of budget and management and policy development and planning.

(d) In this section, "public facility"

(1) means a capital improvement within one of the categories described in (b) of this section which is constructed

(A) for subsequent occupancy or operation by the state, a public corporation of the state, the University of Alaska, a political subdivision, or a regional educational attendance area;

(B) by a political subdivision or any private party with the assistance of financial support provided by the state if funds appropriated or paid by way of a grant or loan in advance of construction of the facility, or any part of it, are 50 per cent or more of the estimated costs of construction of the facility;

(2) does not include projects constructed with the proceeds of one or more loans issued by a loan program administered by the Department of Commerce and Economic Development. (§ 14 ch 168 SLA 1978)

development, management and operation of integrated, intermodal transportation systems. The purpose of this department is to evaluate, plan, design, construct, manage, operate and maintain all state transportation modes and systems, relying on analysis of the relative advantages of different modes and systems and considering their social, economic, and environmental consequences."

Section 8, Executive Order No. 39 (1977), effective July 1, 1977, provides: "All litigation, hearings, investigations and other proceedings pending under a law amended or repealed by this Order, or in connection with functions transferred by this Order, continue in effect and may be continued and completed notwithstanding a transfer or amendment or repeal provided for in this Order. Certificates, orders, and regulations issued or adopted under authority of a law amended or repealed by this Order remain in effect for the term issued, until revoked, vacated, or otherwise modified under the provisions of this Order. All contracts, rights, liabilities, and obligations created by or under a law amended or repealed by this Order, and in effect on the effective date of this Order, remain in effect notwithstanding this Order's taking effect. Records, equipment, and other property or agencies of the state whose functions are transferred under this Order shall be transferred commensurate with the provisions of this Order."

Section 9, Executive Order No. 39 (1977), effective July 1, 1977, provides: "(a) The Department of Transportation and Public Facilities is vested with the duties and powers formerly held by the Department of Public Works relating to planning, construction, maintenance and operation of

transportation facilities, including state ferries, airports and water and harbor facilities, and for design and construction of buildings and appurtenant structures, and specifically including all powers and duties formerly held by the Department of Public Works under AS 02, AS 30.05, AS 30.15, AS 35, AS 41.20 and AS 44.65.

"(b) The Department of Transportation and Public Facilities is vested with the duties and powers formerly held by the Department of Highways relating to planning, construction, maintenance and operation of state transportation facilities including state highways, roads, bridges, traffic signs and signals, the supervision and maintenance of state automotive and mechanical equipment, the control of outdoor advertising visible from state highways and all other duties and powers of the Department of Highways, and specifically including powers and duties formerly held by the Department of Highways under AS 19, AS 28.01, AS 28.05, and AS 44.57."

Section 10, Executive Order No. 39 (1977), effective July 1, 1977, provides: "The commissioner of transportation and public facilities shall replace the commissioner of highways on the state Geographic Board, the Alaska Toll Bridge Authority, and all other boards and commissions."

Section 12, Executive Order No. 39 (1977), effective July 1, 1977, provides: "During Fiscal Year 1978, all appropriation items made for that fiscal year and prior years for the Department of Highways and the Department of Public Works may, upon approval of the governor, be appropriately transferred to implement the purposes of this Order."

**Sec. 44.42.010. Commissioner of transportation and public facilities.** The principal executive officer of the Department of Transportation and Public Facilities is the commissioner of transportation and public facilities. (Executive Order No. 39 § 2 (1977))

**Sec. 44.42.020. Powers and duties.** (a) The department shall

- (1) plan, design, construct and maintain all state modes of transportation and transportation facilities, communication facilities, and all docks, floats, breakwaters, buildings and similar facilities;
- (2) study existing transportation modes and facilities and communication facilities in the state to determine how they might be improved or whether they should continue to be maintained;
- (3) study alternative means of improving transportation and

communication in the state with regard to the economic costs of each alternative and its environmental and social effects;

(4) develop a comprehensive, long-range intermodal transportation plan for the state;

(5) study alternatives to existing modes of transportation in urban areas and develop plans to improve urban transportation;

(6) cooperate and coordinate with and enter into agreements with federal, state and local government agencies and private organizations and persons in exercising its powers and duties;

(7) manage, operate, and maintain state transportation facilities, communication facilities, and all docks, floats, breakwaters and buildings, including all state highways, vessels, railroads, pipelines, airports, and aviation facilities;

(8) study alternative means of transportation in the state, considering the economic, social, and environmental impacts of each alternative;

(9) coordinate and develop state and regional transportation systems, considering deletions, additions, and the absence of alterations;

(10) develop facility program plans for transportation and communication facilities and state buildings, docks and breakwaters required to implement the duties set out in this section, including but not limited to (A) functional performance criteria; and (B) schedules for completion;

(11) supervise and maintain all state automotive and mechanical equipment, aircraft, and vessels, except vessels and aircraft used by the Department of Fish and Game or the Department of Public Safety; and

(12) supervise aeronautics and communications inside the state, under AS 02.10.

(13) complete and maintain a current inventory of public facilities, including a projection of the serviceability of the facilities and projections of replacements and additions to facilities needed to provide the level of services programmed by the various user agencies, for municipalities with populations of less than 12,000 and for unincorporated communities, and perform those duties on a cooperative basis with larger municipalities.

(b) The department may

(1) engage in experimental projects relating to available or future modes of transportation and any means of improving existing transportation facilities and service and communication;

(2) exercise the power of eminent domain, including the declaration of taking as provided in AS 09.55. (Executive Order No. 39 § 2 (1977); am § 13 ch 168 SLA 1978)

Effect of amendment. — The 1978 amendment added paragraph (13) to subsection (a).

Sec. 44.12.030. Regulations. The department may adopt regulations under the Administrative Procedure Act (AS 44.62) to implement, interpret, or make more specific its powers and duties. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.040. Departmental organization. The commissioner shall establish regions within the state. The functions of the department within each region shall be performed, to the maximum extent feasible, through a regional office. Each regional office shall be directed by a regional transportation and public facilities director appointed by the commissioner. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.050. State transportation plan. (a) The commissioner shall develop annually a comprehensive, intermodal, long-range transportation plan for the state. In developing and revising the state plan, the commissioner shall consider means and costs of improving existing modes and facilities, state and federal subsidies, and the costs and benefits of new transportation modes and facilities. The commissioner shall also consider the recommendation of the Alaska Transportation Planning Council. The plan shall be submitted to the governor for his review and approval and submitted by the governor to the legislature.

(b) In developing and revising the plan, the commissioner shall seek public review and evaluation by any reasonable means and may

(1) consult and cooperate with officials and representatives of the federal government, other governments, interstate commissions and authorities, local agencies and authorities, interested corporations and other organizations concerning problems affecting transportation in the state; and

(2) request from an agency or other unit of the state government or of a political subdivision of it, or from a public authority, the assistance and data that may be necessary to enable the commissioner to carry out his responsibilities under this section; every such entity shall provide the assistance and data requested.

(c) Copies of the plan, as revised, shall be kept on file as a public document in the office of the commissioner and at each regional office of the department.

(d) The plan shall include a description of projects planned for design and construction for the following two years. The description is in addition to the long-range plan required by (a) of this section and by AS 19.10.140. The description shall include an itemization of the estimated cost for each project and the total cost of all projects. The commissioner shall propose and forward to the governor for his review and approval and inclusion, as approved, in the capital budget a construction program which includes the projects to be undertaken during the following two years, including recommended project priorities. Funds for transportation construction projects and necessary contingencies shall

be itemized as allocations within the bill for the general appropriations act. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.055. State public facilities plan. (a) The commissioner shall develop and annually revise a statewide comprehensive facility procurement plan for public facilities of the state and its municipalities.

(b) In developing and annually revising the facility procurement plan, the commissioner shall

(1) request and receive on an annual basis from all state agencies a projection of the anticipated facility needs of the agency for the next annual capital improvement program;

(2) consult with officials and representatives of municipalities, the federal government, interested corporations and other organizations concerning public facility needs in the state;

(3) develop specific facility procurement plans for projects in each of the following categories:

(A) sewage transmission and treatment systems;

(B) water transmission and treatment systems;

(C) electrical generation and distribution systems;

(D) health care and social services facilities;

(E) educational facilities;

(F) communications facilities and transportation facilities;

(G) public safety and justice facilities;

(H) recreational facilities; and

(I) sanitation facilities;

(4) prepare recommendations to accommodate the various levels of service identified by state agencies and other parties with respect to the services described in (3) of this subsection, to include recommended

(A) current and future facility needs;

(B) space standards and design guidelines for the appropriate facility types;

(C) maintenance and operations standards for the appropriate facility types;

(D) construction techniques and contracting methods;

(E) facility project budget requirements; and

(F) the relative costs of identified alternatives (life cycle cost analysis);

(5) identify common public facility needs among the various user agencies; and

(6) submit its findings, plans and recommendations to the governor and to the appropriate state agency to facilitate the development of agency capital improvement budget requests.

(c) In the preparation and revision of the facility procurement plan, the commissioner may

(1) develop and adopt regulations for use in carrying out the purpose of (b) of this section; regulations may not be adopted under this section unless approval is received from appropriate program agencies;

(2) make recommendations on the total capital improvement program to affected state agencies, local governments, and other interested parties and organizations, and to the divisions of budget and management and policy development and planning.

(d) In this section, "public facility"

(i) means a capital improvement within one of the categories described in (b) of this section which is constructed

(A) for subsequent occupancy or operation by the state, a public corporation of the state, the University of Alaska, a political subdivision, or a regional educational attendance area;

(B) by a political subdivision or any private party with the assistance of financial support provided by the state if funds appropriated or paid by way of a grant or loan in advance of construction of the facility, or any part of it, are 50 per cent or more of the estimated costs of construction of the facility;

(2) does not include projects constructed with the proceeds of one or more loans issued by a loan program administered by the Department of Commerce and Economic Development. (§ 14 ch 168 SLA 1978)

Sec. 44.42.060. Grants to the department. The commissioner may apply for and accept, on behalf of the state, grants from the federal government or an agency of it, or from another state, a foundation, or any person, for any of the functions or purposes of the department. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.070. Limitation on transportation facilities. The department shall consult with the appropriate officials of other departments regarding environmental risks and economic and social considerations that may arise by reason of the location, design, construction or reconstruction of a transportation facility. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.080. Capital projects funds. There is created within the department the following capital projects funds:

- (1) educational, cultural, and related facilities;
- (2) transportation and related facilities;
- (3) public institutions and related facilities;
- (4) public safety, justice, and related facilities;
- (5) health, and related facilities;
- (6) natural resource development facilities;
- (7) general purpose facilities. (§ 15 ch 168 SLA 1978)

Sec. 44.42.900. Definitions. In this chapter, unless the context requires otherwise,

(1) "commissioner" means the commissioner of the Department of Transportation and Public Facilities;

(2) "department" means the Department of Transportation and Public Facilities;

(3) "transportation" or "transportation mode" includes, but is not limited to, the following means of conveyance or travel, including their related or auxiliary structures, facilities or services: air, rail, water, highway and pipeline. (Executive Order No. 39 § 2 (1977))

## Chapter 43. Department of Public Works.

### Section

10—30. [Repealed]

Editor's note. — Section 1, Executive Order No. 39 (1977), effective July 1, 1977, provides: "FINDINGS AND PURPOSE. As governor, I find that the diverse transportation needs of the state would best be served by the creation of a single department for the planning, study, development, management and operation of integrated, intermodal transportation systems. The purpose of this department is to evaluate, plan, design, construct, manage, operate and maintain all state transportation modes and systems, relying on analysis of the relative advantages of different modes and systems and considering their social, economic, and environmental consequences."

Section 8, Executive Order No. 39 (1977), effective July 1, 1977, provides: "All litigation, hearings, investigations and other proceedings pending under a law amended or repealed by this Order, or in connection with functions transferred by this Order, continue in effect and may be continued and completed notwithstanding a transfer or amendment or repeal provided for in this Order. Certificates, orders, and regulations issued or adopted under authority of a law amended or repealed by this Order remain in effect for the term issued, until revoked, vacated, or otherwise modified under the provisions of this Order. All contracts, rights, liabilities, and obligations created by or under a law amended or repealed by this Order, and in effect on the effective date of this Order, remain in effect notwithstanding this Order's taking effect. Records, equipment and other property of agencies of the state whose functions are transferred under this Order shall be transferred commensurate with the provisions of this Order."

Section 9, Executive Order No. 39 (1977), effective July 1, 1977, provides: "(a) The Department of Transportation and Public Facilities is vested with the duties and powers formerly held by the Department of Public Works relating to planning, construction, maintenance and operation of transportation facilities, including state ferries, airports and water and harbor facilities, and for design and construction of buildings and appurtenant structures, and specifically including all powers and duties formerly held by the Department of Public Works under AS 02, AS 30.05, AS 30.15, AS 35, AS 41.20 and AS 44.65.

"(b) The Department of Transportation and Public Facilities is vested with the duties and powers formerly held by the Department of Highways relating to planning, construction, maintenance and operation of state transportation facilities including state highways, roads, bridges, traffic signs and signals, the supervision and maintenance of state automotive and mechanical equipment, the control of outdoor advertising visible from state highways and all other duties and powers of the Department of Highways, and specifically including powers and duties formerly held by the Department of Highways under AS 19, AS 28.01, AS 28.05, and AS 44.57."

Section 12, Executive Order No. 39 (1977), effective July 1, 1977, provides: "During Fiscal Year 1978, all appropriations items made for that fiscal year and prior years for the Department of Highways and the Department of Public Works may, upon approval of the governor, be appropriately transferred to implement the purposes of this Order."

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Section 10, Executive Order No. 39 (1977), effective July 1, 1977, provides: "The commissioner of transportation and public facilities shall replace the commissioner of highways on the state Geographic Board, the Alaska Toll Bridge Authority, and all other boards and commissions."

Section 12, Executive Order No. 39 (1977), effective July 1, 1977, provides: "During Fiscal Year 1978, all appropriation items made for that fiscal year and prior years for the Department of Highways and the Department of Public Works may, upon approval of the governor, be appropriately transferred to implement the purposes of this Order."

Sec. 44.42.010. Commissioner of transportation and public facilities. The principal executive officer of the Department of Transportation and Public Facilities is the commissioner of transportation and public facilities. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.020. Powers and duties. (a) The department shall

(1) plan, design, construct and maintain all state modes of transportation and transportation facilities, communication facilities, and all docks, floats, breakwaters, buildings and similar facilities;

(2) study existing transportation modes and facilities and communication facilities in the state to determine how they might be improved or whether they should continue to be maintained;

(3) study alternative means of improving transportation and

communication in the state with regard to the economic costs of each alternative and its environmental and social effects;

(4) develop a comprehensive, long-range intermodal transportation plan for the state;

(5) study alternatives to existing modes of transportation in urban areas and develop plans to improve urban transportation;

(6) cooperate and coordinate with and enter into agreements with federal, state and local government agencies and private organizations and persons in exercising its powers and duties;

(7) manage, operate, and maintain state transportation facilities, communication facilities, and all docks, floats, breakwaters and buildings, including all state highways, vessels, railroads, pipelines, airports, and aviation facilities;

(8) study alternative means of transportation in the state, considering the economic, social, and environmental impacts of each alternative;

(9) coordinate and develop state and regional transportation systems, considering deletions, additions, and the absence of alterations;

(10) develop facility program plans for transportation and communication facilities and state buildings, docks and breakwaters required to implement the duties set out in this section, including but not limited to (A) functional performance criteria; and (B) schedules for completion;

(11) supervise and maintain all state automotive and mechanical equipment, aircraft, and vessels, except vessels and aircraft used by the Department of Fish and Game or the Department of Public Safety; and

(12) supervise aeronautics and communications inside the state, under AS 02.10.

(13) complete and maintain a current inventory of public facilities, including a projection of the serviceability of the facilities and projections of replacements and additions to facilities needed to provide the level of services programmed by the various user agencies, for municipalities with populations of less than 12,000 and for unincorporated communities, and perform those duties on a cooperative basis with larger municipalities.

(b) The department may

(1) engage in experimental projects relating to available or future modes of transportation and any means of improving existing transportation facilities and service and communication;

(2) exercise the power of eminent domain, including the declaration of taking as provided in AS 09.55. (Executive Order No. 39 § 2 (1977); am § 13 ch 168 SLA 1978)

Effect of amendment. — The 1978 amendment added paragraph (13) to subsection (a).

Sec. 44.42.030. Regulations. The department may adopt regulations under the Administrative Procedure Act (AS 44.62) to implement, interpret, or make more specific its powers and duties. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.040. Departmental organization. The commissioner shall establish regions within the state. The functions of the department within each region shall be performed, to the maximum extent feasible, through a regional office. Each regional office shall be directed by a regional transportation and public facilities director appointed by the commissioner. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.050. State transportation plan. (a) The commissioner shall develop annually a comprehensive, intermodal, long-range transportation plan for the state. In developing and revising the state plan, the commissioner shall consider means and costs of improving existing modes and facilities, state and federal subsidies, and the costs and benefits of new transportation modes and facilities. The commissioner shall also consider the recommendation of the Alaska Transportation Planning Council. The plan shall be submitted to the governor for his review and approval and submitted by the governor to the legislature.

(b) In developing and revising the plan, the commissioner shall seek public review and evaluation by any reasonable means and may

(1) consult and cooperate with officials and representatives of the federal government, other governments, interstate commissions and authorities, local agencies and authorities, interested corporations and other organizations concerning problems affecting transportation in the state; and

(2) request from an agency or other unit of the state government or of a political subdivision of it, or from a public authority, the assistance and data that may be necessary to enable the commissioner to carry out his responsibilities under this section; every such entity shall provide the assistance and data requested.

(c) Copies of the plan, as revised, shall be kept on file as a public document in the office of the commissioner and at each regional office of the department.

(d) The plan shall include a description of projects planned for design and construction for the following two years. The description is in addition to the long-range plan required by (a) of this section and by AS 19.10.140. The description shall include an itemization of the estimated cost for each project and the total cost of all projects. The commissioner shall propose and forward to the governor for his review and approval and inclusion, as approved, in the capital budget a construction program which includes the projects to be undertaken during the following two years, including recommended project priorities. Funds for transportation construction projects and necessary contingencies shall

be itemized as allocations within the bill for the general appropriations act. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.055. State public facilities plan. (a) The commissioner shall develop and annually revise a statewide comprehensive facility procurement plan for public facilities of the state and its municipalities.

(b) In developing and annually revising the facility procurement plan, the commissioner shall

(1) request and receive on an annual basis from all state agencies a projection of the anticipated facility needs of the agency for the next annual capital improvement program;

(2) consult with officials and representatives of municipalities, the federal government, interested corporations and other organizations concerning public facility needs in the state;

(3) develop specific facility procurement plans for projects in each of the following categories:

(A) sewage transmission and treatment systems;

(B) water transmission and treatment systems;

(C) electrical generation and distribution systems;

(D) health care and social services facilities;

(E) educational facilities;

(F) communications facilities and transportation facilities;

(G) public safety and justice facilities;

(H) recreational facilities; and

(I) sanitation facilities;

(4) prepare recommendations to accommodate the various levels of service identified by state agencies and other parties with respect to the services described in (3) of this subsection, to include recommended

(A) current and future facility needs;

(B) space standards and design guidelines for the appropriate facility types;

(C) maintenance and operations standards for the appropriate facility types;

(D) construction techniques and contracting methods;

(E) facility project budget requirements; and

(F) the relative costs of identified alternatives (life cycle cost analysis);

(5) identify common public facility needs among the various user agencies; and

(6) submit its findings, plans and recommendations to the governor and to the appropriate state agency to facilitate the development of agency capital improvement budget requests.

(c) In the preparation and revision of the facility procurement plan, the commissioner may

(1) develop and adopt regulations for use in carrying out the purpose of (b) of this section; regulations may not be adopted under this section unless approval is received from appropriate program agencies;

(2) make recommendations on the total capital improvement program to affected state agencies, local governments, and other interested parties and organizations, and to the divisions of budget and management and policy development and planning.

(d) In this section, "public facility"

(1) means a capital improvement within one of the categories described in (b) of this section which is constructed

(A) for subsequent occupancy or operation by the state, a public corporation of the state, the University of Alaska, a political subdivision, or a regional educational attendance area;

(B) by a political subdivision or any private party with the assistance of financial support provided by the state if funds appropriated or paid by way of a grant or loan in advance of construction of the facility, or any part of it, are 50 per cent or more of the estimated costs of construction of the facility;

(2) does not include projects constructed with the proceeds of one or more loans issued by a loan program administered by the Department of Commerce and Economic Development. (§ 14 ch 168 SLA 1978)

Sec. 44.42.060. Grants to the department. The commissioner may apply for and accept, on behalf of the state, grants from the federal government or an agency of it, or from another state, a foundation, or any person, for any of the functions or purposes of the department. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.070. Limitation on transportation facilities. The department shall consult with the appropriate officials of other departments regarding environmental risks and economic and social considerations that may arise by reason of the location, design, construction or reconstruction of a transportation facility. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.080. Capital projects funds. There is created within the department the following capital projects funds:

- (1) educational, cultural, and related facilities;
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- (3) public institutions and related facilities;
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- (5) health, and related facilities;
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- (7) general purpose facilities. (§ 15 ch 168 SLA 1978)

Sec. 44.42.900. Definitions. In this chapter, unless the context requires otherwise,

(1) "commissioner" means the commissioner of the Department of Transportation and Public Facilities;

(2) "department" means the Department of Transportation and Public Facilities;

(3) "transportation" or "transportation mode" includes, but is not limited to, the following means of conveyance or travel, including their related or auxiliary structures, facilities or services: air, rail, water, highway and pipeline. (Executive Order No. 39 § 2 (1977))

## Chapter 43. Department of Public Works.

Section

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"(b) The Department of Transportation and Public Facilities is vested with the duties and powers formerly held by the Department of Highways relating to planning, construction, maintenance and operation of state transportation facilities including state highways, roads, bridges, traffic signs and signals, the supervision and maintenance of state automotive and mechanical equipment the control of outdoor advertising visible from state highways and all other duties and powers of the Department of Highways, and specifically including powers and duties formerly held by the Department of Highways under AS 19, AS 28.01, AS 28.05, and AS 44.57."

Section 12, Executive Order No. 39 (1977), effective July 1, 1977, provides: "During Fiscal Year 1978, all appropriations items made for that fiscal year and prior years for the Department of Highways and the Department of Public Works may, upon approval of the governor, be appropriately transferred to implement the purposes of this Order."

**Sec. 37.05.305. Applicability to University of Alaska.** The commissioner of administration may delegate the performance of the functions under this chapter as they relate to the university to the Board of Regents of the University of Alaska and set out the criteria and guidelines which shall be followed. The commissioner shall direct necessary stipulations and exercise monitoring responsibility for conformance through the Board of Regents of the University of Alaska. (§ 5 ch 46 SLA 1977)

*Legislative committee report.* — For a report on ch. 46, SLA 1977 (HCSSB 261), see 1977 House Journal p. 1019.

**Sec. 37.05.310. Fiscal year.** The fiscal year of the state begins on July 1 of each year and ends at midnight on the following June 30. The accounts of the Department of Administration, the Department of Revenue, and all other state officers whose accounts are in any way connected with the treasury shall be kept, and all duties performed with reference to the beginning and ending of the fiscal year. (§ 12-4-1 ACLA 1949; am § 2 art VI ch 82 SLA 1955)

*Revisor's note.* — Section 12-4-1 ACLA 1949 was repealed and re-enacted by § 30, ch. 133, SLA 1951. Section 1, ch. 24, SLA 1953 repealed ch. 133, SLA 1951 and § 2, ch. 24, SLA 1953 re-enacted § 12-4-1 ACLA 1949 as it appeared in ACLA 1949.

**Sec. 37.05.320. Definitions.** In this chapter

(1) "fiscal year," "budget year," "accounting year," or similar term means a year beginning on July 1 of one calendar year and ending on June 30 of the following calendar year;

(2) "state agency," "agency," "department," or similar term means a department, officer, institution, board, commission, bureau, division, or other administrative unit forming the state government, and includes the Alaska Pioneers' Home and the University of Alaska;

(3) "handicapped individual" means an individual under a physical or mental disability which constitutes a substantial handicap to employment;

(4) "sheltered workshop" means a place where manufacture or handiwork is carried on, and which is operated for the primary purpose of providing remunerative employment to handicapped individuals. (§ 3 art I ch 82 SLA 1955; am § 1 ch 186 SLA 1957; am § 2 ch 92 SLA 1975; am § 6 ch 46 SLA 1977)

*Effect of amendments.* — The 1975 amendment added paragraphs (3) and (4). The 1977 amendment added "and the University of Alaska" to the end of paragraph (2).

*Legislative committee report.* — For a report on ch. 46, SLA 1977 (HCSSB 261), see 1977 House Journal, p. 1019.

**Sec. 37.05.330. Short title.** This chapter may be cited as the Fiscal Procedures Act. (§ 1 art I ch 8, SLA 1955)

**Chapter 07. Executive Budget Act.**

<b>Section</b>	<b>Section</b>
10. Statement of policy	80. Program execution
20. Responsibilities of the governor	90. Performance reporting
30. Responsibilities of the legislature	100. Proposed supplemental or deficiency appropriations
40. Division of budget and management	110. Interpretation of chapter
50. Agency program and financial plans	120. Definitions
60. Governor's recommendation	130. Short title
62. Capital budget	
70. Legislative review	

*Revisor's note (1970).* — In ch. 188, SLA 1970, AS 37.07 was incorrectly designated AS 37.35.

**Sec. 37.07.010. Statement of policy.** It is the purpose of this chapter to establish a comprehensive system for state program and financial management which furthers the capacity of the governor and legislature to plan and finance the services which they determine the state will provide for its citizens. The system shall include procedures for

(1) the orderly establishment, continuing review and periodic revision of the program and financial goals and policies of the state;

(2) the development, coordination and review of long-range program and financial plans that will implement established state goals and policies;

(3) the preparation, coordination and analysis, and enactment of a budget organized to focus on state services and their costs, that authorizes the implementation of policies and plans in the succeeding budget period;

(4) the evaluation of alternatives to existing policies, plans and procedures that offer potential for more efficient state services;

(5) the regular appraisal and reporting of program performance;

(6) public participation in the development of the annual budget, including opportunity for the public to review and comment upon the plans and programs of the Office of the Governor and all state agencies in the executive branch, the legislature, the judicial system, the University of Alaska and the public corporations of the state. (§ 1 ch 188 SLA 1970; am § 2 ch 168 SLA 1978)

*Cross reference.* — For constitutional provisions as to budget, see Alaska Const., art. IX, § 12.

*Effect of amendment.* — The 1978 amendment added paragraph (6).

Sec. 37.07.020. Responsibilities of the governor. (a) The governor shall prepare and submit to the legislature before the fourth legislative day a budget for the succeeding fiscal year which shall cover all estimated receipts, including all grants, loans, and money received from the federal government, and all proposed expenditures of the state government. The budget shall be accompanied by a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.

(b) In addition to the budget and general appropriation bill, the governor shall submit a capital improvements program and financial plan covering the succeeding six fiscal years.

(c) Proposed expenditures may not exceed estimated revenues for the succeeding fiscal year. The expenditures proposed in the six-year capital improvements program and financial plan shall not exceed the estimated revenues and bond authorizations passed and proposed. (§ 1 ch 188 SLA 1970; am § 3 ch 168 SLA 1978)

Effect of amendment. — The 1978 amendment rewrote this section.

Sec. 37.07.030. Responsibilities of the legislature. The legislature shall

(1) provide for a budget review function;

(2) analyze the comprehensive operating and capital improvements programs and financial plans recommended by the governor;

(3) adopt legislation to authorize implementation of the governor's comprehensive operating and capital improvements programs and financial plans or appropriate alternatives to those plans;

(4) provide for a post-audit function, to cover financial transactions, program accomplishment and compliance with legislative intent;

(5) adopt or revise the estimate or receipts required to balance the succeeding fiscal year's budget in order that proposed expenditures do not exceed estimated receipts for that fiscal year;

(6) adopt, revise, or initiate revenue measures in order to balance the succeeding fiscal year's budget and the capital improvements section of the budget for the succeeding six years. (§ 1 ch 188 SLA 1970; am § 4 ch 168 SLA 1978)

Effect of amendment. — The 1978 amendment substituted "operating and capital improvements programs and financial plans" for "program and financial plan" in paragraphs (2) and (3), substituted "those plans" for "that plan" in paragraph (3), and added paragraphs (5) and (6).

Budgetary system established by

statutes implementing Constitution. — Statutory language implementing Alaska Const., art. IX, § 19, establishes a budgetary system in which all appropriations are made by legislative act. Municipality of Anchorage v. Frohne, Sup. Ct. Op. No. 1477 (File Nos. 3060, 8104), 568 P.2d 8 (1977).

Sec. 37.07.040. Division of budget and management. The budget and management division shall

(1) assist the governor in the preparation and explanation of the proposed comprehensive program and financial plan, including the coordination and analysis of state agency program goals and objectives, program plans and program budget requests;

(2) prepare for submission to the governor an annually updated six-year capital improvements program and the proposed capital improvements budget for the coming fiscal year, the latter to include individual project justification with documentation of estimated project cost;

(3) develop procedures to produce the information needed for effective policy decision making, including procedures to provide for the dissemination of information about plans, programs and program budget requests to be included in the annual budget and opportunity for public review and comment during the period of budget preparation;

(4) assist state agencies in their statement of goals and objectives, preparation of program plans, program budget requests and reporting of program performance; all documents forwarded by the division to a state agency containing instructions for the preparation of program plans and program budget requests and the reporting of program performance are public information after the date they are forwarded;

(5) administer its responsibilities under the program execution provisions of this chapter so that the policy decisions and budget determinations of the governor and the legislature are implemented;

(6) provide the legislative finance division with the budget information it may request;

(7) provide the legislative finance division with an advance copy of the governor's budget workbooks by the first Monday in January of each year, except that following a gubernatorial election year the advance copy shall be provided by the second Monday in January. (§ 1 ch 188 SLA 1970; am § 3 ch 95 SLA 1971; am § 1 ch 60 SLA 1972; am § 1 ch 16 SLA 1976; am § 5 ch 168 SLA 1978)

Effect of amendments. — The 1976 amendment added paragraph (7).

The 1978 amendment added the language beginning "including procedures to provide for the dissemination of information" to the end of paragraph (3), added the language beginning "all documents forwarded by the division" to the end of paragraph (4), and

deleted "the advance copy shall be provided on a confidential basis and shall be used only to prepare budget analysis documents which will be published and distributed following the delivery of the governor's budget message to the legislature" from the end of paragraph (7).

Sec. 37.07.050. Agency program and financial plans. (a) Each state agency, on the date and in the form and content prescribed by the division, shall prepare and forward to the division and the legislative finance division

(1) the goals and objectives of the agency program, together with proposed supplements, deletions and revisions;

(2) its proposed plans to implement the goals and objectives, including estimates of future service needs, planned methods of administration, proposed modification of existing program services and establishment of new program services, and the estimated resources needed to carry out the proposed plan;

(3) the budget requested to carry out its proposed plans in the succeeding fiscal year, including information reflecting the expenditures during the last fiscal year, those authorized for the current fiscal year, those proposed for the succeeding fiscal year, an explanation of the services to be provided, the number of total positions for all persons employed or under contract by the agency for personal services including those rendered for capital improvement projects, the need for the services, the cost of the services, and any other information requested by the division;

(4) a report of the receipts during the last fiscal year, an estimate of the receipts during the current fiscal year, and an estimate for the succeeding fiscal year;

(5) a statement of legislation required to implement the proposed programs and financial plans;

(6) an evaluation of the advantages and disadvantages of specific alternatives to existing or proposed program policies or administrative methods.

(b) The state agency proposals prepared under (a) of this section shall describe the relationships of their program services to those of other agencies, of other governments, and of nongovernmental bodies.

(c) The division shall assist agencies in the preparation of their proposals under (a) of this section. This assistance may include technical assistance, organization of materials, centrally collected accounting, budgeting and personnel information, standards and guidelines formulation, population and other required data, and any other assistance that will help the state agencies produce the information necessary for efficient agency management and effective decision-making by the governor and the legislature.

(d) If any state agency fails to transmit the program and financial information provided under (a) of this section on the specified date, the division may prepare the information.

(e) The division shall compile and submit to the governor-elect in any year when a new governor has been elected, not later than November 20, a summary of the program and financial information prepared by state agencies.

(f) Budget requests for boards and commissions and for those agency programs for the fiscal year following termination under AS 44.66.010 — 44.66.070 shall be prepared and submitted. The recommended appropriation request shall include:

(1) an identification of the objectives intended for the program and the problem or need which the activities and operations of the board, commission or program is intended to address;

(2) an assessment of the degree to which the original objectives of the program have been achieved expressed in terms of performance, effects, or accomplishments of the program and of the program or need which it was intended to address;

(3) a statement of the performance and accomplishments of the program in each of the last four completed fiscal years and of the costs incurred in the operation of the program;

(4) a statement of the number and types of persons affected by operation of the program;

(5) a summary statement, for each of the last three completed fiscal years, of the number of personnel employed in carrying out the program and a summary of the cost of personnel employed under contract in carrying out the program;

(6) an assessment of the effect of the program on the economy of the state;

(7) an assessment of the degree to which the overall policies of the program, as expressed in regulations adopted by the agency, board or commission and its decisions, meet the objectives of the legislature in establishing the program; and

(8) an analysis of the services and performance estimated to be achieved if the life of the agency, board or commission were to be continued.

(g) All goals and objectives, plans, programs, estimates, budgets and other documents forwarded to the division of budget and management by a state agency under this section are public information after the date they are forwarded. (§ 1 ch 188 SLA 1970; am § 4 ch 95 SLA 1971; am § 1 ch 97 SLA 1976; am § 5 ch 149 SLA 1977; am § 6 ch 168 SLA 1978)

Effect of amendments. — The 1976 amendment inserted the language beginning "the number of total positions" and ending "capital improvement projects" in paragraph (3) of subsection (a).

The 1977 amendment added subsection (f).

The 1978 amendment added subsection (g).

Editor's note. — Section 1, ch. 149, SLA 1977, provides: "The legislature finds that the substantial increase in the number of state agencies, boards and commissions, and the proliferation of rules and regulations which each has adopted have

contributed to a public disenchantment with the operation of state government, and that there is need for an effective and regular system of scrutiny of the programs and activities of all agencies, boards and commissions. The legislature further finds that the establishment of a system for periodic review by the public and the executive and legislative branches of certain state agencies, boards and commissions will help the governor and the legislature to determine the need for the continued existence of each of the agencies, boards and commissions."

Sec. 37.07.060. Governor's recommendation. (a) The governor shall formulate the operating and capital improvements programs and financial plans required to be recommended to the legislature by § 20

of this chapter after considering the state agency proposed program and financial plans, and other programs and alternatives that he considers appropriate. The plans shall include his recommended goals and policies, recommended plans to implement the goals and policies, recommended operating program for the succeeding fiscal year, recommended capital improvements program for the succeeding six fiscal years, and recommended revenue measures to support the programs.

(b) The governor shall present the proposed comprehensive operating and capital improvements programs and financial plans in a message to a joint session of the legislature before the fourth legislative day following the convening of the legislature in regular session. The message shall be accompanied by an explanatory report which summarizes recommended goals, plans, and appropriations. The report shall contain

(1) the coordinated program goals and objectives which the governor recommends to guide the decisions on the proposed program plans and budget appropriations;

(2) his operating program and budget recommendations for the succeeding fiscal year;

(3) his capital improvements program and budget recommendations for the succeeding fiscal year and capital improvements program for the succeeding six fiscal years which shall include

• (A) a description of each project, its estimated cost for the year construction is to start, and the source of financing;

• (B) a summary of projects previously authorized and not yet completed;

• (C) a summary, listed by agency, of all previously proposed projects which have been deferred beyond the six years covered by the plan and the year in which construction has been rescheduled to begin;

(D) a forecast of the debt structure of the state and the various debt ratios over the life of the state's bonds outstanding, bonds authorized and to be issued, and bond authorizations recommended in the plan;

(E) a description of additional revenue measures needed to finance the plan in lieu of debt;

(F) bond election bills to authorize the bonds required to fund the projects scheduled for the first three years of the plan;

(G) projections of population of the state and its regions and communities;

(H) economic data and projections necessary for the evaluation of the plan;

(4) a summary of state receipts in the last fiscal year, a revised estimate for the current fiscal year, and an estimate for the succeeding fiscal year;

(5) a summary of expenditures during the last fiscal year, those authorized for the current fiscal year, and an estimate for the succeeding fiscal year;

(6) any additional information which will facilitate understanding of the governor's proposed programs and financial plans by the legislature and the public. (§ 1 ch 188 SLA 1970; am § 7 ch 168 SLA 1978)

Effect of amendment. — The 1978 amendment rewrote this section.

Sec. 37.07.062. Capital budget. (a) The general appropriation bill required to be submitted to the legislature in § 20(a) of this chapter shall contain a separate section for capital outlays which is divided into subsections for each of the capital projects funds (AS 44.42.080) which lists, for each project, the (1) project identification number; (2) project title; (3) source of funding; (4) amount expended on the project during the preceding fiscal year, the amount authorized for the current fiscal year, and the amount proposed to be expended during the succeeding fiscal year; (5) estimated start for construction; (6) schedule of bond elections pertaining to the appropriation, including elections previously held. The total appropriation to each capital projects fund shall be reflected in the balance sheet of each fund as of June 30 of each fiscal year.

(b) Upon the effective date of the general appropriation bill, the amounts appropriated by the bill for capital outlay shall be paid into the appropriate capital project funds established under AS 44.42.080.

(c) The balance sheet of each capital projects fund (AS 44.42.080) shall, at the end of each fiscal year, contain the following items so as to reflect the status of each fund and that the appropriations to each fund are not based upon a fiscal year:

(1) cash with treasury — shows a normal debit balance;

(2) bonds authorized and unissued — shows a normal debit balance; these are assets of each fund and shall be sold in accordance with the election date of each authorization; the proceeds are expended on a first-in, first-out basis;

(3) bonds to be authorized — shows a normal debit balance; these shall be reflected in general obligation bond or revenue bond act proposals accompanying each year's capital improvements program revision; the general obligation bond act proposals are to provide funding for the three fiscal years following the general election date;

(4) general fund; reserve for capital outlay — shows a normal debit balance; this is the amount required by AS 37.05.157 to be included in the general appropriation bill as the reserve for capital outlay to cover the succeeding six-year planning period;

(5) general fund; other — shows a normal debit balance; additional appropriations from the general fund above those required by law for capital outlay;

(6) other funds — shows a normal debit balance; appropriations from other state funds for capital outlay;

- (7) federal aid — shows a normal debit balance; includes funds expected to be received from federal sources for capital projects;
- (8) expenditures, prior fiscal year — shows a normal credit balance;
- (9) encumbrances — shows a normal debit balance;
- (10) reserve for encumbrances — shows a normal credit balance;
- (11) fund balance — shows a normal zero balance.

(d) The annual financial report of the state shall contain the following statements for each capital projects fund:

- (1) balance sheet;
- (2) analysis of changes in bonds authorized and unissued;
- (3) analysis of changes in bonds to be authorized;
- (4) analysis of changes in funds to be provided by others;
- (5) statement of expenditures and encumbrances compared to appropriations. (§ 8 ch 168 SLA 1978)

**Sec. 37.07.070. Legislative review.** The legislature shall consider the governor's proposed comprehensive operating and capital improvements programs and financial plans, evaluate alternatives to the plans, make program selections among the various alternatives and determine, subject to available revenues, the level of funding required to support authorized state services. During each regular session of the legislature, legislative review of the plans shall be accomplished according to the following schedule:

→ (1) By the 45th legislative day, the legislature shall have established by concurrent resolution the total amount of state general funds that shall be available for appropriation for the budget year and the tentative allocation of the funds among program categories in both the operating and capital budgets. The resolution shall be introduced by the finance committee of the house in which the general appropriations bill was introduced.

→ (2) By the 90th legislative day, the house in which the general appropriations bill was introduced by the governor shall have calendared for second reading a version of the general appropriations bill. The bill shall be supported with documentation to explain the proposed appropriations and related statements of intent. In addition, a list of other appropriations or measures with fiscal implications pending before the legislature shall be included with the documentation for the calendared bill. (§ 1 ch 188 SLA 1970; am § 1 ch 66 SLA 1977; am § 9 ch 168 SLA 1978)

**Effect of amendments.** — The 1977 amendment added the second sentence of the introductory paragraph and paragraphs (1) and (2).

The 1978 amendment, in the introductory paragraph, substituted "operating and

capital improvements programs and financial plans" for "program and financial plan" in the first sentence and "the plans" for "the plan" in the first and second sentences.

**Sec. 37.07.080. Program execution.** (a) Except as limited by policy decisions of the governor, appropriations by the legislature, and other provisions of law, the several state agencies have full authority for administering their program service assignments and are responsible for their proper management.

(b) Each state agency shall prepare an annual plan for the operation of each of its assigned programs except for programs that are exempted from this requirement by the division. The operations plan shall be prepared in the form and content and be transmitted on the date prescribed by the division.

(c) The division shall

(1) review each operations plan to determine that it is consistent with the policy decisions of the governor and appropriations by the legislature, that it reflects proper planning and efficient management methods, that appropriations have been made for the planned purpose and will not be exhausted before the end of the fiscal year;

(2) approve the operations plan if satisfied that it meets the requirements under (1) of this subsection; otherwise, the division shall require revision of the operations plan in whole or in part;

(3) Repealed by § 1 ch 26 SLA 1976.

(d) No state agency may increase the salaries of its employees, employ additional employees, or expend money or incur obligations except in accordance with law and properly approved operations plan.

(e) Transfers or changes between objects of expenditures or between allocations may be made by the head of a state agency upon approval of the division. No transfers may be made between appropriations except as provided in (h) of this section.

(f) The division shall report quarterly to the governor and the legislature on the operations of each state agency, relating actual accomplishments to those planned and modifying, if necessary, the operations plan of any agency for the balance of the fiscal year.

(g) The governor may direct the withholding or reduction of appropriations to a state agency at any time during the fiscal year only if he determines that

(1) the planned expenditures can no longer be made due to factors outside the control of the state which make the expenditure factually impossible; or

(2) estimated receipts and surpluses will be insufficient to provide for appropriations.

(h) Appropriations may be revised on approval by the governor and the Legislative Budget and Audit Committee to allow for

(1) increase of an appropriation item based on additional federal or other program receipts;

(2) establishment of a new, permanent position not authorized in the appropriated operating budget; or

(3) reallocation between appropriation items. (§ 1 ch 188 SLA 1970; am §§ 1—3 ch 26 SLA 1976; am §§ 2, 3 ch 74 SLA 1977)

**Effect of amendments.** — The 1976 amendment deleted paragraph (3) of subsection (c) relating to modification or withholding of planned expenditures during the appropriation period and in subsection (e), substituted "Transfers or changes" for "Appropriation transfers or changes as" and "between allocations" for "activity areas within a program" in the first sentence, deleted the former second sentence, relating to appropriation transfers or changes between programs within an agency, and substituted "appropriations" for "agencies" in the present second sentence. The amendment also added subsection (g).

The 1977 amendment added "except as provided in (h) of this section" to the end of subsection (e) and added subsection (h).

**Editor's note.** — Section 5, ch. 26, SLA 1976, provides: "Notwithstanding the provisions of Section 2 of this Act, transfers between appropriations may be made as provided by law between appropriation items contained in Section 16(a) and (b) of Chapter 209, SLA 1975."

Section 4, ch. 74, SLA 1977 provides: "The requirement of approval by both the governor and the Legislative Budget and Audit Committee of revision of appropriations to the extent permitted in AS 37.07.080(h) is intended to provide a

degree of flexibility in administration of the budget provided both required approvals are obtained. It is not intended that these revisions may be made with the sole approval of the governor. If a court of competent jurisdiction invalidates the requirement of approval by the Legislative Budget and Audit Committee for revision as authorized in AS 37.07.080(h) (1), (2) or (3), the entire paragraph or paragraphs for which that requirement was invalidated shall be totally void and of no effect whatsoever. If that requirement is invalidated for the entire subsection AS 37.07.080(h), that entire subsection shall be totally void and of no effect whatsoever."

Section 5, ch. 74, SLA 1977 provides: "Executive Order No. 20 dated June, 1962 is repealed."

**Legislative committee report.** — For report on ch. 26, SLA 1976 (HB 760 am S), see 1976 House Journal, p. 388.

**Budgetary system established by statutes implementing Constitution.** — Statutory language implementing Alaska Const., art. IX, § 13, establishes a budgetary system in which all appropriations are made by legislative act. *Municipality of Anchorage v. Frohne*, Sup. Ct. Op. No. 1477 (File Nos. 3050, 3104), 568 P.2d 3 (1977).

**Sec. 37.07.090. Performance reporting.** (a) Each state agency shall submit a performance report to the division no later than September 1 for the preceding fiscal year. These reports shall be in the form prescribed by the division after consultation with the legislative finance division, and shall include

(1) an identification of the objectives intended for the program and the problem or need which the activities and operations of the board, commission or program is intended to address;

(2) an assessment of the degree to which the original objectives of the program have been achieved expressed in terms of performance, effects, or accomplishments of the program and of the program or need which it was intended to address;

(3) a statement of the performance and accomplishments of the program in each of the last four completed fiscal years and of the costs incurred in the operation of the program;

(4) a statement of the number and types of persons affected by operation of the program;

(5) a summary statement, for each of the last three completed fiscal years, of the number of personnel employed in carrying out the program and a summary of the cost of personnel employed under contract in carrying out the program;

(6) an assessment of the effect of the program on the economy of the state;

(7) an assessment of the degree to which the overall policies of the program, as expressed in regulations adopted by the agency, board or commission and its decisions, meet the objectives of the legislature in establishing the program; and

(8) an analysis of the services and performance estimated to be achieved if the life of the agency, board or commission were to be continued.

(b) The division shall summarize the performance reports and forward copies to each member of the legislature. (§ 1 ch 188 SLA 1970; am § 5 ch 95 SLA 1971; am § 6 ch 149 SLA 1977)

**Effect of amendment.** — The 1977 amendment deleted "statements concerning" following "legislative finance division, and shall include" in the second sentence of subsection (a) and substituted present paragraphs (1) through (8) for former paragraphs (1) through (4) in that sentence.

**Editor's note.** — Section 1, ch. 149, SLA 1977, provides: "The legislature finds that the substantial increase in the number of state agencies, boards and commissions, and the proliferation of rules and regulations which each has adopted have

contributed to a public disenchantment with the operation of state government, and that there is need for an effective and regular system of scrutiny of the programs and activities of all agencies, boards and commissions. The legislature further finds that the establishment of a system for periodic review by the public and the executive and legislative branches of certain state agencies, boards and commissions will help the governor and the legislature to determine the need for the continued existence of each of the agencies, boards and commissions."

**Sec. 37.07.100. Proposed supplemental or deficiency appropriations.** The governor from time to time may transmit to the legislature proposed supplemental or deficiency appropriations which in his judgment are necessary on account of laws enacted after the transmission of the budget, or are otherwise in the public interest. He shall accompany each proposal with a statement of the reasons for it, including the reasons for its omission from the budget. (§ 1 ch 188 SLA 1970)

**Budgetary system established by statutes implementing Constitution.** — Statutory language implementing Alaska Const., art. IX, § 13, establishes a budgetary system in which all

appropriations are made by legislative act. *Municipality of Anchorage v. Frohne*, Sup. Ct. Op. No. 1477 (File Nos. 3050, 3104), 568 P.2d 3 (1977).

**Sec. 37.07.110. Interpretation of chapter.** This chapter shall be construed as supplemental to all other state laws not in conflict with it. If a section or part of a section of this chapter is in conflict with federal requirements for a program for which federal grant-in-aid funds are

available, the section or part, to the extent of the conflict, is inoperative. (§ 1 ch 188 SLA 1970)

Sec. 37.07.120. Definitions. In this chapter

(1) "agency" means a department, officer, institution, board, commission, bureau, division, or other administrative unit forming the state government and includes the Alaska Pioneers' Home and the University of Alaska, but does not include the legislature or the judiciary.

(2) "division" means the division of budget and management, Office of the Governor;

(3) "fiscal year" means a year beginning on July 1 of one calendar year and ending on June 30 of the following calendar year;

(4) "appropriation" means a maximum amount available for expenditure by a state agency for a stated purpose set out in an appropriation act;

(5) "allocation" means an amount set out as a legislative guideline for expenditure by a state agency for a stated purpose within the total amount of an appropriation;

(6) "object of expenditure" means a line item of expenditure within an allocation or an appropriation. (§ 1 ch 188 SLA 1970; am § 4 ch 26 SLA 1976; am § 2 ch 97 SLA 1976; am § 7 ch 46 SLA 1977)

Effect of amendments. — The first 1976 amendment added paragraphs (4), (5), and (6).

The second 1976 amendment substituted "Office of the Governor" for "Department of Administration" at the end of paragraph (2).

The 1977 amendment inserted "and the University of Alaska" in paragraph (1).

Legislative committee reports. — For report on ch. 26, SLA 1976 (HB 760 am S), see 1976 House Journal, p. 388.

For a report on ch. 46, SLA 1977 (HCSSB 26i), see 1977 House Journal, p. 1019.

Sec. 37.07.130. Short title. This Act may be cited as the Executive Budget Act. (§ 1 ch 188 SLA 1970)

Chapter 10. Public Funds.

Article

- 1. Custodians of State Funds (§§ 37.10.010 — 37.10.040)
- 2. Accounting (§§ 37.10.050 — 37.10.060)
- 3. Investment and Deposit of State Funds (§§ 37.10.065 — 37.10.088)
- 4. Recovery of Money or Property Illegally Paid or Diverted (§§ 37.10.090 — 37.10.100)

Article I. Custodians of State Funds.

Section

- 10. Disbursements
- 20. Vouchers to be approved by administrative officer

Section

- 30. Responsibility of officer or employee approving or certifying voucher
- 40. Enforcement of liability

Sec. 37.10.010. Disbursements. The Department of Administration shall (1) disburse money only upon vouchers certified by the department, establishment, or agency concerned, or an officer or employee of it authorized in writing to certify the vouchers; (2) make an examination of vouchers necessary to ascertain whether they are in proper form, certified and approved, computed on the basis of the facts certified; and (3) be held accountable accordingly. (§ 12-3-1 ACLA 1949)

Cited in *Munson v. Territory of Alaska*, 16 Alas. 580 (1956).

Am. Jur., ALR and C.J.S. references. — 42 Am. Jur., Public Funds, § 1 et seq.; 43 Am. Jur., Public Securities and Obligations, § 48 et seq.

Power of state to incur indebtedness for relief of distress due to unemployment or other unusual conditions, 73 ALR 699; 87 ALR 371.

Power of board or officials to depart from literal requirements in respect of deposits or loans of public funds in their control, 104 ALR 623.

Prohibition to control the use, management and disbursement of public funds, 115 ALR 22; 159 ALR 634.

81 C.J.S. States §§ 168 to 176.

Sec. 37.10.020. Vouchers to be approved by administrative officer. A voucher arising from the conduct of an office or administration of the state shall be approved by the administrative officer before reference to the Department of Administration for payment. (§ 12-3-2 ACLA 1949)

Sec. 37.10.030. Responsibility of officer or employee approving or certifying voucher. The officer or employee approving or certifying a voucher

(1) is responsible for the existence and correctness of the facts recited in the certificate or stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved;

(2) shall give bond in the form and manner prescribed by AS 39.15.010 — 35.15.100 to the state, and approved by the Department of Administration, in an amount fixed by the head of the department, agency, or establishment concerned, under standards prescribed by the Department of Administration; the premium on the bond shall be paid from funds made available for the administrative costs of the department, agency, or establishment concerned; officers already bonded under other provisions of law for the faithful performance of their duties are not required to give additional bond; and

(3) shall be held accountable for and required to make good to the state the amount of an illegal, improper, or incorrect payment resulting from a false, inaccurate, or misleading certificate made by him, or a payment prohibited by law or which does not represent a legal obligation under the appropriation or fund involved. (§ 12-3-3 ACLA 1949)

Revisor's note. — Section 12-3-3 ACLA 1949 was repealed and re-enacted by § 38, ch. 133, SLA 1951. Section 1 ch. 24, SLA

1953 repealed ch. 133, SLA 1951 and § 2, ch. 24, SLA 1953 re-enacted § 12-3-3 ACLA 1949 as it appeared in ACLA 1949.

Article 3. Community Facilities Grants.

Section

300. Civic, convention and community recreation centers

STATE AID TO LOCAL GOVERNMENTS

Sec. 43.18.300. Civic, convention and community recreation centers. (a) Within the limits of legislative appropriations for the purpose, the state shall make matching grants to local governments or their nonprofit designee equal to 50 per cent of the estimated reasonable costs of land acquisition, planning, and construction of municipal civic, convention and community recreation centers and 50 per cent of the cost of feasibility studies relating to these facilities, in accordance with the provisions of this section.

(b) Grants for only one study and one project may be awarded to a local government under this section. Applications for grants shall be made in a form prescribed by the commissioner. A grant shall be allotted according to an agreement made between the commissioner on behalf of the state and the local government receiving the grant. The agreement may include any provision agreed upon by the parties and shall include in substance the following provisions:

(1) estimates of reasonable costs of a study or project as approved by the commissioner after consultation with the Department of Public Works;

(2) a schedule of grant disbursements, if, as determined by the commissioner, a grant is to be disbursed other than in one sum;

(3) agreement by the local government to

(A) proceed with and complete the proposed study or project expeditiously;

(B) not discontinue operation or dispose of all or part of a project for which it receives a grant without the approval of the commissioner;

(C) apply for, and make reasonable efforts to secure, federal assistance which may be available for the study or project, subject to any conditions the commissioner may require in order to maximize the amounts of that assistance received or to be received for all projects in the state;

(D) provide for payment of the local government's share of the cost of the study or project;

(4) agreement by the local government that, if federal assistance for a study or project becomes available to the local government which was not included in the calculation of the amount of a grant authorized and disbursed under this section, the value of the federal assistance shall be ascertained and subtracted from the total value of the project and the balance shall be equally divided between the state and local government;

(5) provision for alteration or modification of an approved study or project and for remedies in case of failure to perform the agreement between the parties or noncompliance with regulations promulgated by the commissioner under this section;

(6) provision for alteration or modification of an existing facility

which would have qualified under this section as a civic, convention or community recreation center at the time of initial construction if this section had been in effect and provision for remedies in case of failure to perform the agreement between the parties or noncompliance with regulations promulgated by the commissioner under this section.

(c) If funds appropriated by the legislature to provide grants under this section are not adequate to satisfy amounts required by approved grant applications, funds shall be allocated on the basis of priority established by the Department of Economic Development by regulations promulgated to carry out the provisions of this section.

(d) This section does not require that a local government receiving a grant for a feasibility study under this section must proceed with construction of a project, notwithstanding the project is determined to be feasible.

(e) The commissioner shall require in the negotiations and agreements with the local government that continued maintenance of the facility is the responsibility of the local government and the local government must show the feasibility of this before authorization of state funds.

(f) The commissioner shall provide an annual report to the legislature with respect to grants made under this section.

(g) The commissioner may promulgate regulations to carry out the purpose of this section.

(h) In this section

(1) "commissioner" means the commissioner of economic development;

(2) "local government" means a city of any class or a borough having power to implement the studies or projects for which grants are authorized in this section;

(3) "costs of construction" includes, in addition to costs directly related to the project, the sum total of all costs of financing and carrying out the project; these include, but are not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be necessary in connection with the project; an allocable portion of the administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositaries, financial advisors, and paying agents for the bonds issued as the issuer considers necessary; it does not include the cost of feasibility studies.

(am § 26 ch 168 SLA 1978)



# LAWS OF ALASKA

1978

Source

Chapter No.

FCCS SCSHB 222(e.date failed)

168

## AN ACT

Relating to the planning and funding of capital construction projects.

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

\* Section 1. AS 35.10.170(3) is amended to read:

(3) make projections of future public facility needs of the state, analyze facilities needed, and establish methodology for program planning and facilities project planning, design and construction, based upon

(A) a justification of the level of service anticipated by the program agency, utilizing population projections and estimates approved by the governor;

(B) consideration of the geographical area to be served by the facility and relevant data concerning the agency's existing public facilities in that area;

(C) the date by which the services are to be provided;

(D) alternative program methods for providing the services; and

(E) pertinent data requested by the department in accordance with procedures developed under sec. 180 of this chapter;

\* Sec. 2. AS 37.07.010 is amended by adding a new paragraph to read:

(6) public participation in the development of the annual budget, including opportunity for the public to

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review and comment upon the plans and programs of the Office of the Governor and all state agencies in the executive branch, the legislature, the judicial system, the University of Alaska and the public corporations of the state.

\* Sec. 3. AS 37.07.020 is repealed and re-enacted to read:

Sec. 37.07.020. RESPONSIBILITIES OF THE GOVERNOR. (a) The governor shall prepare and submit to the legislature before the fourth legislative day a budget for the succeeding fiscal year which shall cover all estimated receipts, including all grants, loans, and money received from the federal government, and all proposed expenditures of the state government. The budget shall be accompanied by a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.

(b) In addition to the budget and general appropriation bill, the governor shall submit a capital improvements program and financial plan covering the succeeding six fiscal years.

(c) Proposed expenditures may not exceed estimated revenues for the succeeding fiscal year. The expenditures proposed in the six-year capital improvements program and financial plan shall not exceed the estimated revenues and bond authorizations passed and proposed.

\* Sec. 4. AS 37.07.030 is amended to read:

Sec. 37.07.030. RESPONSIBILITIES OF THE LEGISLATURE. The legislature shall

(1) provide for a budget review function;

(2) analyze the comprehensive operating and capital improvements programs and financial plans recommended by the governor;

(3) adopt legislation to authorize implementation of the governor's comprehensive operating and capital improvements programs and financial plans or appropriate alternatives to those plans;

(4) provide for a post-audit function, to cover financial transactions, program accomplishment and compliance with legislative intent;

(5) adopt or revise the estimate or receipts required to balance the succeeding fiscal year's budget in order that proposed expenditures do not exceed estimated receipts for that fiscal year;

(6) adopt, revise, or initiate revenue measures in order to balance the succeeding fiscal year's budget and the capital improvements section of the budget for the succeeding six years.

\* Sec. 5. AS 37.07.040(3), (4) and (7) are amended to read:

(3) develop procedures to produce the information

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needed for effective policy decision making, including procedures to provide for the dissemination of information about plans, programs and program budget requests to be included in the annual budget and opportunity for public review and comment during the period of budget preparation;

(4) assist state agencies in their statement of goals and objectives, preparation of program plans, program budget requests and reporting of program performance; all documents forwarded by the division to a state agency containing instructions for the preparation of program plans and program budget requests and the reporting of program performance are public information after the date they are forwarded;

(7) provide the legislative finance division with an advance copy of the governor's budget workbooks by the first Monday in January of each year, except that following a gubernatorial election year the advance copy shall be provided by the second Monday in January.

\* Sec. 6. AS 37.07.050 is amended by adding a new subsection to read:

(g) All goals and objectives, plans, programs, estimates, budgets and other documents forwarded to the division of budget and management by a state agency under this section are public information after the date they are forwarded.

\* Sec. 7. AS 37.07.060 is repealed and re-enacted to read:

Sec. 37.07.060. GOVERNOR'S RECOMMENDATION. (a) The governor shall formulate the operating and capital improvements programs and financial plans required to be recommended to the legislature by sec. 20 of this chapter after considering the state agency proposed program and financial plans, and other programs and alternatives that he considers appropriate. The plans shall include his recommended goals and policies, recommended plans to implement the goals and policies, recommended operating program for the succeeding fiscal year, recommended capital improvements program for the succeeding six fiscal years, and recommended revenue measures to support the programs.

(b) The governor shall present the proposed comprehensive operating and capital improvements programs and financial plans in a message to a joint session of the legislature before the fourth legislative day following the convening of the legislature in regular session. The message shall be accompanied by an explanatory report which summarizes recommended goals, plans, and appropriations. The report shall contain

(1) the coordinated program goals and objectives which the governor recommends to guide the decisions on the proposed program plans and budget appropriations;

(2) his operating program and budget recommendations for the succeeding fiscal year;

(3) his capital improvements program and budget

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recommendations for the succeeding fiscal year and capital improvements program for the succeeding six fiscal years which shall include

(A) a description of each project, its estimated cost for the year construction is to start, and the source of financing;

(B) a summary of projects previously authorized and not yet completed;

(C) a summary, listed by agency, of all previously proposed projects which have been deferred beyond the six years covered by the plan and the year in which construction has been rescheduled to begin;

(D) a forecast of the debt structure of the state and the various debt ratios over the life of the state's bonds outstanding, bonds authorized and to be issued, and bond authorizations recommended in the plan;

(E) a description of additional revenue measures needed to finance the plan in lieu of debt;

(F) bond election bills to authorize the bonds required to fund the projects scheduled for the first three years of the plan;

(G) projections of population of the state and its regions and communities;

(H) economic data and projections necessary for the evaluation of the plan;

(4) a summary of state receipts in the last fiscal year, a revised estimate for the current fiscal year, and an estimate for the succeeding fiscal year;

(5) a summary of expenditures during the last fiscal year, those authorized for the current fiscal year, and an estimate for the succeeding fiscal year;

(6) any additional information which will facilitate understanding of the governor's proposed programs and financial plans by the legislature and the public.

\* Sec. 8. AS 37.07 is amended by adding a new section to read:

Sec. 37.07.062. CAPITAL BUDGET. (a) The general appropriation bill required to be submitted to the legislature l. sec. 20(a) of this chapter shall contain a separate section for capital outlays which is divided into subsections for each of the capital projects funds (AS 44.42.080) which lists, for each project, the (1) project identification number; (2) project title; (3) source of funding; (4) amount expended on the project during the preceding fiscal year, the amount authorized for the current fiscal year, and the amount proposed to be expended during the succeeding fiscal year; (5) estimated start for construction; (6) schedule of bond elections pertaining to the appropriation.

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including elections previously held. The total appropriation to each capital projects fund shall be reflected in the balance sheet of each fund as of June 30 of each fiscal year.

(b) Upon the effective date of the general appropriation bill, the amounts appropriated by the bill for capital outlay shall be paid into the appropriate capital project funds established under AS 44.42.080.

(c) The balance sheet of each capital projects fund (AS 44.42.080) shall, at the end of each fiscal year, contain the following items so as to reflect the status of each fund and that the appropriations to each fund are not based upon a fiscal year:

(1) cash with treasury--shows a normal debit balance;

(2) bonds authorized and unissued--shows a normal debit balance; these are assets of each fund and shall be sold in accordance with the election date of each authorization; the proceeds are expended on a first-in, first-out basis;

(3) bonds to be authorized--shows a normal debit balance; these shall be reflected in general obligation bond or revenue bond Act proposals accompanying each year's capital improvements program revision; the general obligation bond Act proposals are to provide funding for the three fiscal years following the general election date;

(4) general fund; reserve for capital outlay-- shows a normal debit balance; this is the amount required by AS 37.05.157 to be included in the general appropriation bill as the reserve for capital outlay to cover the succeeding six-year planning period;

(5) general fund; other--shows a normal debit balance; additional appropriations from the general fund above those required by law for capital outlay;

(6) other funds--shows a normal debit balance; appropriations from other state funds for capital outlay;

(7) federal aid--shows a normal debit balance; includes funds expected to be received from federal sources for capital projects;

(8) expenditures, prior fiscal year--shows a normal credit balance;

(9) encumbrances--shows a normal debit balance;

(10) reserve for encumbrances--shows a normal credit balance;

(11) fund balance--shows a normal zero balance.

(d) The annual financial report of the state shall contain the following statements for each capital projects fund:

PUBLIC FINANCE

- (1) balance sheet;
- (2) analysis of changes in bonds authorized and unissued;
- (3) analysis of changes in bonds to be authorized;
- (4) analysis of changes in funds to be provided by others;
- (5) statement of expenditures and encumbrances compared to appropriations.

\* Sec. 9. AS 37.07.070 is amended to read:

Sec. 37.07.070. LEGISLATIVE REVIEW. The legislature shall consider the governor's proposed comprehensive operating and capital improvements programs and financial plans, evaluate alternatives to the plans, make program selections among the various alternatives and determine, subject to available revenues, the level of funding required to support authorized state services. During each regular session of the legislature, legislative review of the plans shall be accomplished according to the following schedule:

(1) By the 45th legislative day, the legislature shall have established by concurrent resolution the total amount of state general funds that shall be available for appropriation for the budget year and the tentative allocation of the funds among program categories in both the operating and capital budgets. The resolution shall be introduced by the finance committee of the house in which the general appropriations bill was introduced.

(2) By the 90th legislative day, the house in which the general appropriations bill was introduced by the governor shall have calendared for second reading a version of the general appropriations bill. The bill shall be supported with documentation to explain the proposed appropriations and related statements of intent. In addition, a list of other appropriations or measures with fiscal implications pending before the legislature shall be included with the documentation for the calendared bill.

\* Sec. 10. AS 37.05 is amended by adding a new section to read:

Sec. 37.05.157. GENERAL FUND; "RESERVE FOR CAPITAL OUTLAY" ACCOUNT. (a) There is created within the general fund the "reserve for capital outlay" account.

(b) Twenty-five per cent of the annual receipts paid the state from mineral lease bonuses and rentals for state land and royalties derived from minerals produced on state land shall be allocated to the reserve for capital outlay account.

(c) The proceeds of the reserve for capital outlay account are subject to annual appropriation by the general appropriation act.

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PUBLIC FINANCE

\* Sec. 11. AS 37.05 is amended by adding a new section to read:

Sec. 37.05.158. GENERAL FUND: "RESERVE FOR ENERGY FACILITIES DEVELOPMENT" ACCOUNT. (a) There is created within the general fund the "reserve for energy facilities development" account.

(b) Five per cent of the annual receipts paid the state from mineral lease bonuses and rentals for state land and royalties derived from minerals produced on state land shall be allocated to the reserve for energy facilities development account.

(c) The proceeds of the reserve for energy facilities development account shall be subject to annual appropriation by the legislature. Plans for expenditures from the account shall be submitted by the governor in accordance with the Executive Budget Act (AS 37.07) as part of his annual budget presentation.

\* Sec. 12. AS 37.15 is amended by adding a new section to read:

Sec. 37.15.215. OFFICIAL STATEMENTS. To the extent practicable the official statements and other documentation issued in connection with an offering of state or local government securities shall comply with the guidelines of the Municipal Finance Officers Association or other nationally recognized guidelines.

\* Sec. 13. AS 44.42.020(a) is amended by adding a new paragraph to read:

(13) complete and maintain a current inventory of public facilities, including a projection of the serviceability of the facilities and projections of replacements and additions to facilities needed to provide the level of services programmed by the various user agencies, for municipalities with populations of less than 12,000 and for unincorporated communities, and perform those duties on a cooperative basis with larger municipalities.

\* Sec. 14. AS 44.42 is amended by adding a new section to read:

Sec. 44.42.055. STATE PUBLIC FACILITIES PLAN. (a) The commissioner shall develop and annually revise a state-wide comprehensive facility procurement plan for public facilities of the state and its municipalities.

(b) In developing and annually revising the facility procurement plan, the commissioner shall

(1) request and receive on an annual basis from all state agencies a projection of the anticipated facility needs of the agency for the next annual capital improvement program;

(2) consult with officials and representatives of municipalities, the federal government, interested corporations and other organizations concerning public facility needs in the state;

PUBLIC FINANCE

STATE GOV.  
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(3) develop specific facility procurement plans for projects in each of the following categories:

- (A) sewage transmission and treatment systems;
- (B) water transmission and treatment systems;
- (C) electrical generation and distribution systems;
- (D) health care and social services facilities;
- (E) educational facilities;
- (F) communications facilities and transportation facilities;
- (G) public safety and justice facilities;
- (H) recreational facilities; and
- (I) sanitation facilities;

(4) prepare recommendations to accommodate the various levels of service identified by state agencies and other parties with respect to the services described in (3) of this subsection, to include recommended

- (A) current and future facility needs;
- (B) space standards and design guidelines for the appropriate facility types;
- (C) maintenance and operations standards for the appropriate facility types;
- (D) construction techniques and contracting methods;
- (E) facility project budget requirements; and
- (F) the relative costs of identified alternatives (life cycle cost analysis);

(5) identify common public facility needs among the various user agencies; and

(6) submit its findings, plans and recommendations to the governor and to the appropriate state agency to facilitate the development of agency capital improvement budget requests.

(c) In the preparation and revision of the facility procurement plan, the commissioner may

(1) develop and adopt regulations for use in carrying out the purpose of (b) of this section; regulations may not be adopted under this section unless approval is received from appropriate program agencies;

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(2) make recommendations on the total capital improvement program to affected state agencies, local governments, and other interested parties and organizations, and to the divisions of budget and management and policy development and planning.

(d) In this section, "public facility"

(1) means a capital improvement within one of the categories described in (b) of this section which is constructed

(A) for subsequent occupancy or operation by the state, a public corporation of the state, the University of Alaska, a political subdivision, or a regional educational attendance area;

(B) by a political subdivision or any private party with the assistance of financial support provided by the state if funds appropriated or paid by way of a grant or loan in advance of construction of the facility, or any part of it, are 50 per cent or more of the estimated costs of construction of the facility;

(2) does not include projects constructed with the proceeds of one or more loans issued by a loan program administered by the Department of Commerce and Economic Development.

\* Sec. 15. AS 44.42 is amended by adding a new section to read:

Sec. 44.42.080. CAPITAL PROJECTS FUNDS. There is created within the department the following capital projects funds:

- (1) educational, cultural, and related facilities;
- (2) transportation and related facilities;
- (3) public institutions and related facilities;
- (4) public safety, justice, and related facilities;
- (5) health, and related facilities;
- (6) natural resource development facilities;
- (7) general purpose facilities.

\* Sec. 16. AS 44.47 is amended by adding a new section to read:

Sec. 44.47.092. LAND USE PLANNING AND STATE FACILITY PROCUREMENT PLAN. The department shall make recommendations to the Department of Transportation and Public Facilities and to appropriate program agencies concerning the effect upon the comprehensive plan or other land use plans or proposals of municipalities and unincorporated communities

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STATE GOV. GRANT

with respect to the facility procurement plan required to be prepared in accordance with AS 35.10.170 and AS 44.42.055.

\* Sec. 17. AS 02.15.120 is amended to read:

Sec. 02.15.120. ASSISTANCE TO CONSTRUCT, ENLARGE OR IMPROVE AIR NAVIGATION FACILITIES. The department may match available funds with those of municipalities, federal agencies or other state agencies, for project costs relating to the construction, enlargement or improvement of airports. The department may assist persons in the construction, enlargement and improvement of airports and air navigation facilities. The airports and facilities, until they are abandoned as such, shall be at all times available for the use of and accessible to the general public, and maintained as public airports and facilities.

\* Sec. 18. AS 02.15.140 is amended to read:

Sec. 02.15.140. STATE FINANCIAL ASSISTANCE. The department may grant or lend money, subject to the provisions of secs. 60, 70 and 120 of this chapter, to any person or municipality acting jointly for project costs relating to the planning, acquisition, construction, improvement, maintenance or operation of an airport owned or controlled or to be owned or controlled by the municipality or person. Grants or loans may be furnished in connection with federal or other financial aid for the same purpose.

\* Sec. 19. AS 02.15 is amended by adding a new section to 3 to read:

Sec. 02.15.155. DEFINITIONS. For the purposes of secs. 120 - 155 of this chapter, "project costs" includes, in addition to costs directly related to the project, the sum total of all costs of financing and carrying out the project. These include, but are not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be necessary in connection with the project; an allocable portion of the administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositaries, financial advisors, and paying agents for the bonds issued as the issuer considers necessary.

\* Sec. 20. AS 03.20.010 is amended to read:

Sec. 03.20.010. STATE AID. The state may grant aid to agricultural and industrial fair associations, incorporated under the laws of the state, to assist in the payment of (1) costs of operation and maintenance and (2) project costs for capital improvements of annual agricultural and industrial fairs.

\* Sec. 21. AS 03.20 is amended by adding a new section to

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Sec. 03.20.080. DEFINITIONS. For purposes of this chapter, "project costs for capital improvements" includes, in addition to costs directly related to the project, the sum total of all costs of financing and carrying out the project. These include, but are not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be necessary in connection with the project; an allocable portion of the administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositories, financial advisors, and paying agents for the bonds issued as the issuer considers necessary.

\* Sec. 22. AS 18.55.934 is amended by adding a new subsection to read:

(c) For purposes of this section, "cost of the project" includes, in addition to costs directly related to the project, the sum total of all costs of financing and carrying out the project. These include, but are not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be necessary in connection with the project; an allocable portion of the administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositories, financial advisors, and paying agents for the bonds issued as the issuer considers necessary.

\* Sec. 23. AS 19.30.030 is amended by adding a new subsection to read:

(d) For purposes of (c) of this section, "cost of construction" includes, in addition to costs directly related to the project, the sum total of all costs of financing and carrying out the project. These include, but are not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be necessary in connection with the project; an allocable portion of the administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositories, financial advisors, and paying agents for the bonds issued as the issuer considers necessary.

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Access Roads

\* Sec. 24. AS 43.18.010 is amended by adding a new subsection to read:

(1) For the purposes of (j) of this section, "total project cost" includes, in addition to costs directly related to the project, the sum total of all costs of financing and carrying out the project. These include, but are not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be necessary in connection with the project; an allocable portion of the administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositaries, financial advisors, and paying agents for the bonds issued as the issuer considers necessary.

\* Sec. 25. AS 43.18.100(g)(2) is repealed and re-enacted to read:

(2) "costs of school construction" means the cost of acquiring, constructing, enlarging, repairing, remodeling, equipping or furnishing of public elementary and secondary school buildings and includes the sum total of all costs of financing and carrying out the project; these include, but are not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be necessary in connection with the project; an allocable portion of the administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositaries, financial advisors, and paying agents for the bonds issued as the issuer considers necessary.

\* Sec. 26. AS 43.18.300(h) is amended by adding a new paragraph to read:

(3) "costs of construction" includes, in addition to costs directly related to the project, the sum total of all costs of financing and carrying out the project; these include, but are not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be necessary in connection with the project; an allocable portion of the administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of

STATE AID TO LOCAL GOV.

SCHOOL CONSTRUCTION

CIVIC CONVENTION AND COMMUNITY RECREATION

other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositories, financial advisors, and paying agents for the bonds issued as the issuer considers necessary; it does not include the cost of feasibility studies.

\* Sec. 27. AS 43.18.460(2) is repealed and re-enacted to read:

(2) "cost of construction" includes, in addition to costs directly related to the project, the sum total of all costs of financing and carrying out the project; these include, but are not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be necessary in connection with the project; an allocable portion of the administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositories, financial advisors, and paying agents for the bonds issued as the issuer considers necessary; it does not include the cost of promotion, travel, or feasibility studies;

\* Sec. 28. AS 44.33.150 is amended to read:

Sec. 44.33.150. QUALIFYING FOR MATCHING MONEY. In order to qualify for tourist attraction development matching money, the applicant shall submit and have approved by the director of tourism, a feasibility study of the program to be used for carrying out the development of the tourist attraction. Subject to the provisions of sec. 120(8) of this chapter, matching money may also be secured by an applicant for the cost of construction, improvement or operation of a visitor information center established for the intent of providing Alaska visitors and residents with tourist travel information on a local and statewide basis. This may include printing and distributing travel promotion material about Alaska. In order to qualify for visitor information center matching money, the applicant must first submit and have approved by the director of tourism a feasibility study of the construction, improvement or operation of the visitor information center.

\* Sec. 29. AS 44.33.150 is amended by adding a new subsection to read:

(b) For purposes of (a) of this section, "cost of construction" includes, in addition to costs directly related to the project, the sum total of all costs of financing and carrying out the project. These include, but are not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be necessary in connection with the project; an allocable portion of the

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administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositories, financial advisors, and paying agents for the bonds issued as the issuer considers necessary.

\* Sec. 30. AS 46.03.030(b) is amended to read:

(b) The department may grant to a municipality, as funds are available, up to the lesser of 50 per cent of the eligible cost or 50 per cent of the eligible cost not financed by the federal government, for public water supply, treatment and distribution systems and public sewage collection, treatment and discharge facilities for which construction has not commenced on or before June 21, 1976. The eligible cost of a project or portions of a project will be as determined by the federal agency granting the most monetary assistance. On projects or portions of projects, for which federal participation is not available, eligible costs will be determined by the department in accordance with (d) of this section. Projects shall be constructed in accordance with plans and specifications approved by the department.

\* Sec. 31. AS 46.03.030 is amended by adding a new subsection to read:

(d) When not otherwise defined by a federal agency for the purposes of (b) of this section, "eligible costs" includes, in addition to costs directly related to the project, the sum total of all costs of financing and carrying out the project. These include, but are not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be necessary in connection with the project; an allocable portion of the administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositories, financial advisors, and paying agents for the bonds issued as the issuer considers necessary.

\* Sec. 32. AS 46.07.040 is amended by adding a new subsection to read:

(c) For the purposes of (a) of this section, "cost of the construction of a facility" includes, in addition to costs directly related to the project, the sum total of all costs of financing and carrying out the project. These include, but are not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be

WATER SUPPLY AND SEWER SYSTEMS

VILLAGE SAFE WATER ACT

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necessary in connection with the project; an allocable portion of the administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositaries, financial advisors, and paying agents for the bonds issued as the issuer considers necessary.

\* Sec. 33. AS 47.30.475(c) is amended to read:

(c) Grants shall be awarded in a ratio of 75 per cent state money to 25 per cent community money, except that in communities designated as poverty areas the ratio shall be 90 per cent state money to 10 per cent community money, for the costs of providing staff and limited improvement, renovation or new construction of facilities for alcoholic detoxification, rehabilitation or "half-way house" care. No grant for improving, renovating or constructing may exceed \$50,000 except when there is a lack of applicants for available money and then only with the approval of the Advisory Board on Alcoholism. The department is not required to award all money available under this program, or the full percentages specified in this subsection, when another source of money is available or could reasonably be made available to the applicant.

\* Sec. 34. AS 47.30.500 is amended by adding a new paragraph to read:

ALCOHOL  
PROJECTS

(5) "costs of improvement, renovation or new construction of facilities" includes, in addition to costs directly related to the project, the sum total of all costs of financing and carrying out the project; these include, but are not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be necessary in connection with the project; an allocable portion of the administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositaries, financial advisors, and paying agents for the bonds issued as the issuer considers necessary.

\* Sec. 35. AS 35.10.200(3) is repealed.

## AN ACT

Appropriating for capital expenses of the state government and school districts; and providing for an effective date.

## ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. The sum of \$110,000,000 is appropriated from the general fund to the Department of Transportation and Public Facilities for school construction projects, as set out below:

(1)	Rural School Insurance Reconstruction	\$ 2,500,000
(2)	Northwest Arctic REAA	12,011,400
(3)	Bering Straits REAA	12,370,700
(4)	Lower Yukon REAA	5,770,500
(5)	Lower Kuskokwim REAA	24,435,700
(6)	Kuspuk REAA	4,450,000
(7)	Southwest REAA	6,420,900
(8)	Lake and Peninsula REAA	5,226,700
(9)	Aleutian Chain REAA	2,417,400
(10)	Adak REAA	2,000,000
(11)	Pribilof REAA	1,000,000
(12)	Iditarod REAA	3,501,500
(13)	Yukon/Koyukuk REAA	7,436,000
(14)	Yukon Flats REAA	2,410,100
(15)	Alaska Gateway REAA	2,090,000
(16)	Alaska Central Railbelt REAA	3,400,000
(17)	Chatham REAA	1,900,000
(18)	Southeast REAA	571,000
(19)	Craig City Schools	1,250,000
(20)	Ouzinkie	1,001,000
(21)	Larsen Bay	1,637,100
(22)	Kake	500,000
(23)	Wrangell School District	3,000,000
(24)	Haines School District	200,000
(25)	Skagway City School District	2,500,000

\* Sec. 2. The sum of \$3,945,000 is appropriated from the general fund to the University of Alaska for completion of the following projects:

Chapter 134

	Project	Location	Amount
(1)	Performing arts center completion	Anchorage	\$ 795,000
(2)	Physical education building completion and equipping	Anchorage	750,000
(3)	Patty Building ice rink completion	Fairbanks	1,400,000
(4)	Parking and site improvements	Anchorage	1,000,000

\* Sec. 3. The sum of \$1,500,000 is appropriated from the general fund to the Department of Transportation and Public Facilities for the construction of a dock facility at Seward.

\* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.070(c).

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.

# MEMORANDUM

TO:  Gene Walsh  
Senator Sturgulewski's Office  
Room 100, Assembly Bldg.

DATE: March 16, 1979

FILE NO: H310

TELEPHONE NO:

FROM: *LAF*  
Linn A. Forrest, Section Chief  
Facility Procurement Policy  
Department of Transportation  
and Public Facilities

SUBJECT:

Attached are project status reports, per your request of this day.

Attachment

March 2, 1979

Re: Response on school projects.

Mr. Alan Latham  
Legislative Affairs Agency  
Division of Research Services  
Pouch Y  
Juneau, AK 99811

Dear Mr. Latham:

In response to your recent inquiry about school projects, the Department of Transportation and Public Facilities is happy to provide the following information:

I. The list of all schools, by School District, that have been constructed and completed since 1972 are as follows (a list of individual schools is enclosed for your convenience):

- |                                |   |                         |
|--------------------------------|---|-------------------------|
| 1. Northwest Arctic--15        | <i>number<br/>of schools in<br/>that district</i> | 19. Copper River--6     |
| 2. Bering Straits--8           |   | 20. City of Hyalburg--1 |
| 3. Lower Kuskokwim--6          |   | 21. Southwest Region--6 |
| 4. Kuspuk--5                   |   | 22. Annett Island--1    |
| 5. Aleutian Region--2          |   | 23. Chugiak--1          |
| 6. Iditarod--11                |   | 24. Lake & Peninsula--2 |
| 7. Yukon-Koyukuk--17           | 25. Pribilof--2                                   |                         |
| 8. Craig--2                    | 26. Southeast Island--4                           |                         |
| 9. City of St. Mary--1         | 27. Yakutat--1                                    |                         |
| 10. Thorn Bay Schools--1       | 28. Kaktovik--1                                   |                         |
| 11. Kodiak Island Borough--3   | 29. Barrow--1                                     |                         |
| 12. Lower Yukon--8             | 30. King Cove--1                                  |                         |
| 13. Chatham--2                 | 31. Dillingham--1                                 |                         |
| 14. Alaska Central Railbelt--3 | 32. Haines--1                                     |                         |
| 15. Delta/Greely--5            | 33. Hoonah City--1                                |                         |
| 16. Alaska Gateway--6          | 34. Pelican--1                                    |                         |
| 17. Yukon Flats--3             | 35. Skagway--1                                    |                         |
| 18. City of Galena--1          |   |                         |

II. Total number of projects constructed under Chapter 195 and Chapter 142 funding. Sixteen projects were constructed under Chapter 195. Thirty-eight projects costing \$20,000,000 were constructed under Chapter 142. The remaining \$13,000,000 was combined with Chapter 131 funding.

Mr. Alan Latham  
March 2, 1979  
Page 2 of 2

- III. Of the 55 school projects funded under Chapter 131/76, 26 were Kootch (Tobeluk) sites. Of the 100 school projects funded under Chapter 134/78, sixty-seven are Kootch sites.
- IV. None of the school projects funded under Chapter 134/78 are completed. However, under Chapter 131/76, fifty-eight school projects were completed for \$16,000,000. Total square feet per project is enclosed in the attached list, highlighted in red under "Project."
- V. Construction costs per square feet for Chapter 131/76 funded projects are also included within the list alluded to in IV, highlighted in red under "cost to date." Some comment of Chapter 134/78 projects as stated in IV.

I hope the above information answers your inquiry. If I can be of further assistance, please do not hesitate to call upon me.

Sincerely,

Richard Holden  
Deputy Commissioner

JCG/adc

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**PROJECT STATUS SUMMARY  
FOR**

DATE: 1-30-79

PAGE: 1 OF 3

Dept. of Education

REAA NO. 1

DISTRICT: Northwest Arctic

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Ambler Buckland Deering (Utilities)	H91017	131/76	44,620	Utilities upgrade	22,471.16		
Ambler	H91011	131/76	490,000	Phase II to School	1,290,000 (TOTAL PROJECT)	99% Complete	3-79 E
Buckland (Addition)	H91012	131/76 Insurance	1,725,869 173,189	Addition to exist. School	1,423,000	95% Complete	3-79
Deering (Addition)	H91013	131/76 203/76	1,138,470 450,000	Addition to exist. School	1,172,000	99% Complete	2-79 E
Noorvik (Water Storage & Gen. Bldg.)	H93105	155/77 195/72	300,000 100,000	Water Storage & Gen. Bldg.	437,825.03	Complete	8-78
Noatak (Voc. Ed. Remodel)	H91014	131/76	168,955	Remodel of Voc. Ed. Facility	18,753.96	Cancelled	N.A.
Noorvik School	H91015	131/76	447,818	New Facility	381,945.28	Complete	9-77
Ambler (Gym Ph #)	H91018	131/76	490,000	Gym	1,260.25	Bid Documents	9-79
Kotzebue (Administration)	H00110	134/78	165,159	C.I.P. Prov. Admin.	0	Contract sent to Commissioner	12/80 E

**PROJECT STATUS SUMMARY  
FOR**

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Dept. of Education

REAA NO. 1

DISTRICT: Northwest Arctic

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Noatoak (Sewer and Water)	H91702	N.A.	No Budget	Sewer & Water System	21,634.55		
Kiana (Roof Replacement)	H00109	134/78	105,723	Roof Replace	0	Contract being signed by S.D.	8-80
Kiana (Shop Facility)	Need Assign	134/78	200,000	Shop Facility	0	Contract being signed by S.D.	8-80
Kotzebue (School Modifications)	H91019	131/76	76,000		0	Cancelled by S.D. on 1-16	N.A.
Noatak School (Partitions)	H91029	131/76	52,711	Partitions	0		8-80
Noorvik (Roof Replacement)	H00111	134/78	105,623	Roof Replacement	0	Design	9-79
Ambler	H00101	134/78	700,000	Elem. School Remodel	1,000	A/E Negotiation	12/79 E
Kotzebue	H00102	134/78	5,015,240	Voc. Ed. & Gym	2,000	A/E Negotiation	9-80 E
Noatak	H00103	134/78	900,000	Elem. School Remodel	1,000	A/E Negotiation	12-79 E
Noatak	H00104	134/78	2,151,000	(New High School)	2,000	A/E Negotiation	9/80 E
Noorvik	H00105	134/78	500,000	Elem. School Remodel	1,000	A/E Negotiation	12/79 E
Noorvik	H00106	134/78	500,000	High School	1,000	A/E Negotiation	9/80 E
Seldwik	H00107	134/78	500,000	Elem. School Remodel	1,000	A/E Negotiation	12/79 E
Seldwik	H00108	134/78	500,000	High School	1,000	A/E Negotiation	9/80 E

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Dept. of Education

REAA NO. 1

DISTRICT: Northwest Arctic

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Kotzebue (Code Comp.)	H93102	155/77	866,000	Code Up grade	905,685.82	Complete	11-79

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Dept. of Education

REAA NO. 2

DISTRICT: Bering Straits

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Shismaref	H91021	131/76	42,560	Water Upgrade, Misc. Repair	1,950	Substantial Complete	2-79 E
Unalakleet	H91022	131/76	62,280	Sch. Roof Repair & Standby Generator	59,469.20	Complete	3/78
Teller	H91023	131/76	855,000	Multipurpose	347,019.90	Beneficial Occupancy	2/79
White Mt.	H91025	131/76	895,100	Remodel	507,832.50	Beneficial Occupancy	1-79
Koyuk	H91024	131/76	20,655	Gen. Install	107.30	Under Const.	7-79
Gambel School	H90130	131/76 195/72	468,500 1,460,690	Addition <i>W. K. School</i>	1,599,046	Substantial Complete	2-79
Savoonga Sch. Addition	H90410	131/76 195/72 142/74	593,500 593,310 1,000,000	Addition <i>W. K. School</i>	1,792,649.49	Complete	12-78
Facilities Coordinator Admin. Cost	H91027	131/76	56,010	Admin. Costs	0	Ongoing	---
Gambel School Addition	H0201	134/78	814,800	Sec School Addition	0	Sent executed contract to S.D.	8-80
Brevig Mission High School	H00210	134/78	1,158,300	(New High School)	0	Sent executed contract to S.D.	8-80
Stebbins Sec. School	H00209	134/78	2,288,000	(New High School)	0	Sent executed contract to S.D.	8-80
St. Michael Sec. Sch.	H00206	134/78	1,684,000	(New High School)	0	Commissioner to sign contract	

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REAA NO. 2

DISTRICT: Bering Straits

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Golovin Sec. School	H00207	134/78	1,087,100	(New High School)	0	Commissioner to sign contract	
Elim Sec. Sch.	H00202	134/78	1,087,100	(New High School)	0	Commissioner to sign contract	
Koyuk Sec. Sch.	H0028	134/78	1,006,700	(New High School)	0	Commissioner to sign contract	
Shaktookik Sec. School	H00203	134/78	1,087,100	(New High School)	0	Commissioner to sign contract	
Diomedes H.S.	H00204	134/78	1,336,500	(New High School)	0	A/E Selection Process	8-80
Wales	H91028	121/76	7,00	Relocate Bldg.	7,000	Complete	3-78
White Mountain	H91026	131/76	417,150	Water Upgrade	522.83		

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EDUCATION

REAA NO. 3

DISTRICT: Lower Yukon

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Fortune Ledge H.S. Multi. Purpose	H91433	134/78 131/76	640,000 772,545	Classrooms Add'n	102,598.08		8/79
Kotlik H.S.	H91552	131/76	2,115,244	High School	580.14	Bid. Doc. Review	1/80
Mt. Village H.S. Add'n	H91553	131/76	797,455	4 Classrooms	71,493.49		1/80
Pilot Station H.S.	H91555	131/76 134/78	1,037,263 665,700	Add'n	81,803.89	Design	3/80
Emmonak H.S.	H91036	131/76	8,000	Design only Not Appr.	7,211		
Pitkas Point H.S.	H00301	134/78	944,500	Add'n to Sec. Sch.		Design	1/80
Sheldon Pt. H.S.	H00304	134/78	944,500	Add'n to H.S.		Design	12/79
Russian Mission H.S.	H00302	134/78	949,000	Add'n to H.S.		Design	12/79
Scammon Bay H.S.	H00303	134/78	1,471,000	Add'n to H.S.		Design	1/80

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EDUCATION

REAA NO. 4

DISTRICT: Lower Kuskokwim

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Bethel Warehouse & Storage	H91045	131/76 142/74	279,580 50,000	Heated Warehouse	187,648.98	Completed	5/11/78
Kongiganok Gen. Purchase & Install	H91048	131/76 131/76	67,700 19,700	Purchase & Install	32,016.76	Completed	3/78
Bethel H.S. Code Upgrade	H91047	131/76 Dis. Funds	736,660 231,500	Firewalls & Evaluate Sprinkler System	542,860.73	Completed	9/78
Bethel Dorm Roof Repair	H91044	131/76	512,100	Dorm Roof Renovation	420,723.92	Cancelled BY S.D. 7/11/77	9/78
Kwigillingok H.S.	H91057	131/76	810,000	Sec. Sch. for 28 Stud		Complete	7-78
Nunapitchuk Fuel Storage & Modular	H91252	131/76	349,100	Temp.. Mod. Bldg New School & Oil Storage	67,649.62	50% Complete	8/79
Bethel/Kilbuk Roof Renov.	H90050	142/74	200,000	Roof Repair	207,634.57	Complete	7/78
Akiak Elem Sec. Sch.	H90010	131/76 142/74 Federal	1,042,000 660,000 180,000	Add'n	842,150.08		9/79
Bethel Underfloor	H91042	131/76 Fed. Disas	219,643 120,000	Repair Underfloor	254,098.92	Complete	11/78
Bethel Dorm Soffit	H91055	131/76	179,000	Remodel & Renovate	126,503.61	Complete	9/78

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EDUCATION

REAA NO. 4

DISTRICT: Lower Kuskokwim

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
✓ Kilbuk Htg Upgrade	H91253	131/76	972,000	Heating Upgr.	673,200.41	Complete	9/78
✓ Bethel Diking of Fuel Tanks @ Bethel	H91041	131/76	54,130	Reg. Diking of Fuel Tanks	304.84	Complete	8/78
Atmautluak Stor. Bldg	H90040	131/76 147/74	11,620 25,000	Erection of Bldg	25,016.42	Completed	
✓ Bethel Sewer & Water	H91704	131/76	39,000	No Budget			
✓ Bethel Walk In Freezer	H91043	131/76	29,140	Walk-in Freezer	98.93		
Kipnuk Sec. Sch.	H90210	131/76 142/74	1,360,000 1,000,000	New Sec. School	572,164.27		8/79
Lower Kuskokwim Various Locations	H91040	131/76	7,781,000	Umbrella Act			
Tunnnak Site Investigation	H00415	134/78	22,311	Site Search & Anal. for New Sch. Const.	No Cost Shown on Computer	Complete	1/79
Tuntutuliak Site Inves.	H00414	134/78	22,311	"	"	"	"
Tuluksak Site Inves.	H00413	134/78	22,311	"	"	"	"
Quinhagak Site Inves.	H00412	134/78	22,311	"	"	"	"

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REAA NO. 4

DISTRICT: Lower Kuskowim

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Platinum Site Inves.	H00411	134/78	22,311	Site Search & Anal for New Sch. Const.	No Cost Shown on Computer	Completed	1/79
Oscarville Site Inves.	H00410	134/78	22,311	"	"	"	"
Nightmute Site Inves.	H00409	134/78	22,311	"	"	"	"
Newtck Site Inves.	H00408	134/78	22,311	"	"	"	"
Napaskiak Site Inves.	H00407	134/78	22,311	"	"	"	"
Mekoryuk Site Inves.	H00406	134/78	22,311	Site Selection & Anal. for New H.S.	No Cost Shown on Computer	Completed	1/79
Kwethluk Site Inves.	H00405	134/78	22,311	"	"	"	"
Goodnews Bay Inves.	H00404	134/78	22,311	"	"	"	"
Eek Site Inves.	H00403	134/78	22,311	"	"	"	"
Chefornak Site Inves.	H00402	134/78	22,311	"	"	"	"
Akiachak Site Inves.	H00401	134/78	22,311	"	"	"	"
Nightmute H.S.	Not Assigned	134/78	949,000	New H.S.	"	Currently being Requested by S.D	8/80

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EDUCATION

REAA NO. 4

DISTRICT: Lower Kuskokwim

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Newtok H.S.	Not Assigned	134/78	949,000	New H.S.	No Cost Shown on Computer	Currently Being Requested by S.D	8/80
Napaskiak H.S.	"	134/78	1,471,000	"	"	"	8/80
Mekoryuk H.S.	"	134/78+ 500,000 bid	1,399,900+ 500,000 from bid	"	"	"	8/80
Kwethluk H.S.	"	134/78	2,647,800	"	"	"	8/80
Goodnews Bay H.S.	"	134/78	1,927,200	"	"	"	8/80
Akiachak H.S.	"	134/78	1,464,500	"	"	"	8/80
Atmautluak H.S.	H91058	134/78	1,122,900	H.S. Addition	"	"	8/80
Nunapitchuk H.S.	Not Assigned	134/78 131/76	1,604,500	New H.S.	"	"	8/80
Eek H.S.	"	134/78	926,700	"	"	"	8/80
Kilbuck Sch S.T.P. Upgrade	"	131/76	167,500	"	"	"	8/80

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Dept. of Education

REAA NO. 5

DISTRICT: Kuspuk

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Aniak Hook-up of Fac.	H91054	131/76	20,500	Voc Ed. space	17,199.86		
Chuathbaluk	H91051	131/76	441,700	New Facility	285,558.32	Complete	?
Kalskag	H91053	131/76	520,800	New Facility	428,733.42	Complete	?
Crooked Creek	H91052	131/76	20,000	Sec. Cl. rms.	15,950.87	Complete	?
Crooked Creek Sewer	H91706	131/76	5,500	Sewage Treatment Plant	144.67		
Aniak - Buy exist. bldg.	?	131/76	20,000		?	Complete	4-77
Red Devil Elem. Utilities	H79008	113/78	60,000	Upgrade s/w to Code	0	Grant Contract to Comm. for signature	
Chudthboluk H.S. Multi- purpose	H00501	134/78	566,900	Mutlipurpose & Oil Storage	0	Executed Grant Contract to S.D.	
Kalskag Elem Sch. Remodel	H00504	134/78	273,000	Remodel	0	"	
Kalskag S & W	H79007	113/78	60,000	S/W Upgrade	0	"	
Sleetmute H. S. Multipurpose	H00502	134/78	712,000	Multipurpose	0	Sent executed Grant to S.D.	12/79
Kolskag H. S. Multipur- pose	H00503	134/78	1,544,500	Multipurpose	0	"	12/79

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Dept. of Education

REAA NO. 5

DISTRICT: Kuspuk

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Stony River H.S.	H00505	134/78	279,000	New H.S. & Oil Storage	0	Sent executed grant to S.D.	1-80
Aniak H.S. & Maint. Shop	H90505	134/78	706,000	Maint. Shop	0	"	12-80
Kuspuk	H00500	134/78		Umbrella Budget	0	"	8-80
Red Devil Generator	H00605	134/78	15,000	Gen. Elec. Upgrade	0	"	9-79
Chuatbaluk Generator	H79009	113/78	14,000	Add'l Gen. & Elec. Upgrade	0	"	9-79

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Dept. of Education

REAA NO. 6

DISTRICT: Southwest Region

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Aleknagik So. Shore Sec. Sch. Rehabilitation	H91061	131/76	16,985	Sch. Rehavilitation	459.97	Cancelled	N.A.
Manokotak	H90280	131/76 142/74	816,000 400,000	Cl rm, Gym Media, Multipurpose	874,260.61		12-15-78
Ekwok Sys. Upgrade	H91259	131/76	12,668	Utility Upgrade	0	Cancelled	
Regional Office Add'n/Dillingham	H91063	131/76	68,090	Add'n to Regional Office	1,921.57		
Togiak Plumb. & Heat Sys. Upgr.	H91262	131/76	16,965	Plumb. & Heat Sys. Upgr.	459.95	Cancelled	
Levelock H.S. Multipurpose Rm.	H90250	142/74 131/76	270,000 320,305	Multipurpose	482,734.24		
Levelock Light Plant	H91260	131/76	12,125	Install new light plant	334.22		
Facility Coor.		131/76	50,805	Administration		This \$ has no project # & is being researched	
New Stuyahok reroofing & sub-floor	H91067	131/76	41,420	Reroof	20,415.94		12-15-78
Clarks Point Light Plant	H91062	131/76	11,610	Light Plant	317.30	Cancelled	
Portage Creek (Elec. Htg. & Fuel)	H91068	131/76	34,765	Elec, Heat, Fuel Upgr	29,172.41		6-78

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Department of Education

REAA NO. 6

DISTRICT: Southwest Region

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Levelock Oil Stor. & Repair	H91065	131/76	18,310	Oil Storage & Repair	16,612.22		9-78
Manokotak Oil Storage	H91066 H91436	131/76	21,160	Oil Storage	21,353.41		8-78
Twin Hills Fuel Storage	H91271	131/76	19,010	Fuel Storage	1.40		9-78
Togiak Warehouse	H91069	131/76	38,765	No Budget	0		8-78
Manokotak Light Plant	H90280	131/76	35,770	Light Plant	874,260.61	Executed Contract sent to S.D. 8-10-78	12-15-78
Clarks Pt. Sewage Oil Storage	H91264	131/76	19,860	Sewage Rep., Oil Heat mod, water well mod.	0		9-78
New Stuyahok	H91067	131/76	41,420		35,000	95% Complete	3/79
Ekwok School	H91066	131/76	16,386	Water Damage Repair	455.62	Cancelled	----
Togiak H.S.	H90480	142/74 Federal	860,000 975,635	High School & Sprinkler	1,069,482.11	Complete	2-1-78
New Stuyahok School 9th gr	H90330	131/76 142/74	680,000	New Classroom, Voc. ed.	619,699.56	95% Complete	3-79
Twin Hills Elem & H.S.	H90164	153/77 Insurance 131/76	266,000 511,000 107,800	Reconstruct School lost by fire	693,157.61		

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Dept. of Education

REAA NO. 6

DISTRICT: Southwest Region

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Koliganak Multi-purpose	H00603	134/78	1,533,691	Multipurpose Addition	0	1-8-79 sent to Commissioner for signature	8-80
Aleknagik	H00601	134/78	1,300,272	Multipurpose Addition	0	1-8-79 sent contract to Commissioner	8-80
Ekwok Sec. School	H00602	134/78	1,883,056	Addition	0		
New Stuyahok	H00604	134/78	1,390,503	Multipurpose Addition	0	Design	1-80

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EDUCATION

REAA NO. 7

DISTRICT: Lake & Peninsular

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Nondalton Elem/H.S.	H91437	131/76 Ins	2,208,000 141,412.52	New School	1,941,765.96	Complete	1/1/79
Iguigig Sch Power & Sewer	H91080	13/76	24,154	Dike Fuel Tank Install 2 Gen's & Sewage Plant	2,653.16		
Pilot Point Heat System	H91076	142/74	42,300	Heat Syst, Water Well & Diking of Fuel Storage	144,67	90%	Spring 1978
Port Heiden	H91077	131/76	3,914	Move, Install & Dike Storage Tanks	3,475	Complete	Spring 1978
Igiugig Oil & Water Stor	H90180	142/76	50,000	Oil & Water Storage	28,829.17	Complete	Spring 1978
Newhalen	H91074	131/76	128,868.00	Multi-Pur & Gen	128,873.19	100%	10/21/77
Chignik Bay Lake Lagoon	H91072	131/76	35,424	Renovation to various locations	3,875.30		
Iguigig Comm. Bldg	H80358	Hootch 204/72 147,74 209/75	10,000	Renov. of Comm Bldg for Temp.H.S.			
Pedro Bay Sch. Power Fac.	H91081	131/76	10,056	Gen. Purchase, move Power Plant	1,089.84		
Kokhanok Multi. Purp	H91079	153/77	200,000	Multi-Purpose	15,211.24		
Igiugig H.S.	Not Assign	134/78	841,000	New H.S.			11/7/78 App.to DOE for Approv.

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EDUCATION

REAA NO. 7

DISTRICT: Lake & Peninsula

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Egegik Sch. Sewer Sys	H79010	113/78	10,000	Install New Sewer System		Design	9/29
Perryville Elem. Sch Renovation	H79011	113/78	16,000	Renovation & Remodel		Design	9/29
Newhalen H.S.	H00704	134/78	930,000	3 clrms, Multi-Purp. restrooms & support & area added		Design	8/80
Kokhanok Sch. Add.	H00703	134/78	1,200,000	Addition		Design	8/80
Chignik Bay H.S. Add	H00701	134/78	99,000	Addition		Design	8/80
Chignik Lake H.S.	H00702	134/78	1,000,000	New H.S.		Grant Packet Completion	8/80
Port Heiden Sch. Add	H00705	134/78	1,030,000	Addition		Design	8/80
Perryville H.S. Multi Purpose	Need Assigned	134/78	99,000	Multi-Purpose		Grant Packet Completion	8/80

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REAA NO. 8

EDUCATION

DISTRICT: Aleutian Chain

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Aleutian Chain Akutan Sec Addn	H00801	134/78	309,278	Addition		S.D Signing Grant Contract	
Atka Sec. Add	H00802	134/78	174,227	Addition		Commissioner Signing Grant Contract	
Cold Bay Sec. Addn	H00803	134/78	309,278	Addition		Commissioner Signing Grant Contract	
False Pass Code Upgrade	H00804	134/78	25,773	Code Upgrade		Commissioner Signing Grant Contract	
Nelson Lagoon New Elem. Sec School	H00805	134/78	1,288,660	New Facility		Commissioner Signing Grant Contract	
Nikolski Sec. Addn	H00806	134/78	247,423	Addition		Commissioner Signing Grant Contract	
Sand Point Code Upgrade	H00807	134/78	61,856	Code Upgrade		Commissioner Signing Grant Contract	

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EDUCATION

REAA NO. 9

DISTRICT: Pribilof

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
St. George	H91091	131/76	412,278	Addition	283,550	30% Complete Winter Shutdown	9/79
St. Paul	H91092	131/76	587,722	Addition	426,045	60% Complete Winter Shutdown	9/79
St. George Sch. Renov & Code Upgrade	H00901	134/78	250,000	Code Upgrade	2,500	C.I.P. Package Being prepared	8/80
St. Paul Sch Renov & Code Upgrade	H00902	134/78	250,000	Renov. & Code Upgrade	2,500	Meeting w/Risk Mgmt Planned due to fire on 12/26/78	8/80
St. Paul Ctrm	H00903	134/78	500,000	Addition	2,500	"	8/80

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EDUCATION

REAA NO. 10

DISTRICT: Adak

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Adak School	H91652	131/76	492,700	Code Upgr & Connect Link Corridor	427,068.80	Complete	?
Adak Elem Sch & Code Upgrade	H01000	134/78	2,000,000	4 clrms, Inc. wd-shop, Remodel		Design	8/80

PROJECT STATUS SUMMARY  
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Department of Education

REAA NO. 11

DISTRICT: Iditarod

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Holy Cross H.S.	H90160	131/76 142/74	1,000,000 440,000	Addition	1,137,358.27	Complete	1-78
Takotna H.S.	H91115	131/76	217,113	Classroom Addition	148,294.77	Complete, claims	2-78
McGrath water	H91703	131/76	188,000	Water/sewer upgrade	152,679.88	100% complete	9-78
Shageluk School	H91117	131/76 195/72	215,843 10,164	Classroom addition	156,587.48	100% complete, claims	2-77
Anvik School	H91111	131/76 195/72	60,944 3,003	Convert living qtrs to clrm & elevate bldg	51,296.73	100%	3-78
Iditarod, Nikolai, Shageluk, Anvik, Grayling	H91110	131/76	500,000	Umbrella account	0		
Anvik elem. & sec. school	H01101	134/78	1,347,770	New elementary & secondary school	0	Executed grant; Contract sent to S.D.	8-80
Lime Village oil storage	H79017	113/78	15,000	Oil storage	0	Executed contract sent to S.D.	2-79
Telida Oil Storage	H79016	113/78	15,000	Oil Storage	0	"	2-79
Takotna Oil Storage	H79015	113/78	11,000	Oil Storage	0	Sent grant contract to Commissioner for signature	2-79
Holy Cross elem. & sec. school	H79012	113/78	60,000	Oil Storage	0	"	2-79
McGrath School	H79014	113/78	60,000	Roof repair elem. & sec.	0	"	2-79

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Department of Education

REAA NO. 11

DISTRICT: Iditarod

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
McGrath District	H01103	134/78	184,580	District office, lib, media, storage.	0	Sent executed grant contract to S.D.	12-79
Nikolai H.S.	H01104	134/78	381,915	Clrm addn, dual purp.	0	"	12-79
Takotna water/ sewer	H79019	113/78	11,000	water/sewer improvment	0	"	12-79
Shageluk H.S.	H01105	134/78	639,625	New facility	0	"	10-79
Grayling H.S.	H01102	134/78	947,610	New facility	0	"	10-79
Holy Cross	H91551	131/79	1,350,000	New school		Complete	3-78

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Department of Education

REAA NO. 12

DISTRICT: Yukon/Koyukuk

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Minto Schs	H91452	131/76	1,000,000	Clrms, Spl prp room, gym	317,813.86	74% Complete	1-30-79
Ruby School	H90390	131/76 142/74	1,500,000 260,000	New school facility	1,274,682.48	93% Complete	9-1-78
Huslia School	H91124	131/76	200,000	Multi-purpose	58,565.32		
Allakaket school	H91121	131/76	200,000	Multipurpose	80,666.74		
Nulato H.S.	H91454	131/76	1,000,000	Addition	610,049.00	51% Complete	12-31-78
Allakaket sewer & water	H80090	147/74 297/76	2,000 50,000	Sewer & water repairs	2,195.94		
Bettles	H91122	91/73	50,000	Trans. clrm	29,075.73		
Minto	-----	134/78	485,000	Addition	0	Design	1-80
Tanana Sch Renovation	-----	134/78 113/78	400,000 100,000	renovation	0	10-23-78 sent for DOE approval	8-80
Koyukuk Elem & Sec. sch.	-----	142/74 131/76 131/76 s&w 134/78	471,815 400,000 100,000 250,000	New School	0	10-23-78 sent for DOE approval	
Allakaket Elem.	-----	134/78 131/76	2,000,000 150,000	New School	0	10-23-78 sent for DOE approval	
Huslia Elem.	H01201	134/78	2,000,000	Elem/Sec school	0	10-23-78 sent for DOE approval	

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REAA NO. 12

DISTRICT: Yukon/Koyukuk

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Bettles Elem & Sec. School	-----	134/78 131/76 s&w	750,000 50,000	New School	0	10-23-78 sent for DOE approval	
Hughes School	-----	134/78 131/76 s&w	750,000 50,000	New School	0	10-23-78 sent for DOE approval	
Manley Hot Springs School	-----	134/78 131/76 s&w	500,000 50,000	New School	0	10-23-78 sent for DOE approval	
Minto School	H01202	134/78	500,000	Multi-purpose addition	0	10-23-78 sent for DOE approval	

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REAA NO. 13

DISTRICT: Yukon Flats

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Ft Yukon Admin Building	H91135	142/74 131/76	50,000 75,000	Admin bldg annex/renovation	23,126.69	Final Inspec 1-5-79	2-79
Rampart	H91131	131/76	174,000	Remodel	28,985.93	Contract award	1-32-79
Stevens Village	H91133	131/76	12,742	Remodel	12,742	Cancelled-insf funds to award bid	N.A.
Arctic Village	H91133	131/76	17,308	Remodel	17,308	"	11-78
Circle City	H91134	131/76	180,000	Remodel	16,080.68	90% Complete	2-79
Birch Creek	H80349	131/76	15,800	Install 3 Oil Tanks	0	Bid Document Review	1-80
Yukon Flats	H91130	131/76	700,000	Umbrella budget	0		
Venetie Community bldg	H80351	Hootch 204/72 147/74 209/75	10,000	Remodel community bldg for use as H.S.	0	10-13-78 sent executed contract to S.D.	
Fort Yukon central offc	H80352	131/76	3,714	Remodel school offices	0	10-16-78 sent executed budget/contract to S.D.	
Venetie sec. school	H01302	134/78	1,210,050	New Facility	0	12-26-78 sent executed contract to S.D.	8-80
Arctic Village	H01301	134/78	1,200,050	New Facility	0	Design	8-80

PROJECT STATUS SUMMARY  
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EDUCATION

REAA NO. 14

DISTRICT: Alaska Central Railbelt

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Anderson Village	H80086	203/76 Insurance	1,060,000 320,556	School	1,196,146.01	Complete	1/78
Browns Court	H93108	279/76	25,000	Indoor Fire Code & Covered Play Area	25,728.18	Complete	11/77
Tri-Valley Add'n	H91141	142/74 131/76	40,610 500,000	Addition	407,300.58	Complete	
Tri-Valley H.S.	H90500	142/74	1,399,387.31	School	1,358,936.92	Complete	
Ak. Center Code Upgrade Various Sites	H01403	134/78	19,762	Code Upgrade for 4 site		S.D. Signing Grant Contract W/State for Adm	8/80
Cantwell Sch Addition	H01401	134/78	1,370,474	Addition		"	8/80
Anderson H.S.	H01402	134/78	2,009,764	New Facility		"	8/80

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REAA NO. 15

DISTRICT: Delta/Greely

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Delta Junction	H91151	131/76 142/7A	443,000	Addition	277,977.67	100% Complete	12/77
Fort Greely Repairs	H91653	131/76	246,350	Repairs	216,812.85	Complete	

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REGA NO. 16

DISTRICT: Alaska Gateway

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Northway	H91453	131/76	682,000	Addition	605,905.09	Complete	9-78
Eagle H.S.	H91450	131/76	498,450	Multipurpose	435,322.75	"	9-78
Dot Lake Sch.	H91161	247/76		No Budgets	0		
Mentasta School	H91163	247/76		No Budgets	0		
Alaska Gateway	-----	131/76	595,000 (30,000 of which is Eagle H91450)	Umbrella account	0	Revised scope of work being reviewed by DOE	
Northway School	-----	131/76	156,580	Sewer upgrade	0	Received grant applic. 1-12-79	
Eagle School	-----	131/76	130,260	Sewer upgrade	0	"	
Alaska Gateway	H01600	134/78	2,090,000	Umbrella account	0	No projects yet	

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REAA NO. 17

DISTRICT: Copper River

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Copper River	H91604	131/76	20,000	School Study	15,988.54	Study Completed	
Glenallen Schl	H91171	131/76	40,205	Upgrade electric & code deficiencies	3,402.57		
Gakona School	H91176	131/76	10,100	Disposal - old school	8,592.57	Complete	
Glenallen	H91705	131/76	163,385	Install new sewer	88,937.77	Complete	8-78
Nebesna trims camp reloc.	H91177	131/76	64,999	Relocation of bldg	32,264.83		
Chistochina	H91600	131/76	191,983	Multipurpose	154,671.20	Complete	12-78
Glenallen Shop	H90150	142/76	548,000	Vocational Shop	480,274.26	Complete	11-78
Paxon land	H91174	131/76	22,600	Land Purchase	19,132.38	Complete	
Paxon School	H91179	131/76	18,820	Fence & cold storage	14,358.36	Complete	

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REAA NO. 18

DISTRICT: Chatham

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Angoon School	H91181	131/76	1,152,000		93,542.49		8-79
Chatham S.D.	H01800	134/78	1,900,000	Umbrella account	0	Unencumbered balance not yet applied for.	

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REAA NO. 19

Southeast Island  
DISTRICT:

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Coffman Cove	H91401	131/76	79,000	Addition	52,131.44		
Kasaan Village	H91402	131/76	79,000	Addition	61,676.23	Complete	
Prince of Wales Isl schl-Craig	H91500	131/76 195/72	771,000 47,600	Addition	686,477.94		1-78
Whale Pass Sch.	H90520	142/76	80,000	Relocation	72,999.56	Complete	
Port Alexander elem/sec sch.	H01901	134/78	131,000	Addition	0	1-23-79 sent contract to S.D. for signature	8-80
SE Island REAA	H01900	134/78	440,000	Umbrella account	0		

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REAA NO. 21

DISTRICT: Chugach

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Chugach	H91210	131/76	192,000	Umbrella account	0		

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REAA NO. \_\_\_\_\_

DISTRICT: Independents

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Yakutat Elem.	H91504	131/76	1,920,000	New Elementary School	1,609,276.35		12-31-78
Haines Voc Building	H91505	134/78 131/76 113/78	200,000 500,000 45,000	Vocational building	524,445.03		1-79
Kaktovik School	H91451	131/76 No. Slope	2,250,000 552,760	New School	2,405,393.32	Complete 10-16-78	1-79
Barrow Voc. Equip	H91456	131/76	400,000	Vocational equipment	353.80	S.D. to apply for grant	1-80
King Cove School	H91435	131/76	576,000	2 clrms, sci rm, home ec., toilet facilities	525,395	99%	
Skagway	H91503	131/76	750,000	Replace heat, renovate gym, upgrade building	406,490.62	contr amend #1 sent to S.D. 10-16-78	
Wrangell	H03006	134/78	3,000,000	New school		1-2-79 sent contract to Commissioner for sign.	
Dillingham H.S. Phase II, III, IV	H91432	131/76	1,920,000	Gymnasium	1,599,685.66	99% Complete	1-3-78
Ft. Greeley elem/sec	H91653	131/76	246,350	Repairs	216,812.85		
Noatak	H90350	142/74	400,000	classrooms	354,636.15	99% Complete	9-2-76
Hoonah City	H91501	131/76	1,250,000	School, gr 7-12	721,462.41		1-16-78
Pelican H.S.	H91502	131/76	100,000	Addition	91,188.65		

PROJECT STATUS SUMMARY  
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Department of Education

REAA NO. \_\_\_\_\_

DISTRICT: Independents

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Old Harbor	H91438	131/76	1,200,000	Large multipurpose w. support bldgs	982,000	50% Complete	
Port Lions	H91439	131/76 195/72	1,200,000 120,000	"	1,088,000	40% Complete	
Peterson elem.	H90612	131/76	14,450	Glass replacement			
Cordova re-key	H91605	131/76	119,225	Re-key, re-roof & upgrade.	83,541.60	Complete   Sent amend #1	
" re-roof	H91606	131/76	9,900		0	Complete   to S.D. 11-7-78;	
" add&remodel	H91603	131/76	1,310,870	Add & remodel	159,230.91	Constr Doc. due	
Hoonah - old school remodel	H91182	131/76 209/75	312,000 40,000	elem/sec sch remodel	160.92	Design	9-79
Kake school	H03005	134/7E	500,000	Addition	0	Design	11-79

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Department of Education

REAA NO. \_\_\_\_\_

DISTRICT: On-Base Schools

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Statewide On Base Schools	H91650	131/76	1,895,000	Umbrella account	N.A.	N.A.	N.A.
Adak	H91653	131/76	492,700	Repair	427,068.80	Complete	
Delta/Greeley	H91653	131/76	246,350	Roof rep, exter paint & heat control repair	216,812.85	Complete	
Kodiak Borough		131/76	14,150				
Eielson AFB	H91654					Cancelled	
Ft. Wainwright School study	H80347	131/76	5,000	Dev. cost estimates for five sites	0		
Adak School	H01000	134/78	2,000,000	4 clrm add'n & remodel	0		

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Department of Education

REAA NO. \_\_\_\_\_

DISTRICT: Various

Chapter 131/76 Sewer & Water Appropriation H91700

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
McGrath REAA 11	H91703	131/76 s&w 131/76 REAA	197,500 6,000	Sewer & water	188,000	Complete	12-78
Bethel REAA 4	-----	131/76 s&w	172,500	Sewer system	0	S.D. to apply for grant	12-79
Allakaket REAA 12	-----	131/76 s&w	149,350	Sewer & water	0	Begin design	12-79
Arctic Village REAA 13	-----	131/76 s&w	102,869	Water system	0	S.D. to apply for grant	12-79
Ekwok REAA 6	-----	131/76 s&w	13,900	Water system	0	"	12-79
Clark's Point REAA 6	-----	131/76 s&w	9,900	Water system	0	"	12-79
Eagle REAA 16	-----	131/76 s&w	133,981	Water system	0	"	12-79
Glenallen REAA 7	H91705	131/76 s&w 131/76 REAA	115,000 48,305	Sewer system	150,000	Complete	11-78
Crooked Creek	H91706	131/76 s&w	5,500	Sewer system	5,000	Complete	12-78

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Dept. of Administration

REAA NO. \_\_\_\_\_

DISTRICT: \_\_\_\_\_

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Juneau S.O.B.	H60008	113/78	449,600	Data Processing Center Expansion	279,836	15%	
Anch. Pioneer Home	H80323	153/77		Htg & vent upgrade	41,313	Awaiting Materials	3-1-79
Anch. Pioneer Home	H90629	122/78	7,500,000	Addition	0	Programming	8-80
Ketchikan Pioneer Home	H90630	122/78	5,000,000	New Facility	0	Programming	8-80

PROJECT STATUS SUMMARY  
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REAA NO. \_\_\_\_\_

Alaska Court System

DISTRICT: \_\_\_\_\_

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
State Bldg Kotzebue	H60011	113/78	298,000	Add'n & Remodel State Bldg - Kotzebue		GD&C - A/E	8/79(E)

\*(E) Estimated Completion

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REAA NO. \_\_\_\_\_

DOT/PF (Transportation Planning, Aviation,  
Bldgs M&O, Highway & Airports M&O)

DISTRICT: \_\_\_\_\_

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Anc. Equip. Parts Storage Bldg	X14383	247/76	50,000	Stor. Bldg			7-79
Anc Int'l Airport Satellite	H60004	113/78	13,000,000	Airport Fac.		A/E Negotiations	1980
Bethel Maint Facility	X90047	153/77	350,000	Maint. Fac.			10-79
Soldotna Cold Storage	X14419	153/77	50,000	Storage Bldg		Contract Awarded	7-79
Palmer Hwy Shop	H80016	247/76		Shop Bldg		93% Complete	12-78
Thompson Pass Hwy Shop	X50029	247/76	500,000			99% Complete Final Insp. 12-28-78	
North Slope Haul Road	H80335	163/78				Completed	1-24-79
Skagway Hwy Maint. Shop	H80003	274/76				Beneficial Occupied 11-29-78	
Fbx Airport	H60003	113/78	210,000	Roof Repair		Budget Process	
Seward	H80356	221/70 247/76	102,000	M&O Shop Add'n		Budget Process	5-1-79
Juneau Capital Bldg Htg Sys Rehab		113/78	480,000			Project Number Requested	
Chugiak Birchwood Airstrip Vehicle Shop	X14454	113/78	110,000			Budget Process May combine with Hwy & Airport M&O	

PROJECT STATUS SUMMARY  
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Dept. of Education \_\_\_\_\_

REAA NO. \_\_\_\_\_

DISTRICT: \_\_\_\_\_

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Juneau Museum	H80341	113/8	112,400	Artifact Storage		A/E Selection	

**PROJECT STATUS SUMMARY  
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Dept. of Fish & Game

REAA NO. \_\_\_\_\_

DISTRICT: \_\_\_\_\_

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Ship Creek Hatchery Phase II	H95043	214/76	110,000			Budget Revision	
Trails Lake Hatchery	H80331	279/77 214/76	3,414,500			Budget Preparation	8-1-1980
Fort Richardson Water Study	H80329	214/76	200,000			A/E Negotiations	1979
Tutka Hatchery Expansion	H80327	279/76 153/78	85,000			Drawings Being Prepared	8-79
Seward Fish Trap	H80325	214/76	75,000			Drawings Being Prepared	9-1-79
Clear A.F.B Hatchery	H80330	214/76 133/74	905,000		102,947.50	Well Field Opened	10-1-79
Snettisham Hatchery	H92219	140/78	6,000,000			A/E Negotiation	8-80
Main Bay Hatchery	J10003	140/78	8,000,000			A/E Negotiation	8-80
Big Lake Hatchery Expansion	H80353	279/76	315,000			Bid Documents Being Prepared	8-79
Cannery Creek Hatchery	H95102	214/76 133/74	2,792,000			.06% Completed	12-1-79

PROJECT STATUS SUMMARY  
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Dept. of Fish & Game

REAA NO. \_\_\_\_\_

DISTRICT: \_\_\_\_\_

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Dillingham F&G Warehouse	H95106	214/76	299,000		217,099	99% Complete	Final Ins. 12-28-78
Russian River Fishpass	H80332	209/72 214/76	800,000		726,800	15% Complete	5-79
Kasilof Phase II	H80148	279/76 214/76	750,000		327,762	95% Complete	12-20-78
Fire Lake Water Syst	H80321	153/77			14,064	Close-Out Phase	100% Com.
Frazier Fishpass	H95112	153/77			247,000	99% Complete	10-178
Sitka Barge Modif.	H80344	153/77	90,000			Suspense Pending ADF&G Action	?
Klawock Lake Hatchery	H95301	131/74 214/76			2,854,558.11	11-20-78 Beneficial Occupancy	
Hidden Falls Hatchery	H95302	133/74 214/76			3,454,479	91% Complete & + 490,000 Claims	3-1-79
Russell Creek Hatchery	H95101	133/74 214/76			3,477,000	98% Occupancy Taken	7-15-79
Starrigavin Freshwater Supply	H95110	153/77			129,301	11-2-78 Final Acceptance	

PROJECT STATUS SUMMARY  
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Dept. of Health and Social Services

REAA NO. \_\_\_\_\_

DISTRICT: \_\_\_\_\_

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
McLaughlin Youth Center	H60007	113/78	140,000	Repair Approx. 470 squares of Roof		Budget Process	
Sixth Ave Jail	J10004	139/78	1,421,800			GD&C	1-1-80
McLaughlin Y.C. C.T.U	H92001	153/77	81,400			Holding for Add'l Funding	
A.P.I. Anc	H60009	113/78		Alarm & Ionization Detection	56,900	Awarded	2-79
Kotzebue Sr. Citizen Center	H92601	15/78 +E.D.A	906,900		997,057	99% Complete	Occ.
Kotzebue Pioneers Home	H80071	279/76		Foundation Stabilization	458,000	Claim	100% Complete
Valdez Harborview Hospital	H80001	279/76	120,000			In Design	9-79
Juneau	H80340	153/77	1,200,000	Women/Juvenile Detention Home		L.O.S. Requested	
Juneau	H80039	153/77			192,000	Final Acceptance 10-24-78	

PROJECT STATUS SUMMARY  
FOR

DATE: 2-6-79

PAGE: 8 OF 10

Dept. of Military Affairs

REAA NO. \_\_\_\_\_

DISTRICT: \_\_\_\_\_

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
AAFA Kotzebue	H60002	113/78	2,837,000	New Hanger		GD&C Consultant Selection	8-1-79(E)
Statewide Detention Systems	H60006	113/78 163/78	85,000	Installation of Alarm Systems in Armories		GD&C Consultant Selection	12-1-79(E)
Bethel AAFA	H80011	199/76			1,134,000	98% Complete	
Bethel O.M.S.	H80088	191/76			595,309	1% Complete	8-15-80
Nome O.M.S	H80004	191/76	645,000			Contract Awarded 9-28-78	

\*(E) Estimated

PROJECT STATUS SUMMARY  
FOR

DATE: 2-6-79

PAGE: 9 OF 10

REAA NO. \_\_\_\_\_

~~Dept. of Natural Resources~~

DISTRICT: \_\_\_\_\_

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Anchorage	H50001	113/78	475,000	Bldg. Add'n		A/E Selection	9-79
Glennallen Fire Control Center		113/78	362,000			Contemplating Revised Program to include Parks	
Plamer P.M.C Chemical Storage	H80018	279/76				Project Maybe Cancelled	
Palmer P.M.C. Plant Storage	H80017	279/76				Bids Rejected Project on Hold	
Plamer P.M.C. Green House#	H80012	279/76				85% Complete C.O. in Progress, Delayed Completion	
Plamer P.M.C. Office Lab	H80014	153/77				99.5% Complete	

PROJECT STATUS SUMMARY  
FOR

DATE: 2-6-79

PAGE: 10 OF 10

Dept. of Public Safety

REAA NO. \_\_\_\_\_

DISTRICT: \_\_\_\_\_

PROJECT	PROJECT NUMBER	FUNDING SOURCE	FUNDING AMOUNT	BRIEF SCOPE	COST TO DATE	PROJECT STATUS	COMPLETION DATE
Sitka	H80345	279/76	50,000	Trooper Academy	35,000	A/E Selection	
Fairbanks	J10007	139/78	100,000			Site Selection	1981

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.

Don Smith

402 West Third Avenue - Suite 8  
Anchorage Alaska 99501  
Phone 276-4329

*check w/  
Dick Hadden  
find status  
of \$110 million*

Dear Fellow Alaskan,

My congratulations to you! You are one of only 10,835 Alaskans that have never missed voting in all state elections since 1970. There are not too many of us who obviously are concerned about our state and government.

As a concerned citizen, I'd like to ask you to read this letter and then possibly give me some help.

Are you aware that last year the Legislature appropriated \$110 million dollars for construction of Rural High Schools? Also did you know that two years before, in 1976, voters authorized \$59 million in bonds which was supposed to take care of the rural high school construction problem?

To date the funds amount to over \$170 million and it's my understanding that additional money will be requested of the legislature during this session.

Did you know that this \$170 million builds schools in every village with 8 or more high school students? A school for 8 kids by the way costs over \$600,000.

Did you know that this expenditure of \$170 million is for approximately 2,300 rural students.

Finally, did you know that there has never been a long term fiscal analysis made of this program? I'm guessing that the costs for Teachers and all operations, repairs and maintenance will exceed another \$500 million within 15 years.

This program is a financial disaster and must be stopped before it goes any further. The program needs to be reviewed and re-evaluated.

Certainly there's a need for improved High School conditions in rural Alaska, but not at a price tag of almost \$700 million and particularly when it's only serving 2,300 students. There has to be a better way!

over please

Page Two.  
Rural High School letter

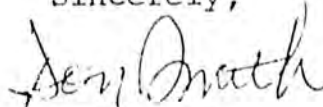
Please help me! Enclosed is a petition which asks the legislature to stop this program and re-evaluate it. Given a little time, I'm sure that a different plan can be developed which will at least provide schools in the larger villages and provide boarding facilities for students from the more remote areas.

Time is of the essence. Please show this letter and petition to your friends, neighbors and co-workers and ask them to sign. I would like to present the petitions to the legislature by the 5th of April, which by the way will be the 82nd legislative day. This is still enough time for the legislators to act on this question.

Finally, this effort is a bit expensive so your contribution to defray some of the mailing and printing costs would be gratefully appreciated. You do not have to send in money to participate. If you do, please make out your check to the Sensible Rural High School Fund. You will be sent a receipt for your contribution.

Thank you for reading this letter. With your help we might be able to stop this mistake from going any further and for the sake of all Alaskans develop a program that can work and still be fiscally sound.

Sincerely,

  
Don Smith

ps. If you can't go out and obtain signatures, please sign the petition and return it to me.



PROCESS

How much will it cost  
to implement.

ROLES OF REA'S, DOE & DOT

IS THERE A PLAN TO IMPLEMENT  
THE HOODCH DECISION

WAS AN INVENTORY OF ANALYSIS  
PREPARED TO REALIZE  
WHAT WAS NEEDED?

SCHEDULE OF CONSTRUCTION

WHO PREPARES THE PLANS. THE REA

WHO'S ACCOUNTABLE

WERE ELIGIBLE COMMUNITIES  
DISTRICTS IDENTIFIED

GENERAL FUND? BOND?

WHERE IN BUDGET DO WE FIND  
FIGURES.

WHAT ABOUT OTHER SCHOOL  
CONSTRUCTION.

HOW IS LIFE CYCLE COSTING  
WORKING.

BIA TRANSFERS

WHAT IS FACILITY/TRANSPORTATION  
OPTIONS FOR HOUSING STUDENTS.

WHAT CAPITAL MONEY DO BOROUGHS  
RECEIVE?

## RURAL SCHOOL CONSTRUCTION

IN FY 78 PLANNING WAS COMMENCED ON DEVELOPING A RURAL SCHOOL CONSTRUCTION BUDGET FOR 110 MILLION DOLLAR PROGRAM FOR CONSTRUCTION, REMODELING AND EQUIPPING SCHOOLS IN ALASKA.

GENERAL FUND APPROP.

OVERVIEW

HOW FAR ALONG IS THE PROGRAM?

Sept of 80  
PROJECTS ARE TO BE COMPLETED.

EXPENDITURES BY YEAR

BY  
AGENCIES  
REQUIRES  
USE.

WHERE HAS CONSTRUCTION TAKEN PLACE?

HOW ARE PROJECTS FUNDED  
STATE,  
FED

- ONDIS BUDGET  
IS THROUGH  
PROJECTS NO  
LOCAL GOVERNMENT

THE MONEY GOES TO DISTRICT DISTRICT

- SIMILAR MODEL -

ACCOUNTING OF FUNDS -

CONSTRUCTION REQUEST

STATE OF ALASKA  
Inter-Department Route Slip

TO:  
MAIL STATION NUMBER 3100-Sen.

DEPARTMENT Legislature

ATTENTION Gene Welsh - Sen. Stangor

- |  |  |
|--|--|
| <input type="checkbox"/> Approval      | <input type="checkbox"/> Note & Return       |
| <input type="checkbox"/> Signature     | <input type="checkbox"/> Initial & Return    |
| <input type="checkbox"/> Comment       | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me    | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action    |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information    |

Remarks:

FROM: \_\_\_\_\_  
MAIL STATION NUMBER 2500

DEPARTMENT educ.

BY Chris Loust DATE 3/20

02-002 (REV. 10/73)

## CONSTRUCTION SCHEDULE

## TOBELUK SITES

SCHOOL DISTRICT	TOBELUK SCHEDULE	BOND ISSUE	STATUS OF FACILITY	ANTICIPATED DATES	
				BID	COMPLETION
Alaska Gateway					
Dot Lake	E		Transported		
Mentasta Lake	B		Transported		
Northway	D	74-76	Completed		
Tetlin	E		Opted Out		
Aleutian Chain					
Akutan	F	78	Programming	4/79	9/79
Atka	F	78	Programming	4/79	9/79
Belkofski	F		Closed	-	-
False Pass	F		Sufficient Space	-	-
Nelson Lagoon	F	78	Programming	4/79	9/79
Nikolski	F	78	Programming	4/78	9/79
Sand Point	D	74-76	Completed		
Bering Strait					
Brevig Mission	E	78	Programming	4/79	8/80
Council	F		Closed	-	-
Diomedede	E	78	Programming	4/79	8/80
Elim	C	78	Programming	4/79	8/80
Gambell	D	76	Completed		
Gambell	D	78	Programming	2/79	9/79
Golovin	E	78	Programming	4/79	8/80
Koyuk	E	78	Programming	2/79	9/79
St. Michael	D-C	78	Programming	4/79	8/80
Savoonga	D	76	Completed		
Shaktoolik	E	78	Programming	4/79	8/80
Shishmaref	D	74-76	Completed		
Stebbins	C	78	Programming	4/79	8/80
Teller	C	76	Completed		
White Mountain	C	76	Completed		
Chatham					
Angoon	D-C	74	Completed		
Angoon	D-C	76	Construction	10/78	9/79
Chugach					
Tatitlek	F	-	Awaiting Federal or State Funding		
Iditarod					
Anvik	E	76	Completed		
Holy Cross	D	76	Programming Completed	4/79	10/78
Lime Village	F		No Entitlement	-	-
Nikolai	E	78	Programming	4/79	10/79
Takotna	F	76	Completed		
Telida	B		No Entitlement	-	-
Grayling	E	78	Programming	4/79	10/79
Shageluk	E	76	Completed		
Shageluk	E	78	Programming	4/79	10/79

SCHOOL DISTRICT	TOBELUK SCHEDULE	BOND ISSUE	STATUS OF FACILITY	ANTICIPATED DATES	
				BID	COMPLETION
<b>Kuspuk</b>					
Chuathbaluk	C	76	Construction	-	12/79
Crooked Creek	C	78	Programming	2/79	10/79
Kalskag	C	76	Construction	-	12/79
Kalskag	C	78	Programming	2/79	12/79
Red Devil	F		Existing Space	-	-
Sleetmute	C	78	Programming	3/79	12/79
Stony River	F	78	Programming	3/79	12/79
<b>Lake &amp; Peninsula</b>					
Chignik	F	78	Programming	-	9/79
Chignik Lagoon	F		Sufficient Space	-	-
Chignik Lake	E	78	Programming	3/79	10/79
Egegik	E		Opted Out	-	-
Igiugig	F	78	Programming	3/79	10/79
Ivanof Bay	F		Closed	-	-
Kokhanok	E	76-78	Programming	3/79	10/79
Newhalen	E	76-78	Design	3/79	10/79
Nondalton	C	76	Construction	3/78	1/79
Pedro Bay	F		Sufficient Space	-	-
Perryville	E	78	Programming	3/79	9/79
Pilot Point	F		Opted Out	-	-
Port Heiden	F	78	Programming	3/79	10/79
<b>Lower Kuskokwim</b>					
Akiachak	C	78	Programming	3/79	8/80
Akiak	E	74-76	Construction	5/78	8/79
Atmautluak	C	76	Remodeling Complete		
Atmautluak	C	78	Programming	3/79	8/80
Chefornak	C	72	Remodeling Complete		
Chefornak	C	78	Programming	3/79	8/80
Eek	C	77	Remodeling Complete	3/79	8/80
Eek	C	78	Programming	3/79	8/80
Goodnews Bay	C	78	Programming	3/79	8/80
Kasigluk	C		Opted Out - Now Requesting H.S.		
Kipnuk	C-D	72	Remodeling Complete		
Kipnuk	C-D	74-76	Construction	5/79	8/79
Kongiganak	C-D	74-76	Completed		
Kwethluk	C	78	Programming	3/79	8/80
Kwigillingok	C	72	Remodeling Complete		
Kwigillingok	C	76-78	Programming	3/79	8/80
Mekoryuk	C	78	Programming	3/79	8/80
Napakiak	C		Opted Out - Now Requesting H.S.		
Napaskiak	C	78	Programming	3/79	8/80
Newtok	C	78	Programming	3/79	8/80
Nightmute	E	78	Programming	3/79	8/80
Nunapitchuk	C	76-78	Programming	3/79	8/80
Oscarville	F	78	Programming	3/79	8/80
Quinhagak	C	78	Programming	3/79	8/80
Toksook Bay	D	74-76	Completed		
Tuluksak	C	72	Remodeling Complete		
Tuluksak	C	78	Programming	3/79	8/80
Tuntutuliak	C	78	Programming	3/79	8/80
Tununak	C	77	Remodeling Complete		
Tununak	C	78	Programming	3/79	8/80

SCHOOL DISTRICT	TOBELUK SCHEDULE	BOND ISSUE	STATUS OF FACILITY	ANTICIPATED DATES	
				BID	COMPLETION
Lower Yukon					
Chevak	D	74-76	Completed		
Fortuna Ledge	C	76-78	Design	3/79	5/1/80
Hooper Bay	D		Completed		
Kotlik	C	76	Design	2/79	2/1/80
Pilot Station	C	76-78	Design	3/79	5/1/80
Pitka's Point	E	78	Programming	2/79	9/79
Russian Mission	E	78	Programming	2/79	9/79
Scammon Bay	C	78	Programming	2/79	9/79
Sheldon Point	E	78	Programming	2/79	9/79
Northwest Arctic					
Ambler	C	76	Completed		
Buckland	C	76	Completed		
Deering	E	76	Completed		
Kivilina	D	74	Completed		
Kobuk	F		Opted Out		
Noatak	C-D	76	Completed		
Noatak	C-D	78	Design	4/79	9/80
Shungnak	D	74	Completed		
Pribilof Region					
St. George Island	E	76	Construction	1/78	9/79
St. Paul Island	D	78	Construction	1/78	9/79
Southeast Islands					
New Kasaan	F	76	Complete		
Southwest Region					
Aleknagik	B	78	Design	2/79	12/79
Aleknagik N. Shore	B	78	Design	2/79	12/79
Clark's Point	E		Opted Out		
Ekwok	E	78	Programming	2/79	12/79
Koliganek	C	78	Programming	2/79	12/79
Levelock	E	76	Construction	3/78	<del>12/78</del> 3/79
Manokotak	C-D	76-78	Construction	3/78	2/79
New Stuyahok	C-D	76	Construction	3/78	2/79
New Stuyahok	C-D	78	Design	2/79	12/79
Ohgsenakale	F		Sufficient Space		
Togiak	D	74-76	Completed		
Twin Hills	E	76	Construction	3/78	<del>12/78</del> 3/79
Twin Hills	E	78	Design	2/79	12/79
Yukon Flats					
Arctic Village	E	76-78	Design	3/79	9/79
Beaver	F		Opted Out		
Birch Creek	F		Space Available	-	-
Chalkyitsik	F		Adequate Space	-	-
Circle	F	76	Remodeling	10/78	4/79
Rampart	F	76	Design	1/79	8/79
Stevens Village	F		Opted Out		
Venetie	F	78	Programming	3/79	9/79

<u>SCHOOL DISTRICT</u>	<u>TOBEI.UK SCHEDULE</u>	<u>BOND ISSUE</u>	<u>STATUS OF FACILITY</u>	<u>ANTICIPATED DATES</u>	
				<u>BID</u>	<u>COMPLETION</u>
Yukon Koyukuk					
Allakaket	C	76-78	Design	2/79	8/79
Bettles	F		Sufficient Space	-	-
Hughes	F		Opted Out		
Huslia	E	76-78	Design	2/79	8/79
Kaltag	D		Completed		
Koyukuk	D-E	76	Design	3/79	8/79
Manley Hot Springs	F	78	Programming	1/80	8/80
Minto	E	76	Construction	5/78	<del>4/79</del>
Ruby	E	76	Construction	8/77	4/79

SCHEDULE C

MAJOR CONSTRUCTION SITES

LOCATION	1976 BOND ALLOCATION		1978 BOND REQUEST	
	Square Ft.	\$	Square Ft.	\$
1. Akiachak	-	-	8800	1,927,200
2. Aliakaket	-	200,000	3019	546,500
3. Ambler	6980	1,957,286	-	-
4. Ancon 1974 720,000	6480	1,152,000	-	-
5. Atmautluk	-	720,000	6480	627,900
6. Buckland	5040	1,727,247	-	-
7. Cheforak	-	-	6480	1,464,500
8. Chuathbaluk	-	480,000	4455	526,900
9. Crooked Creek	750	20,000	2160	488,200
10. Eek	-	-	4455	926,700
11. Elim	-	-	4455	1,087,100
12. Fortuna Ledge	1500	400,000	2500	640,000
13. Goodnews Bay	-	-	8800	1,927,200
14. Kalskag (Upper & Lower)	-	488,000	8800	1,544,800
15. Kasiqruk OPT Out	-	-	-	-
16. Kipruk 1974 920,000	9760	835,000	-	-
17. Koliganek	-	-	2000	400,000
18. Kondiganak 1974 Funds	-	-	-	-
19. Kotlik	9056	2,100,000	-	-
20. Kwethluk	-	-	12090	2,647,800
21. Kwigillingok	-	810,000	6480	518,400
22. Manokotak 1974 - 345,000	6000	846,733	8800	850,800
23. Mekoryuk	-	-	6480	1,399,700
24. Napakiak OPT Out	-	-	-	-
25. Napaskiak	-	-	8800	1,927,200
26. New Stuyahok	3500	720,000	8800	1,022,400
27. Newtok	-	-	6480	1,471,000
28. Noatak Pre Design	-	500,000	5460	1,419,600
29. Nondalton E/S15100	-	2,208,000	-	-
30. Nunapitchuk	-	1,290,000	8800	663,600
31. Pilot Station	1500	400,000	3125	665,700
32. Quinhagak	-	-	8800	1,927,200
33. Scammon Bay	-	-	6480	1,471,000
34. Stebbins	-	-	8800	2,288,000
35. Tuluksak	-	-	6480	1,328,400
36. Tuntutuliak	-	-	8800	1,927,200
37. Tununak	-	-	8800	1,927,200
TOTAL	65666	16,812,110	185,870	35,562,200

SUMMARY

GRAND TOTAL - ALL PAGES

29,001,688

65,702,600

Both years - 1976 & 1978

94,704,288

Note: E/S denotes combined elementary and secondary school construction project

SCHEDULE D

SITES WITH PRE - 1976 CONSTRUCTION FUNDS

LOCATION	1976 BOND ALLOCATION		1978 BOND REQUEST	
	Square Ft.	\$	Square Ft.	\$
1. Angoon		1,152,000*	-	-
2. Cheval	-	-	-	-
3. Gambell	-	915,000	2800	778,400
4. Holy Cross	-	1,000,000	-	-
5. Hooper Bay	-	-	-	-
6. Kaltag	-	-	-	-
7. Kipnuk	-	835,000*	-	-
8. Kivalina	-	-	-	-
9. Kongiganak	-	-	-	-
10. Manokotak	-	1,006,000*	-	** 850,800
11. New Stuyahok	-	720,000*	-	**1,022,400
12. Ncatak	-	500,000*	-	**1,419,600
13. Northway	-	-	-	-
14. St. Paul Island	-	750,000	-	1,159,300
15. Sand Point	-	-	-	-
16. Savoonga	-	406,000	-	-
17. Shishmaref	-	286,480	-	-
18. Shunonak	-	-	-	-
19. Togiak	-	-	-	-
20. Toksook Bay	-	-	-	-
21. Unalakleet	-	203,000	-	*
TOTAL	-	3,560,480	-	1,937,700

\* These amounts are included in the total for 1976 bond allocations under Schedule C. To avoid double counting, these amounts have not been added to the total under Schedule D.

\*\* These amounts are included in the total for 1978 bond allocations under Schedule C. To avoid double counting, these amounts have not been added to the total under Schedule D.

STATE OF ALASKA DEPARTMENT OF GENERAL CONSTRUCTION OR RENOVATION

SCHEDULE F

LOCATION	1976 BOND ALLOCATION		1978 BOND REQUEST	
	Square Ft.	\$	Square Ft.	\$
1. Akutan	-	-	600 New	-
2. Atka	-	-	1976 Remod	289,300
3. Beaver	-	-	1960 Remod	159,500
4. Belkofski (Closed)	-	-	-	-
5. Bettles (1974)	-	-	-	-
6. Birch Creek (Lease)	-	-	-	-
7. Chalkyitsik (Remod Exist.)	-	20,000	-	-
8. Chignik	-	26,500	4455	882,100
9. Chignik Lagoon	E/S?	5,000	-	-
10. Circle	Convert Teacherage	75,000	-	-
11. Council	Continue Lease	-	-	-
12. False Pass	Existing Space	-	-	-
13. Hughes	OPT Out	-	-	-
14. Igiugig	-	-	1100	217,800
15. Ivanof Bay (Closed)	-	-	-	-
16. Kobuk	OPT Out	-	-	-
17. Lime Village	E/S 1974 560,000	-	-	-
18. Manley Hot Springs	E/S	-	1100	254,100
19. Nelson Lagoon	-	-	1100	234,300
20. Nikoiski	-	-	1100	234,300
21. New Kasaan	E/S 960	79,000	-	-
22. Oghsenakaie	Existing Space	-	-	-
23. Oscarville	-	-	1100	225,500
24. Pedro Bay	Existing Space	-	-	-
25. Pilot Point	-	-	-	-
26. Platinum	-	-	1100	225,500
27. Pt. Heiden	-	-	1100	223,300
28. Rampart	E/S Remodel	175,000	-	-
29. Red Devil	Existing Space	-	-	-
30. Steven's Village	-	75,000	-	-
31. Stony River	-	-	1100	254,100
32. Takotna	800	152,000	-	-
33. Tatitlek	Remodel	50,000	4455	990,000
34. Venetie	Existing Space	-	6480	1,225,000
35. Wales	Existing Space	-	-	-
36. White Mountain	Remodel	522,320	-	-
TOTAL	1760	1,209,820	18811	5,324,800

SCHEDULE E

LOCATION	1976 BOND ALLOCATION		1978 BOND REQUEST	
	Square Ft.	\$	Square Ft.	\$
1. Aleknagik	Remodel	16,000	1620	362,900
2. Akiak	1974 600,000 E/S9760	547,000	-	-
3. Anvik	Remodel	43,800	1620	385,600
4. Arctic Village	E/S ?	100,000	2835	1,425,100
5. Brevig Mission	-	-	4455	1,158,300
6. Chionik Lake	E/S ?	7,000	4455	822,100
7. Clark's Point	OPT Out	-	-	-
8. Deering	1976 450,000 E/S6980	1,589,612	-	-
9. Diomede	-	-	4455	1,345,500
10. Dot Lake	E/S 1974 500,000	-	-	-
11. Egegik	-	-	1500	318,000
12. Ekwok	-	-	7285	1,442,500
13. Golovin	-	-	4455	1,087,100
14. Grayling	-	-	4455	993,100
15. Huslia	-	200,000	3380	611,200
16. Kokhanok	1977 200,000 Design	26,300	1600	316,800
17. Kovuk	-	-	4455	1,158,300
18. Koyukuk	1974 400,000 Design	343,000	-	-
19. Levelock	1974 240,000 2000+	420,000	-	-
20. Minto	7740	1,000,000	-	-
21. Newhalen	?	90,000	4455	430,000
22. Nightmute	-	-	4455	949,000
23. Nikolai	-	-	3655	851,700
24. Perryville	-	-	4455	832,100
25. Pitka's Point	-	-	4455	944,500
26. Ruby	E/S7740	1,733,911	-	-
27. Russian Mission	-	-	4455	949,000
28. St. George Island	?	250,000	-	-
29. St. Michael	-	-	6480	1,634,800
30. Shageluk	1140	160,000	3655	981,100
31. Shaktoolik	-	-	4455	1,087,100
32. Sheldon Point	-	-	4455	944,500
33. Sleetmute	-	-	2000	462,000
34. Teller	?	635,000	4455	558,300
35. Tetlin	OPT Out	-	-	-
36. Twin Hills	INS 515,000 E/S4000	257,455	2160	817,300
TOTAL	39360	7,419,278	95,705	22,877,900

SEE 43.18.105  
100

- 195/1972- \$16,000,000 General Obligation Bonds
- 204/1972- Operating and Capital Budget
- 147/1974- Operating and Capital Budget
- 209/1975- Operating and Capital Budget
- 131/1976- \$59,290,000 General Obligation Bonds
- ~~142/1976- Teacher Sick Leave Bank~~
- 155/1977- General Funds
- 113/1978- Operating and Capital Budget
- 134/1978- \$110,000,000 General Fund
- 142/1974- 40,337,000

77- 80%  
100%

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

2 THIRD JUDICIAL DISTRICT

3 ANNA TOBELUK, et al., )  
 4 Plaintiffs, )  
 5 vs. )  
 6 MARSHALL LIND, et al., )  
 7 Defendants. )

8 No. 72-2450

9 AGREEMENT OF SETTLEMENT

10 WHEREAS, a civil action has been brought by Alaska  
 11 Native (Eskimo, Indian and Aleut) children of secondary school  
 12 age to secure the provision of secondary schools in their  
 13 communities of residence, in which plaintiffs allege (a)  
 14 a pattern and practice of racial discrimination against  
 15 Alaska Natives in the non-provision of local secondary schools,  
 16 in violation of the constitution and laws of the United States  
 17 and Alaska (U.S. Const. Amend. XIV; 42 U.S.C. §§1981, 1983,  
 18 2000d; Alaska Const. Art. I §1); and (b) a disparity between  
 19 the manner in which secondary education is provided to the  
 20 plaintiffs and the manner in which such education is offered to  
 21 most other Alaska school children, which unduly burdens the  
 22 exercise of plaintiffs' right to a public education, which is  
 23 not justified by either a rational basis or a compelling state  
 24 interest, and which is therefore violative of Article I §1 of  
 25 the Alaska Constitution; and

*EQUAL RIGHTS, OPPORTUNITIES  
AND PROTECTION.*

26 WHEREAS, defendants allege that while they desire to  
 27 provide secondary education facilities as set forth herein,  
 28 and intend to do so within the limits of public funds, they  
 29 have no constitutional obligation to provide the secondary  
 30 facilities set out in this agreement; and  
 31  
 32

ATTORNEY GENERAL, STATE OF ALASKA  
 STATE CAPITOL  
 POUCH K, JUNEAU, ALASKA 99801  
 PHONE 586-3391

1 WHEREAS, the parties in order to avoid lengthy liti-  
2 gation, wish to resolve this matter by means of settlement;

3 NOW, THEREFORE, the parties, through their attorneys,  
4 subject to the approval and order of this Court, hereby agree  
5 as follows:

6 STATEMENT OF AGREED FACTS

7 Jurisdiction

8 1. Jurisdiction is vested in this court by  
9 AS 22.10.020.

10 Plaintiffs

11 2. The named plaintiffs are Alaska Native children of  
12 secondary school age. They have completed the 8th grade, and  
13 are between the ages of 14 and 20. The named plaintiffs  
14 reside in six villages in various parts of the state. Each of  
15 these villages has an elementary school. In the villages of  
16 Akiachak, Kwigillingok, Mekoryuk, and Nunapitchuk, the  
17 elementary school is operated by the United States Department  
18 of the Interior's Bureau of Indian Affairs. In the villages of  
19 Allakaket and Kongiganak, a public elementary school is  
20 operated. There are no public secondary schools (comprising  
21 grades 9-12) in these communities. In order to attend  
22 secondary school, the plaintiffs must leave their homes and  
23 families for nine months each year in order to participate  
24 in boarding programs.<sup>1/</sup> Some of the named plaintiffs have  
25 attended school in Anchorage, Bethel, Fairbanks, Kodiak,  
26 Sitka, Unalakleet, Wrangell, or Chemawa (Oregon); some have  
27 dropped out of these programs thus terminating their classroom  
28 education; others have not continued their schooling beyond  
29 the 8th grade level available in their community of residence.

30  
31 <sup>1/</sup> "Boarding programs" as used herein means boarding home  
32 programs and dormitory programs.

Defendants

1  
2 3. Defendants Katherine T. Hurley, August Anderson,  
3 Beverly Horn, Thelma Langdon, Darwin Heine, Malcolm Roberts,  
4 Jan Hohman, as members of the State Board of Education of the  
5 State of Alaska, are responsible, pursuant to AS 14.07.020(1)  
6 and AS 14.07.075, for formulating statewide educational  
7 policy, administering funds to provide certain educational  
8 services, and directing the operations of the State Department  
9 of Education, which has general supervision over the public  
10 schools of the state.

11 4. Defendant Marshall L. Lind is the Commissioner  
12 of Education and, as such, is the principal executive officer  
13 of the Department of Education.

Class

14  
15 5. This action is properly maintained as a class  
16 action. The named plaintiffs represent a class whose members  
17 are Alaska Native children of secondary school age who reside  
18 in communities in the unorganized borough wherein (1) a public  
19 elementary school is operated, or an elementary school is  
20 operated by the Bureau of Indian Affairs; (2) a secondary  
21 school comprising grades 9-12 is not so operated, nor is daily  
22 transportation to such a secondary school available; and (3)  
23 a majority of resident children eligible to attend secondary  
24 school are Native.

25 6. The class consists of approximately 2663 Alaska  
26 Native children living in the 126 communities set forth in  
27 Schedule B, attached hereto. Because there are no accurate  
28 data on the number of children out of school, the exact size  
29 of the class is uncertain.

30 7. The class is so numerous that joinder of all  
31 members is impracticable. There are questions of law and fact  
32 common to the class, the claims of the plaintiffs are typical

ATTORNEY GENERAL, STATE OF ALASKA  
STATE CAPITOL  
POUCH K, JUNEAU, ALASKA 99011  
PHONE 465-3600

1 of the claims of the class, and the plaintiffs have fairly and  
2 adequately protected the interests of the class. Separate  
3 actions by individual members of the class would create a risk  
4 of inconsistent adjudications with respect to the individual  
5 members of the class and would thereby establish incompatible  
6 standards of conduct for the defendants. The defendants have  
7 acted on grounds generally applicable to the class, thereby  
8 making appropriate final injunctive or corresponding declaratory  
9 relief with respect to the class as a whole.

10 8. Notice to members of the plaintiff class shall be  
11 given as follows:

12 (a) by the Department of Education, by mailing  
13 to the local school committee in each community set forth in  
14 Schedule B, attached hereto, a Notice of Settlement in a form  
15 approved by the Court; and

16 (b) by delivery of a joint press release of the  
17 parties to the television and radio stations, newspapers, and  
18 wire services in the state.

19 General Facts

20 9. Prior to the turn of the century, a dual school  
21 system emerged unofficially in Alaska as resentment grew among  
22 the relatively few whites over emphasis on education for Natives  
23 and a belief that integrated schools would give only inferior  
24 education. In towns such as Juneau, Douglas and Sitka, where  
25 there were proportionately greater white populations, segregated  
26 schools were established. Segregated schools were also  
27 established at Bethel, Nome, Egegik, Chitina, Ft. Yukon, and,  
28 as of 1929-30, at least a dozen other locations. In at least  
29 12 of these communities there was a secondary school for non-  
30 natives only. With the increase in population caused by the  
31 Gold Rush in the late 1890's, agitation grew for the establish-  
32 ment of a separate system of schools for the non-Native popula-  
tions. In 1900, Congress provided for the establishment and

1 local control of independent schools for whites within  
2 incorporated towns. By 1903, 9 incorporated town schools for  
3 white children had been established; as of 1917-18, there were  
4 15 such schools, six of which graduated between 1 and 13  
5 students each from secondary school.

6 10. Two statutes enacted by Congress in the early  
7 1900's gave official sanction to this dual system. Under a  
8 1917 amendment to the Alaska Organic Act, the Territorial  
9 Legislature was empowered "to establish and maintain schools  
10 for white and colored children and children of mixed blood  
11 who lead a civilized life in said territory..." Act of March  
12 3, 1917, ch. 167, 39 Stat. 321. In the second statute, the  
13 Nelson Act originally passed in 1905, the federal government  
14 assumed responsibility for the education of Alaska Natives in the  
15 following terms:

16 The education of the Eskimos and Indians in  
17 Alaska shall remain under the direction and  
18 control of the Secretary of the Interior,  
19 and schools for and among the Eskimos and  
20 Indians of Alaska shall be provided for by  
21 an annual appropriation, and the Eskimo and  
22 Indian children of Alaska shall have the same  
23 right to be admitted to any Indian boarding  
24 school as the Indian children in the States  
25 or Territories of the United States.  
26 Act of Jan. 27, 1905, Title IX, ch. 1, §309,  
27 33 Stat. 619.

28 The Nelson Act clarified previous legislation and extended it  
29 to rural areas, relieving the U.S. Bureau of Education of  
30 responsibility for the education of white and mixed blood  
31 children, while the education of these children was provided  
32 by the Territory and local municipal authorities. The Bureau  
continued maintenance of a few white schools until local  
authorities gradually became able to assume full responsibility.  
The number of so-called Nelson schools--for children of white  
or mixed blood leading "a civilized life" in communities outside  
of incorporated towns--grew from 10 in 1907 to 46 in 1918.

1 11. The pre-statehood pattern of sending Native  
2 children away from their home villages to secondary boarding  
3 schools, which is reflected in the current system of secondary  
4 education, was generated by the dual school system. This pattern  
5 developed from the federal government's policy of sending Native  
6 children away from their home villages to secondary boarding  
7 schools, while territorial officials undertook to provide local  
8 secondary schools for white and mixed-blood children for whose  
9 education the Territory was responsible. The key to the  
10 federal government's program of acculturating Alaska Natives  
11 lay in the special education of the most intellectually advanced  
12 youth. In spite of many criticisms, the U.S. Bureau of Education  
13 continued this policy of sending the brightest children to  
14 boarding schools for a basically vocational education, and then  
15 returning them to their villages. Most were sent to Indian  
16 schools in the United States. However, the deleterious effects  
17 of sending children to school so far away, including health  
18 hazards and sociological maladjustments, soon became evident,  
19 and in 1925 the federal government initiated a program of  
20 establishing vocational boarding schools within Alaska. Schools  
21 were opened in Eklutna, near Anchorage; at Kanakanak, on  
22 Bristol Bay; and at White Mountain, on the Seward Peninsula.  
23 These schools were eventually superceded by Mt. Edgecumbe, a BIA  
24 boarding school for Natives established at the former naval  
25 air station of Sitka in 1947. Rural Native students were presented  
26 with the choice of either staying at home and forgoing  
27 attendance at a secondary school or leaving home and  
28 attending Mt. Edgecumbe. When enrollment at Mt. Edgecumbe  
29 eventually exceeded the school's capacity, the BIA began  
30 admitting Native Alaskans to Indian boarding schools in other  
31 states. Hundreds of Alaska Natives entered boarding  
32 schools in Chemawa, Oregon and Chilocco, Oklahoma.

1           12. While secondary school opportunities for  
2 Natives were generally limited to enrollment in the boarding  
3 schools, secondary schools for whites were started in an  
4 increasing number of communities, including those with small  
5 secondary enrollments. By 1950-51, there were 34 public  
6 secondary schools in the state. Only 5 had enrollments  
7 exceeding 100; 24 had enrollments under 50, and 12 had  
8 enrollments of 10 or fewer. As of 1958-59, there were 34 public  
9 secondary schools in the state. Only six of these schools were  
10 in communities with a school population at least 50 per cent  
11 Native.

12           13. The cumulative effect of instituting boarding  
13 programs for Natives, while local secondary schools were  
14 generally provided where non-Natives resided, is indicated by  
15 the relative proportions of Native and non-Native secondary  
16 school age children who presently reside in communities which  
17 have elementary schools but not secondary schools. The  
18 proportion of such "unhoused" Native children to the total  
19 Native secondary school population in the state (including  
20 public and BIA schools) is 42 per cent. The proportion of  
21 "unhoused" non-Native children to the total non-Native  
22 secondary school population in the State (including public  
23 and BIA schools) is .4 per cent.

24           14. At the time statehood was attained, a vestige  
25 of the dual system existed in Alaska, in that the BIA operated  
26 schools for Alaska Natives while Alaska's territorial legislature  
27 and Department of Education provided schools primarily  
28 attended by non-Natives. This vestige has hindered the State's  
29 provision of secondary schools in villages wherein the BIA  
30 operates elementary schools. The state followed a policy  
31 through the early 1970's of leaving to the discretion of the  
32 BIA, in the villages wherein the BIA operates elementary  
schools, the extent and nature of primary and secondary

1 education, including whether a local secondary school should  
2 be operated in such villages. The state's policy included not  
3 constructing secondary schools in villages which had BIA elementary  
4 schools.

5 15. After 1966, the state adopted a policy of  
6 constructing regional secondary schools and dormitories and  
7 developing boarding home programs. While affording a greater  
8 number of Natives residing in the unorganized borough a  
9 secondary education within the state, these efforts did not  
10 completely eradicate the pattern--generated by the former dual  
11 school system established prior to statehood--of requiring a  
12 large proportion of Native children to board away from home  
13 if they wished to attend a secondary school. Boarding Home  
14 Programs have existed in Anchorage, Bethel, Fairbanks, Kodiak,  
15 Nome and a number of villages. A total of 32 boarding home  
16 programs are now operating, with a total enrollment of 851  
17 students. Dormitories have been operated in Bethel, Nome,  
18 and Kodiak. The only dormitory now operating is in Bethel,  
19 with 175 students.

20 16. Since 1967 the State has reduced the number of  
21 Native students leaving the state for a secondary education  
22 from 850 to 39 in 1975. These 39 students continued to attend  
23 secondary schools outside the state by choice, in order to  
24 complete programs of study.

25 17. In the late 1960's officials in the Department  
26 of Education concluded that the regional secondary school  
27 program was failing to provide all the benefits originally  
28 envisaged, and had detrimental effects upon some of the students  
29 which outweighed the benefits they were deriving from the  
30 program. Furthermore, technological advances enhanced the  
31 quality of secondary education which could be provided in  
32 rural locations. In 1970, the Department discontinued the  
construction of dormitories and large regional secondary schools

1 and began a program of providing local secondary schools.  
2 Since 1970, this program has resulted in the unorganized  
3 borough in the completion of 11 local secondary schools  
4 with 7 more presently under construction, and funds  
5 appropriated for an additional 6. As a result of steps  
6 taken prior to the negotiation of this agreement, 29 of  
7 the 140 predominantly Native communities in the unorganized  
8 borough which presently have an elementary school will, by  
9 1977, have a local secondary school, grades 9 to 12, or  
10 daily access to such a school. There are 26 predominantly  
11 non-Native communities in the unorganized borough which  
12 presently have an elementary school. Sixteen of these  
13 communities have had local secondary schools or daily access  
14 to such schools within the last three years or will have such  
15 schools or daily access by 1977.<sup>2/</sup> There are a total of 170  
16 communities in the unorganized borough which have elementary  
17 schools.

18 18. The absence of local secondary schools in  
19 each of the 126 villages set forth in Schedule B, attached  
20 hereto, is attributable at least in part to the pattern of  
21 secondary education produced by the dual school system  
22 established prior to statehood.

23 19. Approximately 2783 secondary school age children  
24 reside in communities in the unorganized boroug hich have  
25 a public elementary school or an elementary school operated by  
26 the Bureau of Indian Affairs, but which do not have a secondary

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27 <sup>2/</sup> Of the 10 predominately non-Native communities without  
28 local secondary schools, 9 are located in the southeastern  
29 portion of the state. These 9 communities are "logging  
30 camps", which are constructed temporarily on U.S. Forest  
31 Service land leased for a period of approximately twenty  
32 years for the purpose of conducting logging operations.  
Seven of the 10 villages have projected secondary enrollments  
of 7 or fewer students; 3 of the villages have projected  
secondary enrollments of 13-18 students.

1 school through the 12th grade nor daily access to such a school.  
2 The State Department of Education refers to such children for  
3 statistical purposes as "unhoused". Over 95 percent (2663)  
4 of these unhoused children are Native; less than 5 percent  
5 (120) are non-Native. This compares with a 1974-75 secondary  
6 student population enrolled in the unorganized borough school  
7 district of 1301 Native and 617 non-Native children,<sup>3/</sup> and a  
8 secondary student population enrolled state-wide in public and  
9 BIA schools of 6288 Native and 28,105 non-Native children.

10 20. Members of the plaintiff class enrolled in the  
11 boarding program have experienced accelerated drop-out rates,  
12 psychological and social problems, including disruption of  
13 family life and loss of sense of identity, and failure to live  
14 up to educational potential. Studies of drop-out rates  
15 indicate far higher rates among Native children attending  
16 boarding programs than among Native children residing at home  
17 while attending secondary school. This drop-out problem is  
18 in part attributable to severe homesickness often experienced by  
19 students in the boarding program. Some children who have  
20 finished the eighth grade in their villages have never gone  
21 away to attend secondary school. Others, while enrolled in  
22 a boarding program, have transferred on numerous occasions  
23 from program to program, without attaining discernible  
24 educational benefits from any program.

25 21. Dormitory and boarding home programs have  
26 high costs in relation to the educational benefits provided  
27 Typically, school absenteeism has been high. Furthermore,  
28 many village students are unable to benefit from the wide

---

29 <sup>3/</sup> These figures do not include 11 Native and 1,056 non-Native  
30 children enrolled in on-base secondary schools. Prior to the  
31 establishment of AUBSD, these on-base schools have been  
32 operated by the Alaska State-Operated School System. All  
children attending on-base elementary schools were  
provided secondary schools or daily access to such schools.

1 range of courses available at urban schools because they  
2 do not have the academic background to take advantage of  
3 them. Frequently, they end up in courses for slow learners.  
4 Yet these are the most expensive secondary school programs.  
5 In FY 1974, the rural boarding program cost an average of  
6 \$4,200 per student per year for education and boarding,  
7 while dormitory programs cost \$5,600 per student per year.  
8 The per student cost of local secondary school programs  
9 in the unorganized borough in FY 1974 was approximately  
10 \$2,000. In FY 1975, the per student instructional cost for rural  
11 secondary school programs was approximately \$2,300. For rural  
12 boarding home programs, the cost was approximately \$4,600  
13 per student. The cost of dormitory programs remained  
14 substantially higher. Actual costs per student in dormitory  
15 programs may end up higher because of the high drop-out rate,  
16 while the dormitory's fixed costs remain the same.

17 22. Harmful effects have resulted from the boarding  
18 programs. Village students placed in both dormitory and  
19 boarding home programs often do not receive the guidance  
20 necessary to enable them to cope with town life or with  
21 emotional problems which they experience. Also, the sending  
22 of Native children to secondary schools outside of their villages  
23 has had harmful effects on village cultural and family life  
24 and on the student's relationship to each. When the student  
25 who attends a boarding program returns to his village in the  
26 summer, he finds it difficult to readjust to village life  
27 because of the increasing differences between himself and  
28 the other members of his village. He is unable to fully  
29 identify with either the town or village way of life. Such  
30 students are in the process of becoming what anthropologists  
31 term "marginal" people: usually, they are not assimilated into  
32 the town culture with which they must contend in order to  
attend secondary school, while at the same time they have become

1 estranged from the village way of life. For many of these  
2 students, secondary school graduation represents the point of  
3 no return. If they have come this far, it is unlikely that  
4 they will ever return to the village permanently.

5 23. Although village children who choose not to  
6 board away from home to attend secondary school are eligible to  
7 enroll in correspondence study, this program has in the past  
8 been unsatisfactory for most such children.<sup>4/</sup> This is so in  
9 large part because, for most students, parental interest and  
10 supervision are essential if the student is to complete correspondence  
11 courses successfully, and most village parents have not had  
12 sufficient formal education to supervise such courses  
13 effectively. Though the Department has greatly upgraded the  
14 elementary and secondary correspondence program in recent years  
15 by increasing the budget therefor from \$81,405 in 1970 to  
16 \$848,373 for the unorganized borough for 1975-76; secondary  
17 correspondence courses, which have been obtained from programs  
18 in Nebraska and Illinois, have not been sufficiently adapted  
19 to the educational needs and the culture of village children.  
20 Furthermore, the problem of parental inability to supervise a  
21 secondary school course of study continues to limit the effective-  
22 ness of the correspondence program for many students.

---

24 <sup>4/</sup> Historically, the number of children in the plaintiff  
25 class who have been served by secondary correspondence is small,  
26 as indicated by the overall figures for correspondence  
27 participation. For example, as of June, 1973, there were 60  
28 active secondary students enrolled in correspondence studies  
29 statewide out of a total of between 600-700 elementary and  
30 secondary students. Between 1959 and 1972, 41 students  
31 received diplomas via correspondence study. Between 1960  
32 and 1963, 7 students received high school diplomas after  
having completed 2 years or more study via secondary correspondence.  
The number of these students, if any, who meet the criteria of  
membership in the plaintiff class is not known.

1           24. Small secondary schools have long been an  
2 accepted and, unlike the boarding programs, a successful  
3 feature of the State's educational program, and it has been  
4 the Department's policy since 1970 to construct such schools  
5 in Native villages in the unorganized borough.

6           25. A 9th grade program was provided beginning  
7 in 1971-72 to accomodate 8 students in Anderson Village, and  
8 successive grades were added yearly through 1974-75, when 52  
9 students were enrolled in grades 9-12, notwithstanding that  
10 such students had daily access to a larger secondary school  
11 in Nenana; a secondary school facility, including a gymnasium,  
12 chemistry laboratory, workshop, home economics room and  
13 academic classrooms, has been constructed in Thorne Bay (1974-  
14 75 enrollment, grades 9-12; 23); secondary school instruction,  
15 under the supervision of a certificated teacher, was begun in  
16 Whittier in 1974-75 (enrollment, grades 9-11: 8); secondary  
17 school instruction under the supervision of the certificated  
18 elementary school teacher employed in the community, utilizing  
19 correspondence materials, was provided in Gustavus in 1972-73  
20 for 5 students and in 1972-73 for 2 students, in Cape Pole  
21 in 1972-73 for 5 students, in Port Alice in 1973-74 for 5  
22 students, and in Paxson in 1972-73 for 1 student, in 1973-74  
23 for 2 students, and in 1974-75 for 1 student. The communities  
24 of Anderson Village, Thorne Bay, Whittier, Gustavus, Cape Pole,  
25 Port Alice, and Paxson are predominantly non-Native. Of the  
26 126 communities on Schedule B, attached hereto, 5 have larger  
27 projected secondary enrollments than the 1974-75 enrollment  
28 of Anderson Village; 48 have projected secondary enrollments  
29 equal to or larger than the 1974-75 enrollment of Thorne Bay;  
30 111 have projected secondary enrollments equal to or larger  
31 than the enrollment of Gustavus in 1971-72, Cape Pole in  
32 1972-73, or Port Alice in 1973-74; and all have larger  
projected secondary enrollments than the enrollment of Gustavus

1 in 1972-73 or Paxson in 1972-75.

2 26. Prior to the intiation of this action, local  
3 secondary schools were not provided in other large  
4 Native communities. The largest such community was Barrow,  
5 which did not have a secondary school through the 12th grade  
6 until 1974-75, when enrollment, grades 9-12, was 161.

7 27. Though the cost of constructing rural schools  
8 has quadrupled since 1966, the per-pupil operating costs of  
9 boarding programs is and historically has been far higher  
10 than the per-pupil costs of rural schools, since the State  
11 must assume the financial burden of housing, feeding and  
12 supervising children who do not reside at home. When  
13 construction costs for new secondary school facilities are  
14 included in the per-pupil costs of providing local secondary  
15 schools, the long-range costs remain comparable to, and in  
16 many instances lower than, the costs of providing boarding  
17 programs.

18 28. In addition to the fiscal costs of operating  
19 boarding programs, there may be heavy social costs, in  
20 addition to those set forth in paragraphs 20 and 22, above.  
21 Because of these social costs, the State may well bear increased  
22 costs for social services--including welfare, rehabilitative  
23 programs, and law enforcement--which will be lessened to the  
24 extent that children living at home with their families in  
25 their own villages are not subjected to the problems which  
26 have arisen in the boarding programs.

27 29. The parties agree that the relief herein  
28 provided, whereby each community set forth on Schedule B,  
29 attached hereto, will be afforded the opportunity to have its  
30 own secondary program, is an educationally sound approach for  
31 a number of reasons. It is the present policy of the State  
32 Board of Education and the Commissioner to provide local  
secondary schools because, based upon the best information

1 currently available, such schools offer the greatest educational  
2 benefits for most students in the unorganized borough at  
3 the lowest over-all costs. The assumed educational benefits  
4 of larger secondary schools have not materialized for most  
5 village students. The majority of such students have not  
6 enrolled in specialized curricula but in basic courses which  
7 can be taught in village schools. Village secondary schools  
8 offer a basic skills curriculum, which can be enriched  
9 by a variety of supplementary programs, in a personal  
10 atmosphere and in small-group situations. Local traditions,  
11 customs, and skills can be transmitted from the adult generation  
12 without the severe social dislocation inherent in removing  
13 adolescents from familiar surroundings.

14 30. The parties further agree that it is an  
15 educationally sound approach, based upon the best information  
16 currently available, to offer to each community set forth on  
17 Schedule B, attached hereto, the opportunity to choose not to  
18 have a secondary school program, to have a partial program,  
19 or to have a four-year program, in accordance with the  
20 regulatory provisions set forth in Schedule A, attached hereto.

CONSENT DECREE

1  
2 1. The provisions of the regulations set forth  
3 in Schedule A, attached hereto, are hereby incorporated  
4 herein as provisions of this Consent Decree. No change  
5 in the regulations which affects plaintiffs' entitlements  
6 thereunder shall be permitted.

7 2. The Commissioner of the Department ("Department"  
8 herein means the Department of Education as defined by AS  
9 14.07.010, sec. 1, ch. 98 SLA 1966) shall designate a person  
10 who shall be responsible for administering the implementation  
11 of this Consent Decree. This person shall have such administra-  
12 tive authority, fiscal resources and staff support, including  
13 clerical assistance, as are necessary effectively to administer  
14 this decree. Attorneys for the plaintiffs shall be entitled to  
15 frequent access to this person to review and make inquiries  
16 regarding the implementation of this decree.

17 3. The Department shall ensure that no later  
18 than November 1, 1976, the governing body of the appropriate  
19 school district shall notify the residents of all communities  
20 identified in Schedule B, attached hereto, of the community's  
21 entitlement to a secondary school, pursuant to 4 AAC 05.040.  
22 The Department shall require that the governing body of  
23 the school district, at the time it provides written notification,  
24 file with the Commissioner a copy of such written notice  
25 (or, if a form is used a copy of such form), together with  
26 a statement of the date(s) such notification was provided to  
27 each community. On request of the local school committee  
28 in any community identified in Schedule B, attached hereto,  
29 the Department shall within a reasonable time conduct a  
30 meeting in such community at which the entitlements secured  
31 by this decree will be explained. In any community which  
32 requests that a secondary school not be conducted in such

1 community, the Department shall, in any subsequent school  
2 year, on request of the local school committee, promptly  
3 conduct such a meeting.

4 4. The Department shall conduct an inventory  
5 during 1976 in all communities identified in Schedule B,  
6 attached hereto, except those which have expressed their  
7 opposition to a secondary school in accordance with 4 AAC  
8 05.050, of public facilities which could be converted, either  
9 temporarily or permanently, into secondary classroom space. In  
10 conducting this inventory, the Department shall contact the  
11 local school committee in each village, and shall incorpo-  
12 rate in the inventory report the committee's view regarding  
13 the conversion of facilities to secondary classroom space.

14 5. The Department shall prescribe by regulation  
15 that the governing body of a school district, with the  
16 assistance of the local school committees, shall conduct, no  
17 later than June 1, 1977, and May 1 of each subsequent school  
18 year, a survey of secondary school-age children who are not  
19 enrolled in school. The Department shall require that the  
20 information gathered by each survey shall be submitted to the  
21 Department by the governing body of the school district. The  
22 Department shall ensure that the governing body of the school  
23 district establishes a program to encourage each secondary  
24 school-age child who is not enrolled in secondary school, as  
25 identified in the annual survey, to finish secondary school.

26 6. The Department shall secure compliance with  
27 the provisions of 4 AAC 05.040 regarding the establishment  
28 of local secondary schools in accordance with the following  
29 schedule:

30 (a) In any community wherein there is available  
31 a suitable facility in which to conduct a local secondary  
32 school (or certain grades thereof), a local secondary school  
(or those grades which can be reasonably accomodated in  
the facility) shall be established as soon as practicable,

1 with classes commencing no later than Fall, 1977.

2 (b) In any community where an existing  
3 public facility may be temporarily rendered suitable by  
4 means of renovation at a cost not to exceed \$10,000, the  
5 renovation, subject to the availability of funds, shall  
6 be undertaken and a secondary school shall thereafter be  
7 established as soon as practicable.

8 (c) In any community wherein there is available  
9 no suitable facility in which to conduct a local secondary  
10 school, and wherein no existing public facility may be rendered  
11 suitable by renovation under subparagraph (b) above, major  
12 renovation will be undertaken or a new secondary school  
13 facility shall be constructed as soon as practicable. The  
14 Department shall take all reasonable steps to ensure that  
15 construction of each such secondary school facility for  
16 which construction funds are provided in a 1976 bond issue  
17 is completed no later than Fall, 1977, or, if such facility  
18 is designated on Schedule C, attached hereto, as a major  
19 facility, no later than Fall, 1978; and that each such secondary  
20 school facility for which construction funds are provided  
21 in a 1978 bond issue is completed no later than Fall, 1979,  
22 or if such facility is designated on Schedule C, attached  
23 hereto, as a major facility, no later than Fall, 1980.

24 7. The Department agrees that money presently  
25 available to the State for rural secondary school construction,  
26 heretofore unexpended, shall be expended at the sites specified  
27 in Schedule D, attached hereto, in the amounts necessary to  
28 provide at each site a comprehensive secondary education  
29 facility, which shall include, but not necessarily be limited  
30 to, academic classrooms, facilities appropriate for instruction  
31 in vocational education and home economics, indoor physical  
32 education space and related support facilities and mechanical  
space. The Department further agrees and represents that

1 construction of facilities at these sites shall be completed  
2 no later than Fall, 1977.

3 8. (a) Funds from ch. 131 SLA 1976 shall  
4 be utilized in a total amount not less than \$20,000,000 for  
5 the purpose of paying the costs of rural secondary school  
6 construction. The parties recognize that the Department  
7 cannot guarantee passage of this bond issue by the voters.  
8 If this bond issue is not passed, the plaintiffs reserve  
9 their remedies under law.

10 (b) The Department shall exercise its best  
11 efforts to secure legislative approval of an act providing  
12 for the issuance of general obligation bonds in an amount  
13 not less than the sum of \$20,570,000 (multiplied by the  
14 appropriate inflationary factor derived in accordance with  
15 subparagraph (d) below) and the amount, if any, determined  
16 pursuant to paragraphs 12 and 13 below, for the purpose  
17 of paying the costs of rural secondary school construction  
18 at the sites set forth in Schedule C, and at the sites and  
19 in the amounts determined pursuant to paragraphs 12 and 13,  
20 and providing that the question of whether such bonds shall  
21 be issued shall be submitted to the voters at the  
22 State general election in November, 1978. Such best efforts  
23 shall include, but not necessarily be limited to, recommending,  
24 in the Governor's Capital Budget for Fiscal Year 1979,  
25 construction of rural secondary schools at the sites set forth  
26 in Schedule C and those determined pursuant to paragraphs 12  
27 and 13, and good faith testimony before the legislature by  
28 appropriate personnel of the Department on behalf of such  
29 recommendations. The Department represents that it has  
30 consulted with the Governor as to the provisions of this Consent  
31 Decree, and that the Governor is committed to securing approval  
32 by the legislature, and thereafter by the voters, of a bond issue

1 in an amount not less than the sum of \$20,570,000 (multiplied  
2 by the appropriate inflationary factor) and the amount, if  
3 any, determined pursuant to paragraphs 12 and 13, below, for  
4 the purpose of paying the costs of rural secondary school  
5 construction at the sites designated herein. The parties  
6 recognize that the Department cannot guarantee passage of  
7 a bond issue by either the legislature or the voters. If  
8 a bond issue is not passed, or if lesser amounts are made  
9 available, the plaintiffs reserve their remedies under law.

10 (c) In the event the voters approve ch. 131  
11 SLA 1976, the sum to be recommended pursuant to subparagraph  
12 (b), above, in the Governor's Capital Budget for Fiscal Year  
13 1979 may be reduced as follows: the amount of \$20,570,000  
14 set forth in subparagraph (b) above, may be reduced by  
15 subtracting therefrom amounts, if any, in excess of \$20,000,000  
16 which are utilized in accordance with this decree.

17 (d) The inflationary factor to be applied  
18 to the amounts set forth in Schedule C, for the purpose of  
19 determining amounts to be made available in a 1978 bond  
20 issue, shall be computed according to the formula,

21  $I = 1 + r_1 + r_2 (1 + r_1)$  in which:

- 22
- 23 (1)  $I$  = the inflationary factor;
- 24 (2)  $r_1$  = the rate of increase in average building  
25 construction costs in Alaska in the 12  
26 months preceding November, 1976; and
- 27 (3)  $r_2$  = the rate of increase in average building  
28 construction costs in Alaska in the 12  
29 months preceding November, 1977.

30 The rate of increase in average building construction costs  
31 shall be computed as the product obtained from multiplying  
32 1.25 by the percent change in building construction costs in

1 the Seattle metropolitan area, as reported by Dodge Building  
2 Cost Services, McGraw-Hill Systems Company, or shall be  
3 determined by such other means to which the parties, through  
4 their attorneys, may hereafter agree.

5 9. Rural secondary school construction funds  
6 made available pursuant to paragraph 8, above, shall be  
7 utilized as follows:

8 (a) Sufficient funds shall be made available  
9 to ensure, at each of the 37 "Major Construction Sites"  
10 set forth in Schedule C, the provision of comprehensive  
11 secondary education facilities at each site, which shall  
12 include, but not necessarily be limited to, academic classrooms,  
13 facilities appropriate for instruction in vocational education  
14 and home economics, indoor physical education space and related  
15 support facilities and mechanical space. Such facilities  
16 shall in other respects conform to Minimum Guidelines for  
17 the construction of small secondary schools, hereafter to  
18 be promulgated by the Department.

19 (b) Sufficient funds shall be made available  
20 to ensure, at each of the 35 sites designated in Schedule C  
21 as "Construction Sites for Projected Enrollments of 11 - 20  
22 Students", the provision of secondary education facilities  
23 including classroom and indoor physical educational space  
24 and related support facilities and mechanical space. The  
25 funds may be used for construction of new secondary facilities  
26 or renovation of existing public facilities.

27 (c) Sufficient funds shall be made available  
28 to ensure, at each of the 36 sites designated in Schedule C  
29 as "Sites of Minimal Construction or Renovation", the  
30 provision of adequate secondary classroom space. The funds  
31 shall be expended for the construction of secondary education  
32 facilities or the renovation of existing public facilities.

1           10. Residents of each community in which a facility  
2 is to be constructed or renovated pursuant to this decree  
3 shall be afforded an opportunity, prior to final approval  
4 of the architectural plan for such construction or renovation,  
5 to present their ideas on the design of the facility in  
6 their community. Such ideas shall, to the extent practicable,  
7 be incorporated into the architectural plan. To the maximum  
8 extent consistent with education needs, a design for a school  
9 building constructed pursuant to this decree shall provide  
10 for multiple use of the building for community purposes.

11           11. Any resident of a community specified in  
12 Schedules C or D who is between the ages of 20 and 25 and has  
13 completed the 8th grade but has not completed the 12th grade  
14 shall be entitled for the purpose of earning a high school  
15 diploma to attend, without payment of tuition, the local  
16 secondary school established in his community pursuant to this  
17 decree.

18           12. Should additional funds be necessary for the  
19 provision of adequate secondary school facilities, pursuant  
20 to paragraph 9 and 4 AAC 05.040, at any location in the  
21 unorganized borough whether or not such location is specified  
22 in Schedule C, the Department shall seek additional capital  
23 funds in sufficient time to permit construction of such  
24 facilities to commence no later than Spring, 1979.

25           13. In determining whether additional funds are  
26 necessary, pursuant to the preceding paragraph, the  
27 Department shall take the following steps:

28           (a) The Department shall prepare a report,  
29 which shall be filed with the court and provided to attorneys  
30 for the plaintiffs no later than September 1, 1977, setting  
31 forth in reasonable detail the information upon which the  
32 Department has based or intends to base its determination.

ATTORNEY GENERAL, STATE OF ALASKA  
STATE CAPITOL  
POUCH K, JUNEAU, ALASKA 99811  
PHONE 465-3600

1 The Department shall make available to attorneys for the  
2 plaintiffs such additional information as reasonably bears  
3 upon the determination.

4 (b) The Department shall, at the time the  
5 Department submits its capital budget request for Fiscal  
6 Year 1979 to the Department of Administration, provide to  
7 attorneys for the plaintiffs a copy of such budget request,  
8 together with the report (unless such information is plainly  
9 set forth in the capital budget request) of the amounts,  
10 by site, for which the Department is requesting funding  
11 pursuant to this decree.

12 (c) In the event that plaintiffs object  
13 that the amounts for secondary school construction which  
14 the Department has determined to be necessary, under the  
15 provisions of this paragraph, are insufficient in any respect,  
16 the plaintiffs shall within 21 days of the filing by the  
17 Department of the reports required by this paragraph, file with  
18 the court, and provide to the Department, plaintiffs'  
19 objections to the Department's determinations. If objections  
20 have been filed, the Department's capital budget request shall  
21 not be submitted to the legislature until the court shall have  
22 determined, after notice and hearing, the amounts which shall  
23 be included in such budget request in order to carry out the  
24 provisions of paragraph 12 of this decree.

25 14. The Department shall revise the Small Secondary  
26 Schools Administrative Manual, First Edition, September, 1971,  
27 to accord with the provisions of this decree.

28 15. The Department shall exercise its best efforts  
29 to ensure that no school, required by this decree, fails to  
30 operate because of a shortage of teacher housing. However,  
31 nothing in this paragraph shall be interpreted as requiring  
32 the Department to provide teacher housing directly.

1           16. The Department shall file with the court,  
2 and provide to attorneys for plaintiffs, reports every four  
3 months regarding the Department's progress in implementing  
4 this decree. The first such report shall be filed within  
5 four months of the date on which this decree is approved  
6 by the court. Each report shall specify in reasonable detail  
7 the actions taken to implement each provision of this decree,  
8 except that no further report need be made as to any provision  
9 which has been fully implemented. Each report shall describe  
10 progress made in planning and executing construction at  
11 each site specified on Schedule C. Each report shall include  
12 a copy of the materials received or prepared by the Department  
13 (unless such copy was included with a previous report) which  
14 are specified in the provisions of paragraphs 1,3,4, and 5  
15 of this Consent Decree.

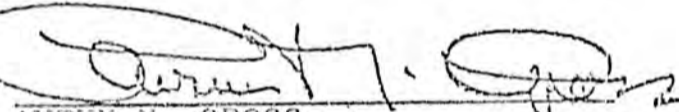
16           17. The Department shall exercise its best efforts  
17 to make available, during Fiscal Year 1977, a minimum of  
18 \$100,000 for the implementation of this decree. Such sum  
19 shall be utilized solely for the purpose of providing grants  
20 to local districts for the renovation of existing public  
21 facilities for the purpose of operating, during the 1976-77  
22 school year, secondary school programs in any community  
23 specified in Schedule C. Any unexpended balance of this amount  
24 shall thereafter be available to implement the provisions of  
25 this decree.

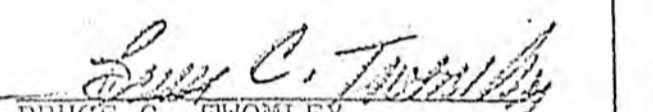
26           18. The court shall retain jurisdiction of this  
27 action until such time as the construction provided for  
28 herein has been substantially completed at each of the sites  
29 on Schedule C and the other provisions of this Consent  
30 Decree have been substantially fulfilled. On or about October 1,  
31 1980, there shall be a general review of the progress to  
32 determine whether, in light of said progress, the jurisdiction  
of the court over this case shall terminate.

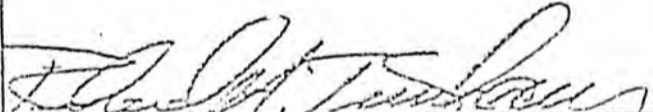
19. The parties agree that it is desirable to minimize, where possible, judicial involvement in the internal affairs of the Department. Therefore, the parties agree to make good faith efforts to resolve by negotiation all disagreements arising under this Consent Decree.

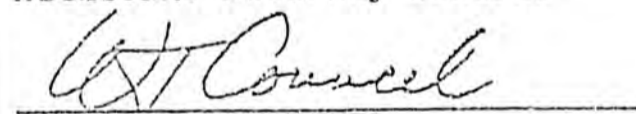
20. The parties agree that all of the foregoing provisions of this Consent Decree are contingent upon the approval by the voters of the issuance of general obligation school construction bonds as provided in ch. 131 SLA 1976. In the event said bond issue fails of passage and funds are not available to carry out the commitments made in this Consent Decree, the foregoing provisions of this Consent Decree shall be null and void. The parties further agree that, notwithstanding a failure of said bond issue to be approved, the facts set forth in the Statement of Agreed Facts shall be considered established and the parties shall not relitigate such facts.


DATED Sept 13, 1976.

  
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Attorney General

  
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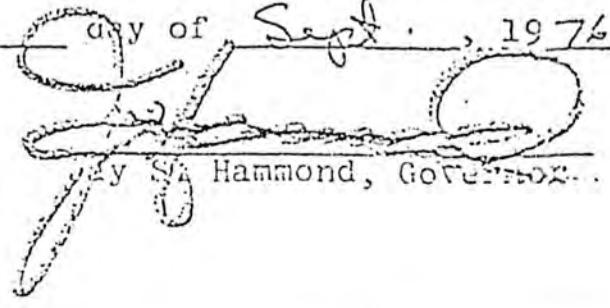
  
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Attorneys for Plaintiffs

Approved this 3 day of Sept, 1976.

  
Guy S. Hammond, Governor

ATTORNEY GENERAL, STATE OF ALASKA  
STATE CAPITOL  
POUCH K, JUNEAU, ALASKA 99811  
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SCHEDULE A

Register , 1976

EDUCATION

4 AAC 05.010

4 AAC 05.020

4 AAC is amended by adding a new chapter to read:

CHAPTER 05. LOCAL EDUCATION

Section

- 10. Purpose
- 20. Definitions
- 30. Local education
- 40. Establishment of local schools
- 50. Requests that no local secondary school or only a partial school program be established
- 60. Extensions of time in which to establish local schools
- 70. Program planning and evaluation
- 80. School curriculum and personnel
- 90. Discontinuation of schools

4 AAC 05.010. PURPOSE. (a) The purpose of this chapter is to ensure that, consistent with the desires of parents and of local communities, the school-age children in the State of Alaska have the opportunity to attend an elementary or secondary school in the local communities in which they reside.

(b) Nothing in this chapter is intended to require the construction of a new facility in which to conduct a school established pursuant to this chapter, if there exists in the community a suitable facility in which the school may be conducted. (Eff. / /, Reg. )

AUTHORITY: AS 14.07.020(1) & (2)  
AS 14.07.060

4 AAC 05.020. DEFINITIONS. In this chapter, unless the context requires otherwise:

- (1) "commissioner" means the Commissioner of Education;
- (2) "community" means a home-rule city, city of any class, and incorporated and unincorporated villages;
- (3) "department" means the Department of Education;
- (4) "local school committee" or "committee" means the community school committee established pursuant to AS 14.14.170 or, if there is no such committee in the community, the BIA advisory school board, or a borough school district advisory school board established pursuant to AS 14.12.035, if there is no BIA advisory school board, or borough school district advisory school board, the village or city council;
- (5) "school" means a program of instruction which complies with all statutes, regulations and requirements applicable to the operation of public schools in the state. (Eff. / /, Reg. )

AUTHORITY: AS 14.07.020(1) & (2)  
AS 14.07.060

Register , 1976

EDUCATION

4 AAC 05.030  
4 AAC 05.040

4 AAC 05.030. LOCAL EDUCATION. (a) Every child of school age has the right to a public education in the local community in which he resides.

(b) Neither the department nor a district may require a child to live away from the local community in which he resides to obtain an education. (Eff. / /, Reg. )

AUTHORITY: AS 14.03.080(a)  
AS 14.07.020(1) & (2)  
AS 14.07.060

4 AAC 05.040. ESTABLISHMENT OF LOCAL SCHOOLS. (a) The governing body of a district shall provide an elementary school in each community in which eight or more children are available to attend elementary school.

(b) Unless the local school committee of the community requests that no secondary school be provided in that community pursuant to sec. 50 of this chapter, the governing body of the school district shall provide a secondary school or, if so requested by the local school committee, a partial secondary school program in each community in the district in which:

(1) there is one or more children available to attend a secondary school; and

(2) there is, or there is required to be pursuant to (a) of this section, an elementary school operated by the district, or there is an elementary school operated by the Bureau of Indian Affairs.

(c) If the conditions in (a) or (b) of this section are satisfied on the effective date of this section and there is at that time no elementary or secondary school, respectively, in operation, a local elementary or secondary school required to be established under this section should be in operation by September 1, 1976 if there is a suitable facility in the community in which to conduct the school. A school must be in operation no later than September 1, 1977, unless the commissioner has granted additional time in which to comply with this section pursuant to sec. 60 of this chapter. If a school is not in operation by September 1, 1976, the governing body shall provide to the commissioner a first interim report on Dec. 1, 1976, and a second interim report on February 15, 1977, containing information he considers necessary to demonstrate that adequate planning and preparations are being made to begin operation of schools required by this section no later than September 1, 1977. Applications for additional time beyond September 1, 1977 in which to establish a school required by this section must be filed with the commissioner no later than February 15, 1977.

(d) If the conditions contained in subsections (a) or (b) of this section are first satisfied at some time after the effective date of this section and there is at that time no elementary or secondary school, respectively, in operation, a local elementary or secondary school required to be established by this section must be in operation no later than September 1 of the school year following the date on which the conditions were first satisfied, unless the commissioner has granted additional time in which to comply with this section pursuant to sec. 60 of this chapter.

Register , 1976

EDUCATION

4 AAC 05.040

4 AAC 05.050

(c) For purposes of this section, a school-age child who has not completed the eighth grade is considered available to attend a local elementary school, and a school-age child who has completed the eighth grade but not the twelfth grade is considered available to attend a local secondary school, unless he or she:

(1) is provided daily access to a school of the appropriate grade level by being transported a reasonable distance;

(2) desires to enroll or is enrolled and desires to remain enrolled in a private school or a program of private tutoring in which the teachers are certificated according to AS 14.20.020;

(3) desires to enroll or is enrolled and desires to remain enrolled in a full-time program of correspondence study approved by the department;

(4) has a physical or mental condition which medical authority determines will make attendance impractical;

(5) is in custody of a court or law enforcement officials; or

(6) is under suspension or has been denied admittance pursuant to AS 14.30.045. (Eff. , Reg. )

AUTHORITY: AS 14.07.020(1) & (2)  
AS 14.07.060

4 AAC 05.050. REQUESTS THAT NO LOCAL SECONDARY SCHOOL OR ONLY A PARTIAL SCHOOL PROGRAM BE ESTABLISHED. (a) Sec. 40 of this chapter applies to any given community unless its local school committee has requested, by formal action of the committee at a public meeting, that only a partial secondary school program be provided in that community. *Any secondary school*

(b) The governing body of a school district shall provide a partial local secondary school program in conformity with the committee's request in any community where the local school committee has requested, by formal action of the committee at a public meeting, that only a partial secondary school program be provided in that community.

(c) The governing body of a district shall require any committee making a request under (a) or (b) of this section to file with the request the name, age, and grade level of each child who is available to attend secondary school and who, by reason of the request, will not be afforded a local secondary school. The governing body shall by written notice promptly inform the parents of each of these children that the governing body will review the committee's action if so requested by a parent, or the parent's designated representative, within 60 days of the board's mailing to the parent of the notice. If a review is requested, the governing body shall afford the parent, or the parent's designated representative, an opportunity to be heard. The governing body shall determine whether it will provide a local secondary school for any child on whose behalf a review is sought, taking into account the educational or other best interests of the child,

the desires of the child's parents, and the feasibility of providing a local school for the child. The governing body's decision must be in writing, must set out the facts upon which it is based, and must, within 45 days after the parent's mailing to the governing body a request for a review, be mailed to the parent, and a copy sent to the commissioner, Pouch F, Juneau, Alaska 99811 and the local school committee. The governing body's decision is final.

(d) A committee's request under (a) or (b) of this section remains effective until formal action is taken to rescind it by the committee at a meeting open to the public. However, a committee's initial request remains effective until the close of one full school year after the request was made even though rescinded earlier; thereafter, rescissions made during a school year but before February 1 of that school year shall be given effect for the following school year and thereafter. Requests under (a) or (b) of this section and subsequent notices of rescission of these requests must be submitted by the committee, in writing, to the governing body of the school district in which the community is located and must contain an explanation of the reason for which it is being made. The committee shall also send a copy of the request or notice of rescission to the commissioner, Pouch F, Juneau, Alaska 99811.

(e) For a request or subsequent rescission of a request made under this section to have effect, the local school committee must have conducted a public hearing on the proposed request or rescission of the request after giving residents of the community reasonable notice of the hearing. A record must be kept of the persons speaking at the hearing and the substance of their testimony. (Eff. / / , Reg. )

AUTHORITY: AS 14.07.020(1) & (2)  
AS 14.07.060

4 AAC 05.060. EXTENSIONS OF TIME IN WHICH TO ESTABLISH LOCAL SCHOOLS.

(a) A district may apply to the commissioner for additional time in which to establish an elementary or secondary school required under sec. 40 of this chapter. The application must be in writing and must set out: (1) the community affected; (2) a detailed statement of the reason why a school cannot be provided by the date specified in sec. 40(c) and (d) of this chapter; (3) a description of the steps taken or to be taken to achieve compliance with sec. 40 of this chapter; (4) an estimate of the date upon which compliance can be achieved; (5) the number of children available to attend school but unhoused; and (6) if the reason the district is unable to comply with sec. 40 of this chapter is that it lacks a suitable facility in the community, the estimated size and cost of the facility required and a proposed timetable for construction of a suitable facility.

(b) Upon receipt of an application for an extension of time in excess of 90 days, the commissioner shall provide a copy of the application to the

local school committee in the community affected and shall notify the committee that comments and information relating to the application will be considered by him if he receives it within 30 days after the date of mailing that notice. The commissioner shall also notify the committee that he or his designee will conduct a public hearing on the application in the community if the committee so requests and presents to him a genuine issue of material fact. A similar notice, summarizing the application, shall be provided to the village or city council and to each postal customer in the community by the commissioner.

(c) A hearing under (b) of this section shall be conducted as soon as practicable after the receipt of a bona fide request. The commissioner shall provide reasonable notice of the hearing, at least 20 days in advance, to the committee, the village or city council and to each postal customer in the community. A record must be kept of the persons at the hearing and the substance of their testimony. The proceedings must, if necessary, be translated into the Native language of the persons at the hearing. The application and such further information as may have been submitted by the district, or a summary of it, must be read at the hearing.

(d) The commissioner, upon reviewing an application, may require the district to submit additional information and may investigate the facts surrounding the application on his own motion. He shall, within a reasonable period, render his decision, in writing, setting out the facts upon which it is based and taking into account reasonable alternatives to an extension of time which may be available. If the commissioner approves the application, he shall require the district to take all reasonable steps to establish an elementary or secondary school at the earliest practicable time and shall set forth a timetable for establishing the school. The total amount of additional time allowed, including later modifications, may not exceed one year, unless further time is necessary for the construction or major renovation of a suitable facility.

(e) Later modifications to an approved compliance date may be requested in the same manner as the initial application for additional time under this section. An allowance of additional time or subsequent modification of an approved compliance date may be shortened or revoked by the commissioner if the conditions upon which the approval of additional time were based cease to exist.

(f) An application by a regional educational attendance area school board for additional time, for the reason that there is no suitable facility in the community in which to establish an elementary or secondary school required by this section, is considered a recommendation to the commissioner for construction of a new facility pursuant to AS 14.08.101(7).

(Eff. / /, Reg. )

AUTHORITY: AS 14.07.020(1) & (2)  
AS 14.07.060  
AS 14.08.101(7)

4 AAC 05.070. PROGRAM PLANNING AND EVALUATION. (a) For each of the first three years of operation of a school established under sec. 40 of this chapter, the chief school administrator of a school district shall develop and have approved by the governing body of that district, annually and no later than that body's first meeting in October, an educational plan for each school established.

(b) After the close of each school year for which an educational plan must be developed under (a) of this section, but no later than the governing body's first meeting in September, the chief school administrator shall prepare and submit to the governing body of the school district an evaluation of each new school operated by the district.

(c) The chief school administrator of a district shall assure maximum on-going local community participation in the development and preparation of the educational plans and evaluations of the plans required by this section.

(d) Copies of the plans and evaluations developed under this section must be maintained on file for public inspection in the school district office. A copy of each plan and evaluation must also be filed with the commissioner, Pouch F, Juneau, Alaska 99811. A copy must also be furnished to the local school committee of the community in which the school to which the plan or evaluation relates is located. (Eff. / /, Reg. )

AUTHORITY: AS 14.07.020(1) & (2)  
AS 14.07.060

4 AAC 05.080. SCHOOL CURRICULUM AND PERSONNEL. (a) The curriculum of a local school may be supplemented through the use of correspondence course materials approved by the commissioner. This use is not grounds for shortening the day in session, as prescribed by AS 14.03.040, for any student.

(b) The governing body of a district shall employ, for each school, certificated teachers for the instruction of the pupils enrolled in it as necessary to provide the educational program described in the plan developed under sec. 70(a) of this chapter.

(c) The governing body of a district may make provision for the employment of qualified residents of the community served by the school who hold an appropriate certificate (e.g., emergency or recognized expert) to teach particular skills or courses, and for the employment as teacher aides of qualified residents of the community served who do not hold an appropriate certificate. (Eff. / /, Reg. )

AUTHORITY: AS 14.07.020(1) & (2)  
AS 14.07.060

Register , 1976

EDUCATION

4 AAC 05.090  
4 AAC 09.050

4 AAC 05.090. DISCONTINUATION OF SCHOOLS. Once provision of a school in a community has been initiated by undertaking major renovation of an existing facility or construction of a new facility, that school may only be discontinued through action of the governing body of the district. Plans for discontinuation of a school under this section must be submitted to the department for approval and may not be executed until they are approved. Plans will be considered approved if the department does not disapprove them within 90 days after submission. (Eff. / /, Reg. )

AUTHORITY: AS 14.07.020(1) & (2)  
AS 14.07.060

2. 4 AAC 06.020. SECONDARY EDUCATION. Repealed. (Eff. / /, Reg. )

3. 4 AAC 06.027(b) is amended to read as follows:

(b) Pupils may be required to attend schools in other districts, subject to the provisions of Ch. 5 of this title, when, in the judgment of the commissioner, the best interests of the state will be served. Either the district of residence or the district named as the attendance area may appeal the commissioner's decision to the state board. The decision of the state board will be final. (Eff. 7/9/72, Reg. 42; am / / , Reg. )

4. 4 AAC 09.030(8) is repealed. (In effect before 7/28/59; am 6/9/61, Reg. 3; am 10/14/68, Reg. 27; am 8/30/75, Reg. 55; am / / , Reg. )

5. Note to Publisher: Change title of 4 AAC 09.030 to read "Tuition costs".

6. A new section, 4 AAC 09.050, is adopted to read as follows:

4 AAC 09.050. SECONDARY BOARDING PROGRAMS. (a) The governing body of a district shall make available, at no cost to the student or his parent, a basic boarding program to all secondary school age children in the district who do not have daily access to a school of the appropriate grade level by being transported a reasonable distance.

(1) A basic boarding program must provide for each student:

(A) suitable living accommodations including room and board and supervision while the student is not in school which satisfy the applicable requirements of state law and regulations;

(B) round trip transportation to and from the student's usual home; and

(C) daily access to a school offering the appropriate grade level.

(2) Students in a basic boarding program shall be placed in accordance with their best interests, taking into account special educational needs.

(3) To qualify for funding by the department of education, a district's basic boarding program must satisfy the requirements of (1) and (2) of this subsection. Applications for funding must contain the following:

- (A) the name, village and grade level of each student;
- (B) the location of each student's boarding placement and;
- (C) a budget showing transportation, room and board, and out-of-school supervision costs.

(4) Costs for items other than transportation, room and board, and out-of-school supervision must be borne by the district.

(b) The governing body of a district may provide, at no cost to the student or his parents, a supplemental boarding program open to secondary school age children in the district who have daily access to a school program of the appropriate grade level, but who have special needs that cannot be provided for in their local school program.

(1) A supplemental boarding program shall provide for each student:

- (A) suitable living accommodations including room and board and supervision while the student is not in school which satisfy the applicable requirements of state law and regulations;
- (B) round trip transportation to and from the student's usual home; and
- (C) daily access to a school offering the appropriate grade level.

(2) Criteria for eligibility and participation in a supplemental boarding program must be established by the governing body. Notice of the eligibility criteria must be provided at least annually to the parents of the children who have daily access to a school of the appropriate grade level.

(3) All costs of a supplemental boarding program must be borne by the district unless funds are otherwise provided by the state or federal government.

(c) No student may be suspended or expelled from a boarding program without due process of law. A student suspended or expelled from a boarding program is not thereby considered unavailable to attend a local secondary school required by 4 AAC 05:040. (Eff. / /, Reg. )

AUTHORITY: AS 14.07.020(1) & (2)  
AS 14.03.030(5) & (10)  
AS 14.07.060

SCHEDULE B

- |                    |                        |
|--------------------|------------------------|
| 1. Akiachak        | 34. Ekwok              |
| 2. Akiak           | 35. Elim               |
| 3. Akutan          | 36. False Pass         |
| 4. Allakaket       | 37. Fortuna Ledge      |
| 5. Aleknagik       | 38. Gambell            |
| 6. Ambler          | 39. Golovin            |
| 7. Angoon          | 40. Goodnews Bay       |
| 8. Anvik           | 41. Grayling           |
| 9. Arctic Village  | 42. Holy Cross         |
| 10. Atka           | 43. Hooper Bay         |
| 11. Atmautluak     | 44. Hughes             |
| 12. Beaver         | 45. Huslia             |
| 13. Belkofski      | 46. Igiugig            |
| 14. Bettles        | 47. Ivanof Bay         |
| 15. Birch Creek    | 48. Kalskag            |
| 16. Brevig Mission | 49. Kaltag             |
| 17. Buckland       | 50. Kasigluk           |
| 18. Chalkyitsik    | 51. Kipnuk             |
| 19. Chefornak      | 52. Kivalina           |
| 20. Chevak         | 53. Kobuk              |
| 21. Chignik        | 54. Kokhanok           |
| 22. Chignik Lagoon | 55. Koliganek          |
| 23. Chignik Lake   | 56. Kongiganak         |
| 24. Chuathbaluk    | 57. Kotlik             |
| 25. Circle         | 58. Koyuk              |
| 26. Clark's Point  | 59. Koyukuk            |
| 27. Council        | 60. Kwethluk           |
| 28. Crooked Creek  | 61. Kwigillingok       |
| 29. Deering        | 62. Levelock           |
| 30. Diomede        | 63. Lime Village       |
| 31. Dot Lake       | 64. Lower Kalskag      |
| 32. Eek            | 65. Manley Hot Springs |
| 33. Egegik         | 66. Manokotak          |

## SCHEDULE B

-2-

- |      |                 |      |                  |
|------|-----------------|------|------------------|
| 67.  | Nekoryuk        | 101. | Savoonga         |
| 68.  | Mentasta Lake   | 102. | Scammon Bay      |
| 69.  | Minto           | 103. | Shageluk         |
| 70.  | Napakiak        | 104. | Shaktoolik       |
| 71.  | Napaskiak       | 105. | Sheldon Point    |
| 72.  | Nelson Lagoon   | 106. | Shishmaref       |
| 73.  | Newhalen        | 107. | Shungnak         |
| 74.  | New Kasaan      | 108. | Sleetmute        |
| 75.  | New Stuyahok    | 109. | Stebbins         |
| 76.  | Newtok          | 110. | Steven's Village |
| 77.  | Nightmute       | 111. | Stoney River     |
| 78.  | Nikolai         | 112. | Takotna          |
| 79.  | Nikolski        | 113. | Tatitlek         |
| 80.  | Noatak          | 114. | Telida           |
| 81.  | Nondalton       | 115. | Teller           |
| 82.  | Northway        | 116. | Tetlin           |
| 83.  | Nunapitchuk     | 117. | Togiak           |
| 84.  | Oghsenakale     | 118. | Toksook Bay      |
| 85.  | Oscarville      | 119. | Tuluksak         |
| 86.  | Pedro Bay       | 120. | Tuntutuliak      |
| 87.  | Perryville      | 121. | Tununak          |
| 88.  | Pilot Point     | 122. | Twin Hills       |
| 89.  | Pilot Station   | 123. | Unalakleet       |
| 90.  | Pitka's Point   | 124. | Venetie          |
| 91.  | Platinum        | 125. | Wales            |
| 92.  | Pt. Heiden      | 126. | White Mountain   |
| 93.  | Quinhagak       |      |                  |
| 94.  | Rampart         |      |                  |
| 95.  | Red Devil       |      |                  |
| 96.  | Ruby            |      |                  |
| 97.  | Russian Mission |      |                  |
| 98.  | St. George      |      |                  |
| 99.  | St. Michael     |      |                  |
| 100. | St. Paul Island |      |                  |

SCHEDULE C

CONSTRUCTION SITES

LOCATION

ESTIMATES

MAJOR CONSTRUCTION SITES

1.	✓ Akiachak Not bid. This Spring	\$1,260,000
2.	✓ Allakaket Fall Burned Elem 1/79	690,000
3.	Ambler done - Addition Spring	930,000
4.	Angoon done	500,000
5.	Atmautluak	720,000
6.	Buckland done	630,000
7.	✓ Chefornak This Spring	720,000
8.	✓ Chuathbaluk ?	630,000
9.	✓ Crooked Creek ?	630,000
10.	✓ Eek This Spring	630,000
11.	✓ Elim ?	630,000
12.	✓ Fortuna Ledge This Spring	720,000
13.	✓ Goodnews Bay " "	870,000
14.	Kalskag (upper & lower) Partly Completed	990,000
15.	<u>Kasigluk</u> No funds - navigated to school with last fuel. This winterly said I don't want one.	1,110,000
16.	Kipnuk Under Construction	470,000
17.	Koliganek This Spring	690,000
18.	Kongiganak done	1,050,000
19.	Kotlik This Spring	1,230,000
20.	Kwethluk	1,770,000
21.	Kwigillingok	810,000
22.	Manokotak Partly done / Finish This Spring	1,100,000
23.	Mekoryuk Bid This Spring	690,000
24.	<u>Napakiak</u> No funds - three weeks ago the school board before they decided to wait school building before they decided.	960,000
25.	Napaskiak This Spring	1,020,000
26.	New Stuyahok Partly Completed - Finish This Spring	1,000,000
27.	Newtok This Spring	690,000
28.	Noatak " "	770,000
29.	Nondalton done	690,000
30.	Nunapitchuk This Spring	1,290,000
31.	Pilot Station " "	1,050,000
32.	Quinhagak " "	1,170,000
33.	Scammon Bay " "	810,000
34.	Stebbins ?	1,050,000
35.	Tuluksak This Spring	780,000
36.	Tuntutuliak " "	840,000
37.	Tununak " "	1,080,000

TOTAL

\$32,670,000

CONSTRUCTION SITES FOR PROJECTED ENROLLMENTS OF 11-20 STUDENTS

Estimate per site : \$200,000  
 TOTAL (35 sites): \$7,000,000

- |                                    |  |
|------------------------------------|--|
| 1. Akiak Under Construct           | 19. Minto Partially Completed          |
| 2. Anvik This Spring               | 20. Newhalen Don't know                |
| 3. Arctic Village " Partially done | 21. Nightmute This Spring              |
| 4. Brevig Mission ?                | 22. Nikolai " " "                      |
| 5. Chignik Lake ?                  | 23. <u>Ferryville</u>                  |
| 6. Clark's Point ?                 | 24. Pitka's Point This Spring          |
| 7. Deering done                    | 25. Ruby B. T. H. C. completed         |
| 8. Diomedea ?                      | 26. Russian Mission This Spring        |
| 9. Dot Lake                        | 27. St. George Island Under Construct  |
| 10. <u>Egegik</u> None Requested   | 28. St. Michael ?                      |
| 11. Ekwok don't know               | 29. Shageluk partially done            |
| 12. Golovin ?                      | 30. Shaktoolik ?                       |
| 13. Grayling partially completed   | 31. Sheldon Point This Spring          |
| 14. Huslia " " " " " "             | 32. Sleetmute Partially done           |
| 15. Kokhanok This Spring           | 33. Teller Partially Completed         |
| 16. Koyuk ?                        | 34. Tetlin No. 3 Intermediate          |
| 17. Koyukuk This Spring            | 35. <u>Twin Hills</u> Secondary School |
| 18. Levelock Under Construct       | Partially Completed                    |

*1 kid -  
 800000  
 slow*

*estimated is \$20,000  
 d that sep  
 only need 100,000  
 Cotton advice on our budget  
 document a saving  
 of expenditure*

SCHEDULE C

PAGE 3

SITES OF MINIMAL CONSTRUCTION OR RENOVATION

Estimate per site: \$ 25,000  
TOTAL (36 Sites) : 900,000

- |                              |                        |
|------------------------------|------------------------|
| 1. Akutan                    | 18. Manley Hot Springs |
| 2. Atka                      | 19. Nelson Lagoon      |
| 3. Beaver                    | 20. Nikolski           |
| 4. Belkofski                 | 21. New Kasaan         |
| 5. Bettles                   | 22. Oghsenakale        |
| 6. Birch Creek               | 23. Oscarville         |
| 7. Chalkyitsik               | 24. Pedro Bay          |
| 8. Chignik                   | 25. Plover Point       |
| 9. Chignik Lagoon            | 26. Platinum           |
| 10. Circle                   | 27. Pt. Heiden         |
| 11. Council                  | 28. Rampart            |
| 12. False Pass               | 29. Red Devil          |
| 13. Hughes                   | 30. Steven's Village   |
| 14. Igiugig                  | 31. Stoney River       |
| 15. Ivanof Bay <i>Closed</i> | 32. Takotna            |
| 16. Kobuk                    | 33. Tatitlek           |
| 17. Lime Village             | 34. Venetie            |
|                              | 35. Wales              |
|                              | 36. White Mountain     |

*may not be in it  
need base*

SCHEDULE D

Presently Committed Construction Funds

	<u>Site</u>	<u>Amount</u>
1.	Angoon	720,000
2.	Chevak #	
3.	Gambell	1,400,000
4.	Holy Cross	440,000
5.	Hooper Bay #	
6.	Kaltag	2,212,000
7.	Kipnuk	1,000,000
8.	Kivalina	2,300,000
9.	Kongiganak	2,200,000
10.	Manokotak	400,000
11.	New Stuyahok	200,000
12.	Ncatak	400,000
13.	Northway	1,800,000
14.	St. Paul Island	1,000,000
15.	Sand Point	1,000,000
16.	Savoonga	1,600,000
17.	Shishmaref	2,492,000
18.	Shungnak	2,800,000
19.	Togiak	1,835,000
20.	Toksook Bay	2,100,000
21.	Unalakleet	2,000,000

# Construction of secondary schools at Chevak and Hooper Bay has been undertaken by the Federal Government with no commitment of State funds.

*All done except  
Kipnuk - under  
construction*

Regional School Boards may apply for a grant from DOT for all or part of the funds allocated for their construction, repair or improvement projects

School construction repair and improvement shall be carried out by DOT unless funds for a project are granted to a Regional School Board

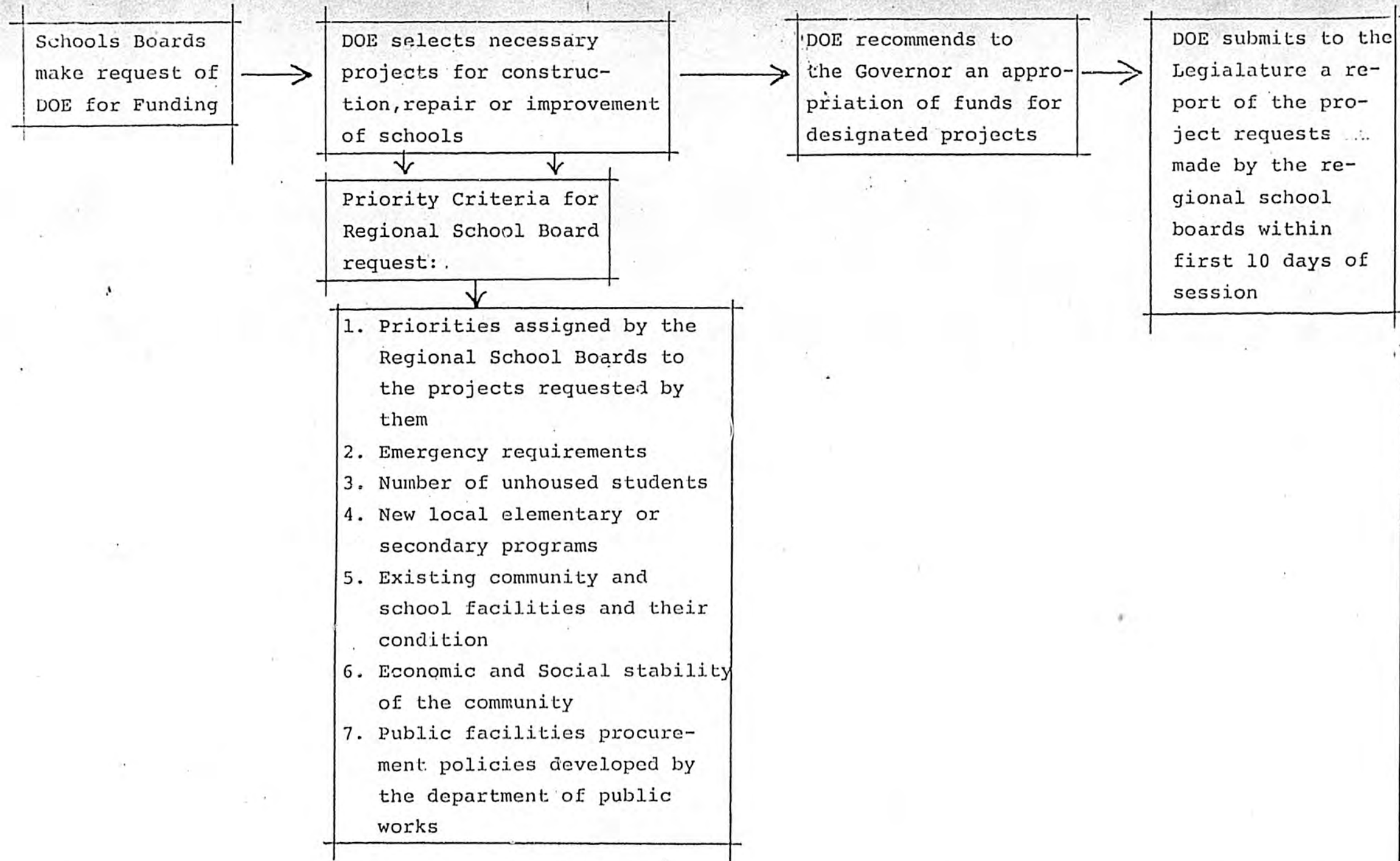
When a regional school board applies for a grant of funds, the department shall grant funds to a regional school board<sup>1</sup>. for a school construction, repair, or improvement project, and, if the request is for all funds allocated, shall provide for the assumption by the regional school board of all of the department's responsibilities relating to the planning, design, and construction of an educational facility. Thereafter, the board shall

1. Select the appropriate professional personnel to develop the designs;
2. Approve or disapprove the appropriate designs or revised designs; and
3. Undertake construction, repair or improvement of the educational facility.

Ownership of supplies and equipment purchased with funds appropriated for school construction, repair, or improvement vests in the regional school board receiving them.

Title or sufficient interest determined acceptable by the department to an approved site for a school building to be constructed, repaired or improved by a regional school board shall be vested in the state or in the respective regional school board.

1. To carry out the purpose of this section, the Department of Transportation and Public Facilities shall adopt regulations relating to the application for and the making and the manner of administration of grants wherein the responsibility for school construction, repair, and improvement is assumed by regional school boards.



# Alaska Statutes

## Title 35. Public Buildings, Works, and Improvements.

### Chapter

- 05. Administration (§§ 35.05.010 — 35.05.050)
- 07. State Participation in Flood Control Projects (§ 35.07.010)
- 10. Public Works (§§ 35.10.010 — 35.10.200)
- 15. Construction Procedures (§§ 35.15.010 — 35.15.120)
- 20. Acquisition and Disposition of Property (§§ 35.20.010 — 35.20.070)
- 25. General Provisions (§§ 35.25.010 — 35.25.020)
- 27. Art Works in Public Buildings and Facilities (§§ 35.27.010 — 35.27.030)

### Chapter 05. Administration.

#### Section

- 10. Planning and construction
- 20. Rules and regulations
- 30. Duties of department

#### Section

- 40. Powers of department
- 50. Federal aid

**Sec. 35.05.010. Planning and construction.** The department is responsible for the planning and construction of public works (§ 1 art III title I ch 152 SLA 1957)

**Revisor's note.** — The following executive order signed by Governor William A. Egan was transmitted to the legislature on January 22, 1962. It was not disapproved by the legislature during the 1962 session and therefore became law under the provisions of § 23 art III of the state constitution and AS 24.30.130.

"EXECUTIVE ORDER NO. 14.  
Pursuant to Section 23, Article III,  
Constitution of the State of Alaska, I

hereby reassign from the Department of Public Works to the Department of Fish and Game the function of constructing, maintaining, and operating vessels predominantly utilized by the Department of Fish and Game. I consider this transfer of function necessary for efficient administration.

"Dated at Juneau, Alaska, this 30 day of June, 1961."

**Sec. 35.05.020. Rules and regulations.** The department shall adopt rules and regulations which it considers necessary to carry out the purpose of this title. (§ 1 art III title I ch 152 SLA 1957)

**Cross reference.** — As to regulations concerning prequalification of contractors, see notes to AS 35.15.050.

Publication of regulations concerning

bidding and letting of contracts in Administrative Code. — See same catchline in note to AS 35.15.050.

**Sec. 35.05.030. Duties of department.** The department has the following powers and duties: (1) direct approved public works planning and construction; (2) employ assistants and employees; (3) certify and approve vouchers; (4) prepare a departmental budget; (5) review the annual public works program. (§ 2 art IV title I ch 152 SLA 1957)

**Sec. 35.05.040. Powers of department.** The department may (1) acquire property; (2) exercise the power of eminent domain; (3) take immediate possession of real property, or any interest in it under a declaration of taking or by other lawful means; (4) acquire rights-of-way for present or future use; (5) dispose of excess property or property rights; (6) accept and dispose of federal funds or property available for public works construction, maintenance, or equipment; (7) enter into contracts or agreements relating to public works with the federal government and political subdivisions, and also enter into contracts with a foreign government if approved by the federal government; (8) exercise any other power necessary to carry out the purpose of this title; (9) lease or grant land or any interest in land to the Alaska State Housing Authority on terms and conditions prescribed by the department; (10) procure directly materials, labor and contractual services for planning, designing and constructing public facilities of the state. (§ 2 art III title I ch 152 SLA 1957; am § 15 ch 99 SLA 1965; am § 3 ch 216 SLA 1975)

**Cross reference.** — See Editor's note to Article 5 of AS 35.10.

**Effect of amendment.** — The 1975 amendment added (10).

**Sec. 35.05.050. Federal aid.** Legislative assent to federal aid for Alaska, including aid given to Alaska through a department or agency of the federal government, is given. The department may apply for, contract, and do all things necessary to cooperate with the United States Government for the construction of public works under federal acts. (§ 1 art II title III ch 152 SLA 1957)

### Chapter 07. State Participation in Flood Control Projects.

#### Section

- 10. State assumption of nonfederal flood control project costs

**Revisor's note (1971).** — In ch. 129, SLA 1971, AS 35.07 appeared as AS 35.30.

**Sec. 35.07.010. State assumption of nonfederal flood control project costs.** To the extent that funds are made available by the legislature, the state shall assume 90 per cent of the nonfederal costs of

planning, land acquisition, construction and maintenance of flood control projects authorized within the state by the United States before or after June 6, 1971, except that the state shall assume the full share of nonfederally funded costs with respect to those facilities which are primarily state responsibilities, including but not limited to highways and roads, parks and recreation, and fish and game facilities. The state shall participate in federal flood control projects under this section only as to those projects authorized and approved by the Department of Public Works. (§ 1 ch 129 SLA 1971)

## Chapter 10. Public Works.

### Article

1. Public Works Planning and Construction (§§ 35.10.010 — 35.10.080)
2. Boat Harbor, Dike, Jetty, and Breakwater Facilities (§§ 35.10.090 — 35.10.120)
3. Financial Provisions (§§ 35.10.130 — 35.10.135)
4. Prohibitions and Penalties (§§ 35.10.140 — 35.10.150)
5. Public Facility Procurement Policy (§§ 35.10.160 — 35.10.200)

### Article 1. Public Works Planning and Construction.

Section	Section
10. Standard plans and specifications and limitation on cost	40. Failure of contractor to perform work
15. Architectural barrier regulations: enforcement	50. Duty of department to examine and report on existing public buildings
20. Consultation with municipal planning commissions	60. Inspection and testing of materials
25. Compliance with local building codes	70. Research on public works
30. Inspection and supervising public works construction	80. Statement of work authorized, completion schedule, and recommendations

**Sec. 35.10.010. Standard plans and specifications and limitation on cost.** The department shall prepare and adopt plans and specifications and determine standards for the construction of each public work. Each public work shall be limited in cost to the amount of the appropriation made for that purpose. The plans and specifications may be amended from time to time as the department considers advisable. This section does not apply to the construction of school buildings in incorporated cities, unless the construction is done in whole or in part with state funds, or to the construction of school buildings when the construction amounts to less than \$2,000. (§ 1 art III title III ch 152 SLA 1957)

Am. Jur. reference. — 43 Am. Jur., Public Works and Contracts, § 1 et seq.

**Sec. 35.10.015. Architectural barrier regulations: enforcement. (a)** The Department of Public Works shall prepare, promulgate and enforce regulations governing the construction of public buildings and facilities by or for the state, including the University of Alaska, and its political

subdivisions, whether financed in whole or in part by federal funds, to insure that the public buildings and facilities are accessible to, and usable by, the physically handicapped, aged or infirm. The regulations of the department shall conform to a standard comparable to the applicable provisions of federal law or regulation and to the publication entitled "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped" or any amendments to this publication as approved by the American Standards Association, Incorporated, under the sponsorship of the National Society for Crippled Children and Adults and the President's Committee on Employment of the Physically Handicapped.

(b) The department shall develop and maintain an inventory of all public buildings and facilities with respect to their compliance with the regulations adopted under (a) of this section. The department shall make an annual report to the governor and the legislature describing work performed in the preceding calendar year to upgrade public buildings and facilities to conform with the regulations. In addition, the department shall develop cost estimates and recommended priorities for the upgrading of public buildings and facilities that do not conform with the regulations adopted under (a) of this section and shall include these estimates and the recommended priorities in the annual report to the governor and the legislature.

(c) In this section, "public facilities" includes vessels owned by the state and operated by the division of marine transportation of the Department of Public Works as a part of the Alaska marine highway system. All ferries owned or operated by the state shall be equipped with elevators or other passenger lifting equipment, ramps, or other facilities and devices to ensure that these vessels are accessible to and usable by physically handicapped, aged or infirm passengers. In this subsection, "accessible to and usable by" means that a physically handicapped, aged or infirm passenger can board, disembark and move between decks and about the public areas aboard a state ferry with personal comfort and with safety to himself, other passengers and members of the crew. (§ 1 ch 119 SLA 1966; am § 1 ch 48 SLA 1972; am §§ 1, 2 ch 249 SLA 1976)

*Effect of amendments.* — The 1972 amendment inserted "including the University of Alaska" in the first sentence of present subsection (a).

The 1976 amendment, in the first sentence of present subsection (a), substituted "shall prepare, promulgate and enforce" for "is responsible for preparing and promulgating," inserted "whether financed in whole or in part by federal funds" and added "aged or infirm" to the end of the sentence. The amendment also substituted "to a standard comparable to the applicable provisions of federal law or regulation and" for "as far as it is feasible"

in the second sentence of present subsection (a), and added subsections (b) and (c).

*Editor's note.* — Section 3, ch. 249, SLA 1976, provides: "After June 25, 1976, no ferry may be constructed, lengthened, completely renovated, or purchased for use or entered into service by the division of marine transportation of the Department of Public Works as a part of the Alaska marine highway system that does not include adequate facilities and devices to ensure that the vessel is accessible to and usable by physically handicapped, aged or infirm passengers. Some staterooms and all

restrooms, indoor passageways, outdoor weather decks, and other public areas aboard the vessel shall be so designed and constructed as to permit access and use by physically handicapped, aged or infirm passengers, including but not limited to those persons occupying a wheelchair."

Section 4, ch. 249, SLA 1976, provides: "After June 25, 1976, no public building or

facility in the state may be planned, designed, financed, constructed, opened to public use, or otherwise placed in operation unless it meets the standards established under AS 35.10.015, as amended by sec. 1 of this Act."

Legislative committee report. — For report on ch. 119, SLA 1966, see 1966 House Journal, p. 889.

**Sec. 35.10.025. Compliance with local building codes.** A public building shall be built in accordance with applicable local building codes including the obtaining of required permits. This section applies to all buildings of the state and corporate authorities of the state. (§ 1 ch 89 SLA 1968)

**Sec. 35.10.030. Inspection and supervising public works construction.** The department shall supervise and inspect the construction of public works and shall see that the work performed in constructing, repairing, altering or improving public works is in accordance with the drawings and specifications for them, that the interests of the state are fully protected, and that no person, firm, or corporation employed on any work performs the work in any other or different manner than is provided by the contract and the plans and specifications. (§ 3 art III title III ch 152 SLA 1957)

**Sec. 35.10.040. Failure of contractor to perform work.** If a contractor or person in charge of the construction of a public building in the state fails to perform the work in a good and workmanlike manner and does not perform the work in accordance with the plans and specifications of the contract, the department shall direct what legal action, if any, shall be taken. (§ 4 art III title III ch 152 SLA 1957)

Am. Jur. reference. — 43 Am. Jur., Public Works and Contracts, § 48.

**Sec. 35.10.050. Duty of department to examine and report on existing public buildings.** The department shall, from time to time, examine all existing public buildings and report the condition of each and any necessary additional construction which is needed on them. (§ 4 art III title III ch 152 SLA 1957)

**Sec. 35.10.060. Inspection and testing of materials.** The department may inspect and test materials, supplies, equipment and machinery used by a contractor constructing or maintaining public works, and may develop methods and procedures for inspection and testing. (§ 5 art III title III ch 152 SLA 1957)

**Sec. 35.10.070. Research on public works.** The department may gather, investigate and compile information concerning the use, construction and maintenance of public works, the practices and methods of efficient organization, financing and such other information, data and statistics of the state and the extent of natural resources of building materials in the state. The department shall disseminate this information, together with recommendations it considers advisable. (§ 6 art III title III ch 152 SLA 1957)

**Sec. 35.10.080. Statement of work authorized, completion schedule, and recommendations.** Not later than February 1 of each year, the department shall prepare a statement showing the public works authorized within the past six-year period and the completion schedule as of that date, together with recommendations regarding the need for additional public works construction, if any. (§ 7 art III title III ch 152 SLA 1957)

## Article 2. Boat Harbor, Dike, Jetty, and Breakwater Facilities.

Section	Section
90. Application for federal funds	110. Contracting with communities for local participation
100. Determining need and priority of projects	120. Leasing marine or harbor facilities

**Sec. 35.10.090. Application for federal funds.** The department shall apply in the name of the state, as applicant, to the appropriate federal agency for the construction or assistance in the construction of boat harbor, dike, jetty or breakwater harbor facilities where the facilities are necessary, feasible and appropriate to the local economy. (§ 1 art IV title III ch 152 SLA 1957)

**Sec. 35.10.100. Determining need and priority of projects.** The department shall prepare the preliminary determination of need for each such project and its feasibility and appropriateness through representations and data submitted to it by the residents of each community desiring a project, and from other information available to it. The department shall approve and make the final determination of those projects, and their order or priority for which application is made. (§ 2 art IV title III ch 152 SLA 1957)

**Sec. 35.10.110. Contracting with communities for local participation.** The department may contract with a community for the participation of the community either in the financing of projects or, instead of local financial participation, to contract with the community for its installing necessary piling, floats, and related equipment and facilities whether at the community's direct expense or through local volunteer labor, after completion of the basic boat harbor, dike, jetty, or breakwater facilities. (§ 3 art IV title III ch 152 SLA 1957)

**Sec. 35.10.120. Leasing marine or harbor facilities.** The department may lease for a period up to 50 years or may sell for a nominal sum to an incorporated city, public utility district, or other incorporated area marine or harbor facilities constructed or rebuilt with territorial funds or state funds or with territorial or state and federal matching funds. The intent of this section is to allow cities, public utility districts, and other incorporated areas to lease or purchase marine or harbor facilities so that they may enforce municipal ordinances on them and legally assess fees to meet maintenance costs. (§ 1 ch 162 SLA 1955)

Revisor's note. — All other sections in this title have a common source, ch 152 SLA 1957. This section is all of ch 162 SLA 1955.

### Article 3. Financial Provisions.

#### Section

- 130. Construction within appropriations and limits imposed by legislature
- 135. Public facility planning fund

**Sec. 35.10.130. Construction within appropriations and limits imposed by legislature.** Each public work shall be constructed in a completed manner within the appropriation and limits imposed by the legislature. (§ 1 art V title III ch 152 SLA 1957)

**Sec. 35.10.135. Public facility planning fund.** There is established within the Department of Administration, Division of Budget and Management a public facility planning fund. The fund is a capital fund and consists of (1) money appropriated by the legislature, (2) money reimbursed to it from the proceeds of the sales of general obligation bonds and revenue bonds issued for projects and (3) money reimbursed to it from appropriations for any projects; for which money from the fund has been spent. The fund is available for expenditure, on a reimbursable basis, only for the purposes of providing working capital for facility program planning and for facility procurement planning as specified in this chapter. All expenditures from the fund are subject to an independent audit which shall be made annually and reported to the governor and the legislature. (§ 1 ch 57 SLA 1973; am § 1 ch 58 SLA 1976)

Effect of amendment. — The 1976 amendment rewrote this section.

Editor's note. — Section 3, ch. 58, SLA 1976, provides: "The fund balances remaining in the state operated schools advance planning revolving fund established in sec. 18, ch. 147, SLA 1974 and in the Department of Public Works public facility procurement planning fund established in sec. 2, ch. 216, SLA 1976 and

in the state capital improvement advance planning fund established in sec. 1, ch. 57, SLA 1973 are transferred as of the effective date of the Act to the public facility planning fund established in sec. 1 of this Act."

Legislative committee report. — For report on ch. 58, SLA 1976 (CSHB 624 am S), see 1976 House Journal, p. 557.

### Article 5. Public Facility Procurement Policy.

#### Section

- 160. Findings and purpose
- 170. Duties of department
- 180. Physical facility procurement and planning policies

#### Section

- 190. Coordination by department
- 200. Definitions

Editor's note. — Section 2, ch. 216, SLA 1975, provides: "There is within the Department of Public Works a public legislature for the purpose of providing procurement planning working capital and is available on a reimbursable basis for procurement planning. The fund shall be used by the commissioner to develop facility procurement planning methodologies for submission for review by the legislature by January 1, 1976. The

facility procurement planning fund. The fund is a working capital reserve fund and consists of money appropriated by the commissioner shall prepare a report delineating the various procurement policies which shall govern the expenditures of capital funds by the state and shall delineate the amounts of preplanning funds necessary for the implementation of these policies."

**Sec. 35.10.160. Findings and purpose.** The legislature finds that since the needs of the state for physical facilities of all kinds are diverse the planning, design and construction of public facilities should be executed in accordance with facility procurement policies development by the Department of Public Works and reviewed annually by the legislature. (§ 1 ch 216 SLA 1975)

Legislative committee report. — For am S), see 1975 House Journal, p. 894; 1975 report on ch. 216, SLA 1975 (SCS CSHB 429 Senate Journal, p. 1370.

**Sec. 35.10.170. Duties of department.** In addition to other duties prescribed by statute, the department shall

(1) develop facility procurement policies for the planning, design, construction, maintenance and operation of public facilities of the state;

(2) develop and maintain an inventory of physical facilities currently owned or occupied by the state;

(3) make projections of future public facility needs of the state, analyze facilities needed, and establish methodology for program planning and facilities project planning, design and construction, based upon

(A) a justification of the level of service anticipated by the program agency, utilizing population projections and estimates approved by the governor;

(B) consideration of the geographical area to be served by the facility and relevant data concerning the agency's existing public facilities in that area;

(C) the date by which the services are to be provided;

(D) alternative program methods for providing the services; and  
(E) pertinent data requested by the department in accordance with procedures developed under § 180 of this chapter;  
(am § 1 ch 168 SLA 1978)

(4) engage in experimental projects as necessary relating to any available or future method of facility procurement, design or construction and any method of improving existing design, planning and construction techniques;

(5) develop life cycle costs of public facilities of the state;

(6) develop life cycle costing methodologies for the following special purposes:

(A) budget forecasting to support facility program planning and analysis,

(E) systematic cost estimating to forecast planning, design and construction,

(C) budget forecasting to support development of annual maintenance and operating strategies and life cycle cost plans,

(D) alternative methods of space acquisition and space equalization which will maximize the effectiveness of public funds;

(7) apply for and accept, on behalf of the state, grants from the federal government or an agency of it or from another state foundation, corporation, association or individual for any of the functions or purposes of the department and may expend any of the money received under this section for any of the functions or purposes. (§ 1 ch 216 SLA 1975)

**Sec. 35.10.186. Physical facility procurement and planning policies.** (a) The department shall develop and keep current by periodic revision physical facility procurement and planning policies for rural schools, public buildings, and other state facilities, and shall develop regulations and guidelines for the implementation of these policies.

(b) In developing and revising these policies the department shall seek public review and evaluation by any reasonable means and shall

(1) consult and cooperate with officials of the federal government, local governments, other political subdivisions of the state and other interested persons regarding physical facility procurement planning;

(2) request and receive from an agency or other unit of the state government the assistance and data needed to carry out the requirements of this section.

(c) The commissioner shall submit copies of proposed policies and plans annually, within 10 days after the legislature convenes, to the legislature. The legislature may approve, reject or modify the policies and plans by concurrent resolution. If the legislature fails to act during the legislative session, the policies and plans are approved. (§ 1 ch 216 SLA 1975)

**Sec. 35.10.190. Coordination by department.** (a) The department shall coordinate the procurement of physical facilities for the state to insure the greatest cost savings of planning, design and contractual techniques.

(b) When the state or an agency of the state determines that a public facility is to be constructed or renovated, it shall, unless exempted by regulations of the department, submit to the department an application for a certificate that the proposed facility complies with adopted facility procurement policies. The department may reject the application but if it does so it shall state in writing the reasons for the rejection. If a written statement that the application is rejected does not issue within 30 days after receipt of the application by the department, unless the department and the applicant have agreed upon an extension of time for consideration, the certificate of compliance shall not be required. Except as provided otherwise by regulation or by this section, no public facility of the state may be constructed or renovated by the state unless a certificate that the facility complies with adopted facility procurement has been issued. (§ 1 ch 216 SLA 1975)

**Sec. 35.10.200. Definitions.** In §§ 160 — 200 of this chapter,

(1) "life cycle costs" means analytic techniques which provide data to describe the first cost of procurement of public facilities and the maintenance cost, operation cost and occupancy cost of the facilities;

(2) "policies" includes but is not limited to budget accounting and cost planning techniques, facility design techniques, and contractual techniques for the procurement of labor, materials and contractual services;

§ 35.15.010 PUBLIC BUILDINGS, WORKS AND IMPROVEMENTS § 35.15.030

## Chapter 15. Construction Procedures.

Section	Section
10. Construction by department	90. Use of appropriated funds
30. Advertisement, bids, contracts, and informal bids	110. Title to site and completion of project
80. Local control of state public works projects	120. Definitions

**Sec. 35.15.010. Construction by department.** (a) Except as provided in AS 44.33.300, it shall be the general policy of the department to require the construction of all public works under bid contract. However, when the estimated cost of a construction project is less than \$100,000, or when it appears to be in the best interests of the state, the department may perform the work, notwithstanding any other provisions of law. A complete record shall be kept by the commissioner or his designee of all transactions entered into under this section including names of employees involved in the transactions.

(b) Construction or professional services in connection with the construction of a public work performed by the department under (a) of this section which have an estimated cost exceeding \$5,000 may not be performed by the department unless the commissioner determines, in writing, that the cost to the state will be less than that incurred as a result of a formally advertised or negotiated contract. The determination of the commissioner shall be supported by findings of fact which shall set out enough facts and circumstances to clearly justify the determination. The determinations and findings shall be maintained as a permanent record of the department.

(c) In this section, "professional services" means architectural, engineering, or land surveying services. (§ 1 art III title IV ch 152 SLA 1957; am § 5 ch 277 SLA 1976; am § 1 ch 143 SLA 1977; am § 4 ch 104 SLA 1978)

**Cross reference.** — For provisions requiring consistency with local government plans and ordinances before commencing construction of a public project, see AS 35.30.010 et seq.

subsection (a), substituted "\$100,000" for "\$20,000" in the second sentence and added the third sentence.

The 1978 amendment added subsections (b) and (c).

**Effect of amendments.**

The 1977 amendment, in present

**Sec. 35.15.020. Request for public bids.** The department may request bids and award contracts for construction work. The department may require the contractor to furnish equipment, labor, materials, and supplies for the project, or it may elect to furnish the materials and supplies. If the department elects to provide materials and supplies for a project, it shall make the election at the time it adopts the construction program. The department shall request bids for the total of the materials and supplies for a project according to the class, type, and nature of the materials and supplies, and may award a contract upon the basis it considers efficient and economical, whether upon the basis of delivery to the construction project directly or to a central storehouse or storehouses maintained by the department. Those materials and supplies so purchased by the department may be delivered to the project site without expense to the contractor, or it may sell them to the contractor at cost and make the materials and supplies a part of the construction cost. (§ 3 art III title IV ch 152 SLA 1957)

**Sec. 35.15.030. Advertisement, bids, contracts, and informal bids.** When the estimated cost of any construction under this chapter exceeds \$100,000, the department shall, except as provided in § 10 of this chapter and in AS 44.33.300, proceed to advertise, request bids, and award the contract in the manner provided in §§ 40 and 50 of this chapter. When any proposed construction contract is for a sum less than \$100,000, it is discretionary with the department whether the contract is advertised and awarded in accordance with §§ 40 and 50 of this chapter. In all events the department shall request informal bids from as many contractors as can be requested conveniently. A complete record shall be kept by the commissioner or his designee of all transactions entered into under this section including names of employees involved in the transactions. (§ 4 art III title IV ch 152 SLA 1957; am § 31 ch 71 SLA 1972; am § 6 ch 277 SLA 1976; am § 2 ch 143 SLA 1977)

**Effect of amendments.**

The 1977 amendment substituted "under this chapter exceeds \$100,000" for "exceeds \$20,000" in the first sentence,

substituted "\$100,000" for "\$20,000" in the second sentence, and added the fourth sentence.

**Sec. 35.15.040. Procedures for the award of contracts.** (a) If federal funds are used, the award of the contract shall comply with federal law and the rules and regulations promulgated under it and with state law to the extent it is consistent with federal law.

(b) In all other cases, the award of the contract shall comply with this title, and AS 37.05, and the rules and regulations promulgated under them and which are consistent with this title. (§ 5 art III title IV ch 152 SLA 1957)

**Sec. 35.15.050. Award of contracts.** The department shall award the contract to the lowest responsible bidder, or it may reject all bids. If no satisfactory bid is received, the department may readvertise the project. The department shall make the award in compliance with applicable federal law and the regulations promulgated under it, with this title, and in compliance with AS 37.05, and the rules and regulations promulgated under it, where they are not in conflict with this title and federal law. (§ 6 art III title IV ch 152 SLA 1957)

The purpose of this section and the Fiscal Procedures Act (AS 37.05) is not only to protect the state and the public purse from uneconomic contracts let because of failure to request competitive bids and because of possible favoritism, but also to insure that contractors are insured a certain amount of "fair play" in dealing with the state government and in competing with one another for state contracts. 1959 Op. Atty. Gen., No. 27.

The department has authority to require contractors to set up a system of prequalification of contractors as a prerequisite for bidding on state construction projects. 1959 Op. Atty. Gen., No. 27.

And under such system to require contractors to furnish periodic and

financial statement. — 1959 Op. Atty. Gen., No. 27.

Without following the Administrative Procedure Act. — The department would not be required to follow the Administrative Procedure Act (AS 44.62) in adopting regulations to implement a program of prequalification of contractors. 1959 Op. Atty. Gen., No. 27.

Publication of regulations concerning bidding and letting of contracts in Administrative Code. — A policy of publishing regulations concerning bidding and letting of contracts in the Administrative Code is consistent with the Alaska Administrative Procedure Act, since these regulations are regulations in which an important portion of the public has a vital interest and since they are of

great use to the portion of the public interested in dealing and contracting with the state. 1959 Op. Atty. Gen., No. 27.

Am. Jur. reference. — 43 Am. Jur., Public Works and Contracts, §§ 41 to 50.

**Sec. 35.15.060. Prior contracts unaffected.** Sections 10 -- 60 of this chapter do not apply to contracts entered into before April 1, 1957. (§ 8 art III title IV ch 152 SLA 1957)

**Sec. 35.15.080. Local control of state public works projects.** (a) A municipality or, if the public work is an educational facility, a regional educational attendance area established under AS 14.08 m.c., by resolution of its governing body, request the assumption of all of the department's responsibilities relating to the planning and construction of a public works project of the state which is to be located within the boundaries or operating area of the municipality or regional educational attendance area and which would otherwise be constructed in the manner provided in § 10 of this chapter. After receipt of the request, the department

(1) shall provide for the assumption by the municipality or regional educational attendance area of all of the department's responsibilities relating to the planning, design and construction of an educational facility;

(2) may provide by agreement for transfer to and assumption by the municipality of the department's responsibilities relating to the planning, design, and construction of a public works project, unless the commissioner determines that assumption of responsibilities by the municipality is not practicable or not in the best interests of the state.

(b) If the commissioner of transportation and public facilities determines that assumption of responsibilities by a municipality under (a)(2) of this section is not practicable or not in the best interests of the state, he shall notify the governing body of the municipality of his finding and specify reasons for it. If the governing body requests reconsideration of the decision, he shall hold a hearing in the municipality within 30 days following mailing of the request. Following the hearing, he may affirm, modify or reverse his initial decision and shall specify in writing the reasons.

(c) A municipality may request joint assumption of responsibilities with the department relating to the planning, design and construction of a public works project. A regional educational attendance area may request joint assumption of responsibilities with the department relating to the planning, design and construction of an educational facility. Two or more municipalities or regional educational attendance areas may by mutual agreement provide for cooperative assumption of responsibilities relating to the planning and construction of a public works project. If two or more municipalities or regional educational attendance areas request assumption of responsibilities for a project and meet the standard of practicability set out in (a)(2) of this section, the commissioner shall determine which municipality or regional educational attendance area is best able to direct planning, design, and construction of the project and enter into an agreement with that municipality or regional educational attendance area, or provide for joint or cooperative administration, as the parties may agree or the commissioner may determine. Decisions of the commissioner under this subsection are final.

(d) Provisions of this title governing planning, design, and construction of public works by the department, and regulations adopted under the provisions, govern the administration of projects assumed by a municipality or regional educational attendance area under this section. For that purpose the provisions supersede any conflicting provisions of ordinance or charter of a municipality.

(e) An organized borough may plan and construct public works under this section and make an agreement with the department for that purpose irrespective of restrictions of other provisions of law on the acquisition and exercise of borough powers. Borough exercise of the power conferred under this subsection does not preclude exercise by a city of the borough of the same power within the city.

(f) To carry out the purpose of this section, the commissioner of transportation and public facilities shall adopt regulations relating to the application for and the making and the conditions of agreements and the local assumption of responsibilities for the planning, design and construction of public works under this section. He shall include in grant contracts terms and conditions requiring a regional school board and its contractors to adhere to the provisions of AS 36.05.010 with respect to the payment of wage rates on construction projects, and AS 36.10.010 with respect to employment preference, and may require different terms in agreements for different projects to meet local conditions and unique requirements and to assure compliance with the public facilities procurement policies developed by the department under AS 35.10.160 — 35.10.200. If necessary, the commissioner may require as a condition of an agreement approval of the agreement by the federal government. Regulations adopted, amended or repealed by the department under this section which relate to educational facilities shall be developed in conjunction with the Alaska Association of School Boards and the Alaska Association of School Administrators and reviewed by those associations before final action on the regulations is taken by the department.

(am §§ 6, 7 ch 147 SLA 1978)

**Effect of amendment.** — The 1978 amendment, effective July 1, 1978, in subsection (a), inserted "all of" near the middle of the first sentence and in the second sentence, inserted the item (2) designation, added item (1), and inserted "transfer to and," deleted "or regional educational attendance area" following "assumption by the municipality" and "or area" following "of responsibilities by the municipalities," and substituted "a public works project" for "the public works project," all in item (2). The amendment also deleted the former third sentence of subsection (a), which read "The parties may by mutual agreement provide for joint or cooperative assumption of responsibilities by the department and the municipality or regional educational attendance area," and

inserted "for the planning, design and construction of public works" in the first sentence, inserted the language beginning "shall include in grant contracts" and ending "with respect to employ-

in the first sentence of subsection (b), substituted "commissioner of transportation and public facilities" for "commissioner of public works" and "under (a)(2) of this section" for "or regional educational attendance area under this section" and deleted "or area" following "body of the municipality." In subsection (c), the amendment added the present first through third sentences, inserted "(a)(2) of" in the present fourth sentence, and substituted "municipality or regional educational attendance area" for "subdivision or area" in the present fourth sentence. In subsection (f), the amendment substituted "commissioner of transportation and public facilities" for "commissioner of public works" in the first sentence, in-

serted "with respect to employment preference, and" in the second sentence, and added the fourth sentence.

As the rest of the section was not affected by the amendment, it is not set out.

**Sec. 35.15.090. Use of appropriated funds.** Upon assumption by a municipality or regional educational attendance area of the department's responsibilities under § 80(a)(1) of this chapter, or upon execution of an agreement under § 80(a)(2) of this chapter, state funds appropriated for a public works project which is the subject of the assumption or the agreement shall be transferred to a special account in the state treasury. A municipality or regional educational attendance area administering the project under the assumption or agreement may draw on the account for costs of the project, under fiscal control of the department. If an agreement provides for joint or cooperative administration of the project, payment of costs shall be made to the party incurring the costs. (§ 1 ch 57 SLA 1976; am § 8 ch 147 SLA 1978)

**Effect of amendment.** — The 1978 amendment, effective July 1, 1978, added the language beginning "Upon assumption by a municipality" and ending "§ 80(a)(1) of this chapter, or" to the beginning of the first sentence, substituted "§ 80(a)(2)" for "§ 80" and inserted "the assumption or" in the first sentence, and inserted "assumption or" in the second sentence.

**Sec. 35.15.100. Responsibility of department.** When a municipality or regional educational attendance area has assumed responsibility for a public works project in accordance with §§ 80 — 120 of this chapter, the department is relieved of responsibility to the extent it is assumed by the municipality or regional educational attendance area. The department may provide technical assistance on the responsibility assumed if requested to do so by the municipality or area and shall be reasonably compensated for that assistance from the account established under § 90 of this chapter. (§ 1 ch 57 SLA 1976)

**Sec. 35.15.110. Title to site and completion of project.** (a) Before advertisement for bids or construction contract negotiations, the department shall approve both the project site and the land interest in the site, except that, if the project involves construction of an educational facility, title or sufficient interest determined acceptable by the department to an approved site for a school building shall be vested in the municipality, the regional educational attendance area or the state before advertisement for bids or initiation of construction contract negotiations.

(am § 1 ch 62 SLA 1978; am § 9 ch 147 SLA 1978)

**Effect of amendments.** — The first 1978 amendment, effective June 10, 1978, rewrote subsection (a), which formerly read "Title acceptable to the department to a suitable project site shall be vested in the state before work is begun on the site."

The second 1978 amendment, effective July 1, 1978, added the exception to the end of subsection (a).

As the rest of the section was not affected by the amendments, it is not set out.

(b) Responsibility for maintenance of the project shall be established in the original contract agreement. The department shall participate in the final inspection of the project and approve of the final documents on the project. (§ 1 ch 57 SLA 1976)

**Sec. 35.15.120. Definitions.** In §§ 80 — 120 of this chapter

(1) "construction" or any derivative of the term "construct" means, in addition to the meaning given in AS 35.25.020, selecting and acquiring a project site and necessary rights-of-way and easements, providing for and connecting to utilities, and building, supervising and inspecting the public works project;

(2) "governing body" means in the case of a municipality, its assembly or council, and, in the case of a regional educational attendance area, its regional school board;

(3) "municipality" means a general law or home rule city or organized borough, including but not limited to a unified municipality organized under AS 29.68.240 -- 29.68.440. (§ 1 ch 57 SLA 1976)

**Chapter 20. Acquisition and Disposition of Property.**

Section	Section
10. Acquisition of land, rights-of-way, and materials by purchase or eminent domain	50. Authority to purchase property for the purpose of exchange
20. Declaration of taking	60. Sale of obsolete equipment and material
30. Acquisition of excess lands	70. Vacating of lands or rights in land
40. Authority to condemn or acquire publicly owned property for the purpose of exchange	

**Sec. 35.20.010. Acquisition of land, rights-of-way, and materials by purchase or eminent domain.** The department, on behalf of the state and as part of the cost of constructing or maintaining a public work, may purchase, acquire, take over, or condemn under the right and power of eminent domain land in fee simple or easements which it considers necessary for present public use, either temporary or permanent, or which it considers necessary and reasonable for the public use. By the same means, the department may obtain material including clay, gravel, sand, or rock, or the land necessary to obtain the material, and the necessary land or easements to provide access to it. The department may acquire the land or material notwithstanding the fact that the title to it is in the state or a department, agency, commission or institution of the state. (§ 1 art I title IV ch 152 SLA 1957)

This section and AS 35.20.020 grant to the Department of Public Works eminent domain powers, as well as the right to employ a declaration of taking in eminent domain proceedings. Tallman v. State, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).  
Am. Jur. reference. -- 18 Am. Jur., Eminent Domain, § 1 et seq.

**Sec. 35.20.020. Declaration of taking.** A declaration of taking, in the form of an order signed by the commissioner of the department, declaring that the real property, or an interest in it, or any easement is necessary for the public use of the state is sufficient to vest title in the

state. However, a declaration of taking is not effective until eminent domain proceedings have been instituted in the proper court, and a copy of the declaration of taking is filed in the office of the recorder located in the recording district where the land is located. The department may pay or have paid, from the appropriate fund, into court the amount it considers represents a reasonable valuation for the lands, easement or materials taken. (§ 1 art I title IV ch 152 SLA 1957)

This section and AS 35.20.010 grant to the Department of Public Works eminent domain powers, as well as the right to employ a declaration of taking in eminent domain proceedings. Tallman v. State, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Sec. 35.20.030. Acquisition of excess lands.** When a part of a parcel of land is taken and the remainder is in such shape or condition as to be of little value to its owner, or gives rise to claims or litigation concerning severance or other damage, the department may acquire the whole parcel and may sell the remainder or exchange it for other property needed for public works. (§ 2 art I title IV ch 152 SLA 1957; added by § 3 ch 122 SLA 1960)

**Sec. 35.20.040. Authority to condemn or acquire publicly owned property for the purpose of exchange.** When property which is devoted to or held for another public use for which the power of eminent domain may be exercised is taken for purposes set out in this title, the department may, with the consent of the person or agency in charge of the other public use, condemn the real property to be exchanged for the real property so taken. This section shall not limit the authorization of the department to acquire, other than by condemnation, property for those purposes in any other manner. (§ 2 art I title IV ch 152 SLA 1957; added by § 3 ch 122 SLA 1960)

**Sec. 35.20.050. Authority to purchase property for the purpose of exchange.** When the commissioner formally declares that it is in the best public interest of the state to do so, the department may acquire by purchase or otherwise privately or publicly owned land or an interest in it for the purpose of exchanging it for privately or publicly owned land which the department is authorized by law to acquire. (§ 2 art I title IV ch 152 SLA 1957; added by § 3 ch 122 SLA 1960)

**Sec. 35.20.060. Sale of obsolete equipment and material.** The department may sell, exchange or otherwise dispose of obsolete machinery, equipment and material no longer needed, required or useful for construction or maintenance purposes. Money derived from the sale of the property shall be credited to the fund from which the purchase was originally made. (§ 3 art IV title IV ch 152 SLA 1957)

**Sec. 35.20.070. Vacating of lands or rights in land.** The department may vacate land, or part of it, or rights in land acquired for public work

purposes by executing and filing a deed in the appropriate recording district. Upon vacating, title reverts to the persons, heirs, successors, or assigns in whom it was vested at the time of the taking. The department may transfer land considered no longer necessary for public works purposes to the Department of Natural Resources for disposal. The proceeds of disposal by the Department of Natural Resources shall be credited to the funds from which the purchase was originally made. (§ 4 art IV title IV ch 152 SLA 1957)

## Chapter 25. General Provisions.

### Section

- 10. Purpose and intent
- 20. Definitions

**Sec. 35.25.010. Purpose and intent.** The purpose of this title is to establish a public works department capable of carrying out a public works planning and construction program which will provide public buildings necessary to efficient government, and boat harbors, jetties, dikes and breakwaters necessary to the economy of Alaska communities, all of which is to the advantage and benefit of the general welfare of the public. (§ 2 art I title I ch 152 SLA 1957; am § 32 ch 71 SLA 1972)

**Effect of amendment.** — The 1972 amendment substituted "department" for "division" near the beginning of this section. **Legislative committee report.** — For report on ch. 71, SLA 1972 (HCSSB 383 am H), see 1972 House Journal, p. 898.

**Sec. 35.25.020. Definitions.** In this title, unless the context otherwise requires,

- (1) "construction" or any derivative of the term "construction" means construction, reconstruction, alteration, improvement or major repair;
- (2) "department" means the Department of Public Works;
- (3) "excess lands" means lands acquired for the state in excess of land required for a public work, when the remaining portion of a parcel of land acquired is left in a shape or condition as to be of little or no value to its owner, or to give rise to claims or litigation concerning severance or other damage;
- (4) "maintenance" means the preservation of each type of facility as nearly as possible in its original condition as constructed, or as improved;
- (5) "public building" means a building owned or controlled and held by the state for government or public use;
- (6) "public works" means all fixed works constructed or maintained by the Department of Public Works or any of its divisions, and includes but is not limited to work on a public building, boat harbor, jetty, dike, breakwater, or airport. (§ 3 art I title I ch 152 SLA 1957; am §§ 1, 2 ch 122 SLA 1960; am § 1 ch 96 SLA 1962)

## Chapter 27. Art Works in Public Buildings and Facilities.

### Section

- 10. Purpose
- 20. Art requirements for public buildings and facilities

### Section

- 30. Definitions

**Sec. 35.27.010. Purpose.** The state recognizes its responsibility to foster culture and the arts and the necessity for the viable development of its artists and craftsmen. The legislature declares it to be a state policy that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for state buildings and other public facilities. (§ 1 ch 54 SLA 1975)

**Legislative committee report.** — For report on ch. 54, SLA 1975 (CSHB 133 [Finance]), see 1975 Senate Journal, p. 939.

**Sec. 35.27.020. Art requirements for public buildings and facilities.**

(a) Plans for public buildings and facilities constructed after June 30, 1975 and for remodeling or renovation after June 30, 1975 where the total cost of the remodeling or renovation is \$250,000 or more shall contain provisions for the inclusion of works of art including but not limited to sculptures, paintings, murals, or objects relating to Native art.

(b) The department, before preparing plans and specifications for public works and facilities, shall consult with the Alaska State Council on the Arts regarding the desirability of inclusion of works of art.

(c) At least one per cent or, in the case of a rural school facility, at least one-half of one per cent of the construction cost of a building or facility approved for construction by the legislature after the enactment date of this chapter will be reserved for the following purposes: the design, construction, mounting and administration of works of art in the public building or public facility.

(d) Public buildings and facilities with an overall construction cost of less than \$250,000 are exempt from the requirements of this chapter unless inclusion of works of art in their design and construction is specifically authorized by the department.

(e) The artist who executes these works of art shall be selected by the architect for the department with the approval of the department, after consultation with the Alaska State Council on the Arts and the principal user of the public buildings or facilities. (§ 1 ch 54 SLA 1975)

(f) The artist who executes these works of art in the public schools shall be selected by the superintendent of a school district in which a public school is to be built with the approval of the school board. Should the department find in the best interest of the state that the selection of the artist who executes these works of art by the superintendent may result in a cost overrun to the state or delay of construction, the department shall make the selection of the artist in consultation with the superintendent.

(g) The architect, superintendent, department, and the Alaska State Council on the Arts shall encourage the use of state cultural resources in these art works and the selection of Alaska resident artists for the commission of these art works.

(am §§ 1, 2 ch 96 SLA 1977)

**Effect of amendment.** — The 1977 amendment substituted "or, in the case of a rural school facility, at least one-half of one percent of the construction cost" for "of the overall construction cost" in

subsection (c) and added subsections (f) and (g).

As the rest of the section was not affected by the amendment, it is not set out.

#### Sec. 35.27.030. Definitions. In this chapter

(1) "department" means the Department of Public Works;

(2) "public facilities" includes schools, office buildings, court buildings and other facilities which are designed for substantial public use, as well as the vessels of the state ferry system.

(3) "construction cost" is that cost expended for the actual construction of the facility, exclusive of the costs of land acquisition, site investigation, design services, administrative costs, equipment purchases and any other costs not specifically incurred within the construction contract or contracts awarded for the construction of the facility. (§ 1 ch 54 SLA 1975; am §§ 3, 4 ch 96 SLA 1977)

**Effect of amendment.** — The 1977 amendment inserted "schools, office buildings, court buildings and other

facilities which are designed for substantial public use" in paragraph (2) and added paragraph (3).

### Chapter 30. Consistency With Local Government Plans and Ordinances.

Section	Section
19. Review and approval by local planning authorities	30. Waiver
20. Compliance with municipal ordinances	40. Definitions

**Cross reference.** — As to construction procedures, see AS 35.15.010 et seq.

#### Sec. 35.30.010. Review and approval by local planning authorities.

(a) Except as provided in (b) of this section, before commencing construction of a public project,

(1) if the project is located in a municipality, the department shall submit the plans for the project to the planning commission of the municipality for review and approval;

(2) if the project is located within two miles of a village, the department shall submit the plans to the village council for review and comment.

(b) Prior approval by a municipal planning commission may not be required before the commencement of construction of a highway or local service road if

(1) the Department of Transportation and Public Facilities and the municipality have entered into agreement for the planning of the project under AS 19.20.060 or 19.20.070 and the plans for the project are completed in accordance with the terms of that agreement;

(2) the municipality has adopted a municipal master highway plan under AS 19.20.080 and the highway or local service road is consistent with the plan adopted; or

(3) the Department of Transportation and Public Facilities has entered into agreement with the municipality for the planning of transportation corridors under AS 19.10.280 and the plans for the project are completed in accordance with the provisions of that agreement.

(c) If final disapproval by resolution of the governing body of the affected municipality or village is not received within 90 days from the date the project was submitted to the municipality or village, the department may proceed with the project. (§ 3 ch 143 SLA 1977)

**Sec. 35.30.020. Compliance with municipal ordinances.** A department shall comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners. (§ 3 ch 143 SLA 1977)

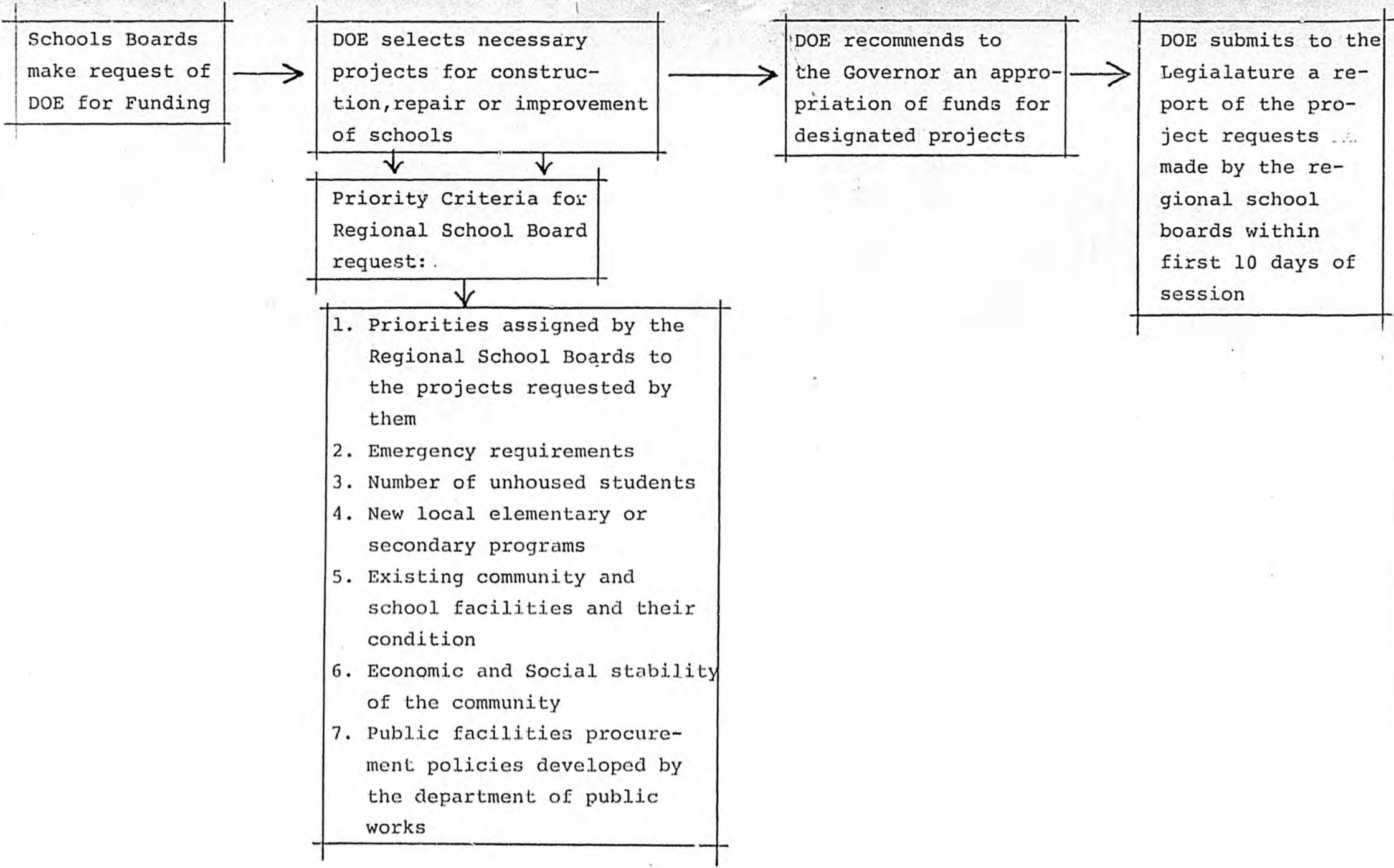
**Sec. 35.30.030. Waiver.** If a department clearly demonstrates an overriding state interest, waiver of local planning authority approval and the compliance requirement may be granted by the governor. The governor shall issue specific findings giving reasons for granting any waiver under this section. (§ 3 ch 143 SLA 1977)

#### Sec. 35.30.040. Definitions. In this chapter

(1) "department" means the Department of Transportation and Public Facilities, and the University of Alaska;

(2) "public project" means a public building or other structure, public work, or other facility, highway, or local service road constructed or maintained by a department; the term includes the acquisition by purchase or agreement of land and rights in land for materials and the extraction or removal of materials necessary for completion of a highway under AS 19.05.080 — 19.05.120;

(3) "village" means an unincorporated community of the unorganized borough where at least 25 people reside as a social unit. (§ 3 ch 143 SLA 1977)



Schools Boards make request of DOE for Funding

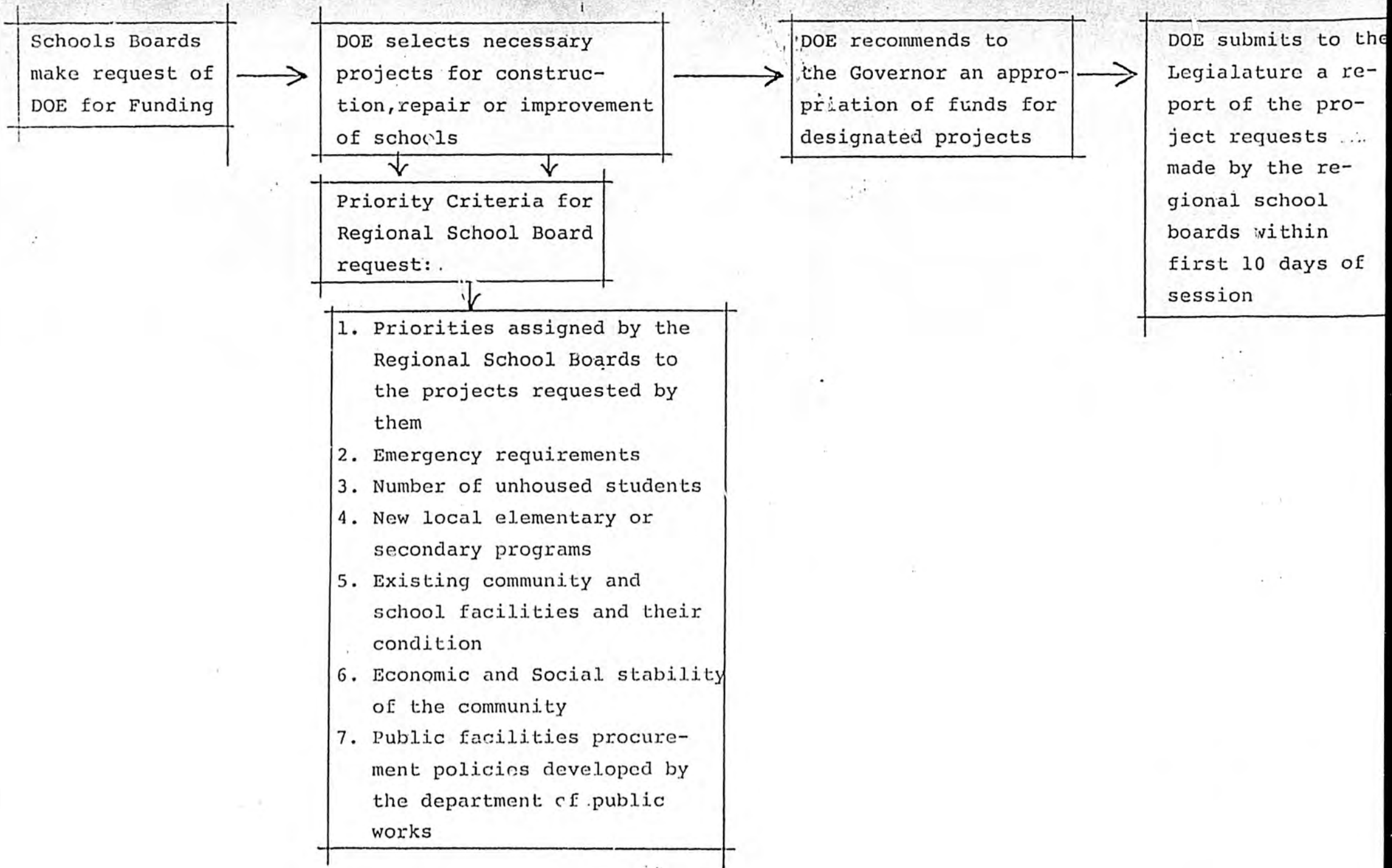
DOE selects necessary projects for construction, repair or improvement of schools

DOE recommends to the Governor an appropriation of funds for designated projects

DOE submits to the Legislature a report of the project requests made by the regional school boards within first 10 days of session

Priority Criteria for Regional School Board request:

1. Priorities assigned by the Regional School Boards to the projects requested by them
2. Emergency requirements
3. Number of unhoused students
4. New local elementary or secondary programs
5. Existing community and school facilities and their condition
6. Economic and Social stability of the community
7. Public facilities procurement policies developed by the department of public works



Regional School Boards may apply for a grant from DOT for all or part of the funds allocated for their construction, repair or improvement projects

School construction repair and improvement shall be carried out by DOT unless funds for a project are granted to a Regional School Board

When a regional school board applies for a grant of funds, the department shall grant funds to a regional school board<sup>1</sup>. for a school construction, repair, or improvement project, and, if the request is for all funds allocated, shall provide for the assumption by the regional school board of all of the department's responsibilities relating to the planning, design, and construction of a educational facility. Thereafter, the board shall

1. Select the appropriate professional personnel to develop the designs;
2. Approve or disapprove the appropriate designs or revised designs; and
3. Undertake construction, repair or improvement of the educational facility.

Ownership of supplies and equipment purchased with funds appropriated for school construction, repair, or improvement vests in the regional school board receiving them.

Title or sufficient interest determined acceptable by the department to an approved site for a school building to be constructed, repaired or improved by a regional school board shall be vested in the state or in the respective regional school board.

- 1./ To carry out the purpose of this section, the Department of Transportation and Public Facilities shall adopt regulations relating to the application for and the making and the manner of administration of grants wherein the responsibility for school construction, repair, and improvement is assumed by regional school boards.

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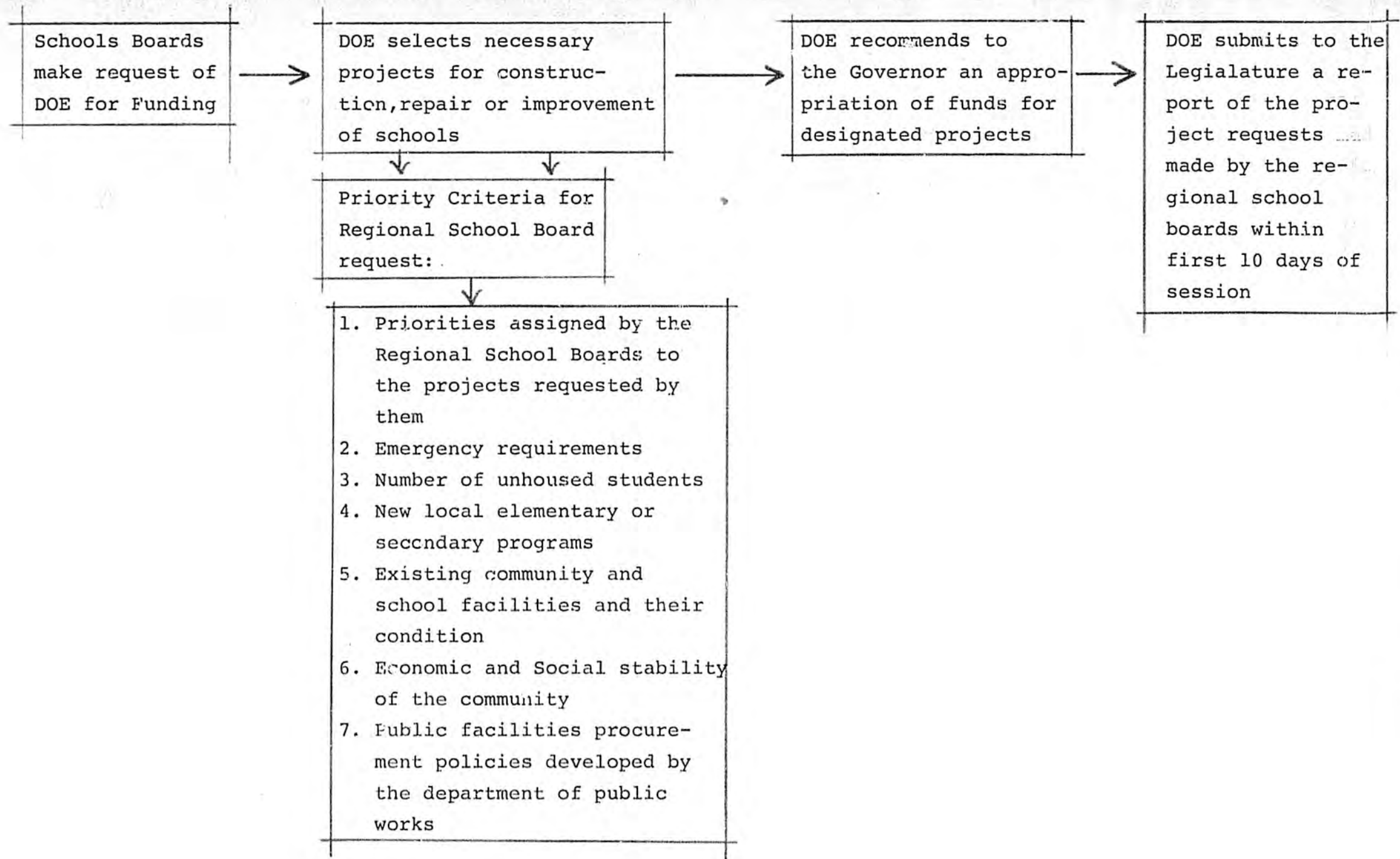
When a regional school board applies for a grant of funds, the department shall grant funds to a regional school board<sup>1</sup>. for a school construction, repair, or improvement project, and, if the request is for all funds allocated, shall provide for the assumption by the regional school board of all of the department's responsibilities relating to the planning, design, and construction of a educational facility. Thereafter, the board shall

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- 1./ To carry out the purpose of this section, the Department of Transportation and Public Facilities shall adopt regulations relating to the application for and the making and the manner of administration of grants wherein the responsibility for school construction, repair, and improvement is assumed by regional school boards.



### Article 3. Community Facilities Grants.

#### Section

300. Civic, convention and community recreation centers

Sec. 43.18.300. Civic, convention and community recreation centers. (a) Within the limits of legislative appropriations for the purpose, the state shall make matching grants to local governments or their nonprofit designee equal to 50 per cent of the estimated reasonable costs of land acquisition, planning, and construction of municipal civic, convention and community recreation centers and 50 per cent of the cost of feasibility studies relating to these facilities, in accordance with the provisions of this section.

(b) Grants for only one study and one project may be awarded to a local government under this section. Applications for grants shall be made in a form prescribed by the commissioner. A grant shall be allotted according to an agreement made between the commissioner on behalf of the state and the local government receiving the grant. The agreement may include any provision agreed upon by the parties and shall include in substance the following provisions:

(1) estimates of reasonable costs of a study or project as approved by the commissioner after consultation with the Department of Public Works;

(2) a schedule of grant disbursements, if, as determined by the commissioner, a grant is to be disbursed other than in one sum;

(3) agreement by the local government to

(A) proceed with and complete the proposed study or project expeditiously;

(B) not discontinue operation or dispose of all or part of a project for which it receives a grant without the approval of the commissioner;

(C) apply for, and make reasonable efforts to secure, federal assistance which may be available for the study or project, subject to any conditions the commissioner may require in order to maximize the amounts of that assistance received or to be received for all projects in the state;

(D) provide for payment of the local government's share of the cost of the study or project;

(4) agreement by the local government that, if federal assistance for a study or project becomes available to the local government which was not included in the calculation of the amount of a grant authorized and disbursed under this section, the value of the federal assistance shall be ascertained and subtracted from the total value of the project and the balance shall be equally divided between the state and local government;

(5) provision for alteration or modification of an approved study or project and for remedies in case of failure to perform the agreement between the parties or noncompliance with regulations promulgated by the commissioner under this section;

(6) provision for alteration or modification of an existing facility

which would have qualified under this section as a civic, convention or community recreation center at the time of initial construction if this section had been in effect and provision for remedies in case of failure to perform the agreement between the parties or noncompliance with regulations promulgated by the commissioner under this section.

(c) If funds appropriated by the legislature to provide grants under this section are not adequate to satisfy amounts required by approved grant applications, funds shall be allocated on the basis of priority established by the Department of Economic Development by regulations promulgated to carry out the provisions of this section.

(d) This section does not require that a local government receiving a grant for a feasibility study under this section must proceed with construction of a project, notwithstanding the project is determined to be feasible.

(e) The commissioner shall require in the negotiations and agreements with the local government that continued maintenance of the facility is the responsibility of the local government and the local government must show the feasibility of this before authorization of state funds.

(f) The commissioner shall provide an annual report to the legislature with respect to grants made under this section.

(g) The commissioner may promulgate regulations to carry out the purpose of this section.

(h) In this section

(1) "commissioner" means the commissioner of economic development;

(2) "local government" means a city of any class or a borough having power to implement the studies or projects for which grants are authorized in this section;

(3) "costs of construction" includes, in addition to costs directly related to the project, the sum total of all costs of financing and carrying out the project; these include, but are not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be necessary in connection with the project; an allocable portion of the administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositaries, financial advisors, and paying agents for the bonds issued as the issuer considers necessary; it does not include the cost of feasibility studies.

(am § 26 ch 168 SLA 1978)

# Municipality of Anchorage



ANCHORAGE ASSEMBLY

POUCH 6-650  
ANCHORAGE, ALASKA 99502  
(907) 274-2525

Assemblyman Don Smith  
Box 57 SRA  
Anchorage, Alaska 99507  
Phone: 344-1098 Home  
276-4325 Office

April 19, 1979

To Members of the Alaska Legislature

I'm urging that you consider freezing unspent Rural High School construction monies in order to give time for a review and re-evaluation of the program.

Why am I asking for such an action? My reason is that I do not believe that enough time and consideration was given to how the State of Alaska should attempt to solve the problem of education in rural Alaska.

I believe that Legislative action last year may have committed this State to a program which will not meet the needs of a small number of rural Alaskan High School Students and yet cost this State over a billion dollars within the next 20 years.

The out of court settlement of the Hootch case in my opinion can be delayed pending a reasonable review. The initial commitment on the part of the State was for \$20 million of the \$59 million dollar bond issue in 1976 to be used for construction of rural high schools. We should not allow the threat of further suit's or a continuation of the Hootch case to stop reasonable consideration of the consequences of building high schools in 126 villages in the State.

I think that we need to look at other alternatives besides just the construction of the traditional one room school house.

## CURRENT RURAL ELEMENTARY SCHOOL PROGRAM

I've talked with teachers and parents from rural Alaska who indicate to me that the current program for educating elementary children is not working. Are we structuring the curriculum for the uniqueness of rural Alaska so that children in grades K - 8



are capable of actually going on to High School? I've heard that there are inadequate books, programs that just won't work in the rural environment and that the problems are immense in getting qualified teachers and then being able to keep them.

#### QUALITY OF EDUCATION

Just what kind of high school education are you truly going to give in a classroom with 8 or 10 or for that matter 15 to 20 students? Do you really believe that students coming from this type of school will be capable of competing with other students when they go to college? How many native leaders do you think there will be in the future with this kind of high school training? I'm convinced that you will set back many of the advances that the Alaskan Native people have made in the past 20 years. Our rural high school students cannot receive the kind of training they will need in a school of 8 to 10 students. They need more than just the basics.

What about the recent University of Alaska study on Rural High School Education? Isn't that a warning flag that should be looked at. Remember, once this money is spent the program cannot be re-done. I've heard that the Hootch lawyers are now beginning to complain that the rural high school students are not going to be receiving the same kind of education that a student receives at West Anchorage High School -- of course not!

#### WHAT ARE THE COSTS?

Just what sort of commitment has been made? While the figures are difficult to acquire, it's obvious that well over \$160 million has been committed to date. This breaks down as follows:

\$ 59 Million from the bond issue in 1976
96 million from chapter 134 SLA 1978
4.5 million from chapter 137 SLA 1978
1 million from chapter 113 SLA 1978
<u>\$160.5 million</u>

These monies are only for construction! Original estimates appear to be over 2 years old which means that with inflation the totals will be much higher in order to build schools in all 126 villages. I even understand that REAA officials are speculating that this program with all the money currently committed will need an additional \$250 million to be completed!

That's over \$400 million dollars in order to build schools in 126 villages for no more than 2,300 to 2,600 kids!

Page Three.

For most State projects there is a requirement for life-cycle cost estimates. Do you realize that this has never been done? What are the costs going to be to fly in fuel, buy costly electricity, repair the facilities, provide for staff including their accommodations? You can bet it will easily exceed the construction costs!

I've talked with architects, builders and contractors and they all have told me that there are tremendous problems in trying to build these type of facilities in rural Alaska and that construction costs will be out of sight. I'd suggest that you talk privately to some of these people and find out how they view this program. I've heard that some of the schools are even being designed with obvious deficiencies and will require additional money to complete.

#### WHO'S IN CHARGE?

You should try and find out information on this program. I've never seen such a mess! The Department of Education handles one part, the REAA's another and the Department of Transportation the other. I'm convinced from my attempts to gather information that no one knows what the other is doing. You'd think that it would be a simple matter to chart a specific school. How many kids, how many students each year for the next 5 to 8 years, design of the school, estimated costs, size, a schedule of when the school will be designed, bid and constructed, any over-runs, and on and on! Believe me, you won't get very far. I know that certain Legislators have tried to acquire information and have been given the run around.

#### WHAT KIND OF STAFFING WILL BE REQUIRED?

What will the staffing requirements be for these 126 schools? As noted in the appendix, I have a letter from a person in Eagle who cites the number of Teachers now in the Eagle School. Are we going to be structuring the schools like in Eagle, from one teacher for 28 students in 1971 to 5 certified teachers & 1 secretary for 35 students? You'd almost think so if any kind of program is to be offered. What kind of PTR are we contemplating for rural high schools? What sort of commitment will we have in terms of costs for these teachers and their accommodations?

Are we going to be doing away with the current correspondence study program? Will students be allowed at State expense as is done today to travel to a larger community and board in order to get a decent education?

What is the REAA program costing us and shouldn't there be

an analysis made of this commitment. I see REAA Board members staying in Anchorage for days at a time - wearing special jackets identifying them with a certain REAA. How much is this program costing? I've heard that the 21 superintendents are receiving salaries in the \$60,000 dollar range plus each REAA has their own large administrative staffs. Should consideration be given to combining some of these REAA's?

#### ALTERNATIVES

While Native Leaders have criticized the boarding school program, shouldn't consideration be given to building 8 or 10 high school centers in rural Alaska? These schools would then be much closer to the students homes and therefore would allow for more contact with families.

What about using our new satellite TV communication system? Maybe all we need is a small addition to the local grade school and some coordination through the grade school teacher to work with the students in their correspondance studies.

I'm sure that there are many other options that have not been adequately reviewed and could go a long way to solve the problem of rural Alaska high schools. They may not be the perfect answer to the problem but neither is just spending money and hoping that it will be the cure.

#### CONCERNS OF VILLAGES AND PARENTS

I understand that there have been numerous complaints in the Governor's office in Nome concerning this program. Parents have been complaining because there has not been adequate notice given nor no community input on just what kind of school is going to be built.

I have also been told that many villages, particularly in the lower kuskokwim, were interested in seeing some type of regional high school built in their region instead of the current program.

#### JUST WHAT ARE THESE FACILITIES TO BE USED FOR?

In my review of this program I looked at three plans for the different kinds of schools that are to be built. My first reaction was that they were glorified community centers! Each has a large gym with attached kitchen facilities. If the need is truly for classrooms, then why aren't we just flying out portable trailer units like Alyeska used on the pipeline and connect them to the existing grade schools? This would certainly not be the nicest facility but would meet the need of having a classroom for the rural high school student.

Page Five.

I think that while the buildings can be called high schools, we're really being asked to build 126 communities their own community center and as a second thought we're including a classroom or classrooms all under the guise of education!


#### CONCLUSION

We are still only a state of 400,000 people. There are lots of things we'd all like to have. The committment of over a possible 1 billion dollars for high schools for such a small number of students is insane! Life in rural Alaska is tough and will always be difficult. Reasonable people I'm sure wouldn't object to a program that set up a few more regional high schools or an expanded correspondance program, but the State shouldn't be asked to expend its limited resources on this program, one at best that will not work.

As you know, I started a modest petition drive about a month ago. With very little effort I have collected over 2,200 signatures asking that you halt this program. This program should be stopped immediately and be given a complete review and re-evaluation. Alaskans deserve to know exactly what is planned and what the total costs are going to be. Not just construction costs, but a breakdown of all costs for the next 20 years. Various options should also be made available.

As a second recommendation, I would like to suggest that a blue ribbon commission be formed that could participate in the analysis.

Thank you for taking the time to review this request.

  
Don Smith

Eagle, Alaska 99738

April 7, 1979

Don Smith  
402 W. 3rd Avenue Suite 18  
Anchorage, Alaska 99501

Dear Mr. Smith,

While in Anchorage last week, it was with great joy I learned some one was finally concerned enough to do some thing about "run away spending in bush schools". I am appalled over the sudden increases with the new organization of Rural Regional School Districts.

In 1971, Eagle had one teacher with 28 students grades 1-8.

In 1978-79 Eagle has 35 students grade 1-12 with five certified teachers plus a secretary.

Eagle is located in the Gateway Regional School District, which has approx. 550-570 students the last time I asked, with an operating budget of 2 million dollars and a construction budget of 2.5 million dollars. Of course there is now an office building for a superintendent, ass't. superintendent, home studies coordinator who flies in to visit his students at regular intervals, a building personnel for construction plus several office staff. This structure was superimposed upon the already existing adm. personnel in the schools, such as principals, asst. principals and head teachers. It appears the major increases in the operating budget have gone for administrative personnel, and their per diem and travel.

Eagle has a mixed school of Indian and Caucasian since it serves the two communities. If I could get any inkling that the quality of education had improved, I might be less concerned. At \$3,636 per student, not including construction budget, which would more than double the cost per student, students could attend the best schools in the country.

God luck! If there is anything which I can do from this rural setting, please let me know. Attached are a few suggestions for change which I have listed.

Sincerely,

## ALASKA REGIONAL RURAL SCHOOL DISTRICTS

How can one get hold of this FISCAL EXTRAVAGANZA RIP-OFF? Perhaps you already have some answers; one knows it is twice as difficult to cut back and to prevent budget explosion. I should think the urban area residents would be truly concerned, as they carry the taxation load while funds are limited for their schools. Only a few of these rural residents pay any taxes and many receive funds through other programs in order to live here, yet demand all the 1st class services.

1. Appeal the HOOTCH case - I believe there is enough evidence that the education received in small high schools does not counter balance the need for students to leave a community for high school, nor remain home and take correspondence courses. Presently a H.S. diploma does not indicate any achievement level. Need to set up specific academic standards to receive a H.S. diploma.

I believe a precedent has been set for rural services in the health services for which the state has been responsibility. In the small urban bush communities, emergency services and minor illnesses cared for (elementary schools); in the Regional Centers which would be Tok in our case, more diagnostic treatment available (high school) and higher medical centers only provided in large cities which would Fairbanks in our case (university settings).

2. Alaska Education Department interpretation of the HOOTCH case: Much could be done within this court decision without this financial explosion. Let the legislators take the reins and put down some fiscal ceilings under which they must operate.

3. Ceiling on administrative costs; money seems to flow like water; biggest job seems to get it all spent.

4. Ceiling on central administration staff per number of students. Outrageous to have a superintendent plus asst. superintendent when each of the schools already has a principal or head teacher depending on size. Why is a secretary necessary when two certified teachers H.S. only have 10 - 12 students between them? Lets get originality in staffing such cases.

5. If a community with less than 30 or 40 (?) students wishes a high school program, allow the state to provide a teacher and the local community provide the building and utilities; Eagle School grade 1-8 was provided in this manner 1899 - 1940's.

6. Correspondence courses - decide if the state or school district has this responsibility rather than duplicating as now occurs. Students living in Eagle, three miles from present school have elected to use correspondence courses - some under state supervision and others under school district. A good basic education can be received with home study, if ability and interest is there. Some correspondence students in Alaska (1-12 grades) have graduated from college Magnum-Cum-Laude.

7. Halt building programs when other community buildings are available. Fancy buildings do not mean good educational programs; lets look inside the classrooms.

8. Better supervision of necessary rural buildings; Eagle's last school bldg, a multi-purpose building cost over \$200 a square foot and is a night mare of problems. I have been told this is more than the Kennedy Center in Wash. D.C. cost. We have been building in same community for the past seven years and know this is not necessary.

9. School Board Duplication - Presently every school has a school board (5 members) plus a Regional School Board with a representative from each of the areas. That is similar in an urban area to a school board from each class room and a school board for each individual school (many urban schools have more enrollment than the entire Gateway Regional School District has.)

No salary, but much cost involved in travel and pre diem. Ceiling put on such costs as our Regional School Board voted to send members to numerous outside meetings, plus all members to a southeastern meeting when one could have attended and reported back. It is unfortunate not to find citizens more responsible for fiscal matters; in light of their actions, regulations are required.

10/ Term "certified teacher" seems to have lost most of its meaning, except for receiving large salaries. Univ. of Alaska has so watered down its programs to meet native inabilities that it has lost its credibility. I support their effort to provide programs for the 15% of our population (native) but not at the expense of the rest of the 85% of our population. LET'S STOP THIS SELL OUT TO ALASKA NATIVES - NO ONE IS HELPING THEM BY THIS TREND. I know - I live here with them and they are my friends.

One can now become a "certified teacher" via correspondence thru the Univ. of Alaska if one has worked as a teacher's aide in the rural school. This was intended for natives, but also applies to caucasians. Many of our native population have the ability and could meet all the standards set up for the "Caucasian population" and should share the benefits. Those in the "watered-down" programs, should be identified as such and receive benefits accordingly.

11. OPENING UP MORE ALASKA RURAL LAND could set us up for sky rocketing costs unless guide lines are set up on costly bush services, prior to opening of land. Historically, people have cried for land, to get into the wilderness; then they do get there, they begin to demand all types of services be provided to them on the spot by the state - education, roads, health and welfare to mention just a few.

I admire a family wishing to live out in rural Alaska, who educates their children via correspondence course and provides own health care and transportation *and welfare.*

THE STATE NEEDS TO SET UP SPECIFIC GUIDELINES FOR THESE RURAL SERVICES BEFORE THEY CONTINUE ON THEIR "BIG LAND GIVE AWAY PROGRAM."

