



# LAWS OF ALASKA

1977

Source

Chapter No.

SB 295 am H

143

## AN ACT

Relating to construction of public works by state agencies.

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

\* Section 1. AS 35.15.010 is amended to read:

Sec. 35.15.010. CONSTRUCTION BY DEPARTMENT. 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.

\* Sec. 2. AS 35.15.030 is amended to read:

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 sec. 10 of this chapter and in AS 44.33.300, proceed to advertise, request bids, and award the contract in the manner provided in secs. 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 secs. 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.

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\* Sec. 3. AS 35 is amended by adding a new chapter to read:

CHAPTER 30. CONSISTENCY WITH LOCAL GOVERNMENT  
PLANS AND ORDINANCES.

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 pro-  
ject,

(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 govern-  
ing 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.

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.

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.

Sec. 35.30.040. DEFINITIONS. In this chapter

(1) "department" means the Department of Trans-  
portation 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.

\* Sec. 4. AS 35.10.020 is repealed.