



# LAWS OF ALASKA

2018

**Source**

SCS CSHB 212(FIN)

**Chapter No.**

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**AN ACT**

Relating to funding for school construction and major maintenance; relating to the regional educational attendance area and small municipal school district fund; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

1 Relating to funding for school construction and major maintenance; relating to the regional  
2 educational attendance area and small municipal school district fund; and providing for an  
3 effective date.

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5 \* **Section 1.** AS 14.11.013(a) is amended to read:

6 (a) With regard to projects for which grants are requested under AS 14.11.011,  
7 the department shall

8 (1) annually review the six-year plans submitted by each district under  
9 AS 14.11.011(b) and recommend to the board a revised and updated six-year capital  
10 improvement project grant schedule that serves the best interests of the state and each  
11 district; in recommending projects for this schedule, the department shall verify that  
12 each proposed project meets the criteria established under AS 14.11.014(b) and  
13 qualifies as a project required to

14 (A) avert imminent danger or correct life-threatening

1 situations;

2 (B) house students who would otherwise be unhoused; for  
3 purposes of this subparagraph, students are considered unhoused if the students  
4 attend school in temporary facilities;

5 (C) protect the structure of existing school facilities;

6 (D) correct building code deficiencies that require major repair  
7 or rehabilitation in order for the facility to continue to be used for the  
8 educational program;

9 (E) achieve an operating cost savings;

10 (F) modify or rehabilitate facilities for the purpose of  
11 improving the instructional program;

12 (G) meet an educational need not specified in (A) - (F) of this  
13 paragraph, identified by the department;

14 (2) prepare an estimate of the amount of money needed to finance each  
15 project;

16 (3) provide to the governor, by November 1, and to the legislature  
17 within the first 10 days of each regular legislative session, a revised and updated six-  
18 year capital improvement project grant schedule, together with a proposed schedule of  
19 appropriations;

20 **(4) encourage each school district to use previously approved**  
21 **school construction design plans and building systems if the use will result in cost**  
22 **savings for the project;**

23 **(5) consider the regionally based model school construction**  
24 **standards developed under AS 14.11.017(d).**

25 \* **Sec. 2.** AS 14.11.013(b) is amended to read:

26 (b) In preparing the construction grant schedule, the department shall establish  
27 priorities among projects for which grants are requested and shall award school  
28 construction grants in the order of priority established. In establishing priorities, the  
29 department shall evaluate at least the following factors, without establishing an  
30 absolute priority for any one factor:

31 (1) emergency requirements;

- 1 (2) priorities assigned by the district to the projects requested;  
2 (3) new local elementary and secondary programs;  
3 (4) existing regional, community, and school facilities, and their  
4 condition; this paragraph does not include administrative facilities;  
5 (5) the amount of district operating funds expended for maintenance;

6 [AND]

- 7 (6) other options that would reduce or eliminate the need for the  
8 request;

9 **(7) the district's use of previously approved school construction**  
10 **design plans and building systems if the use will result in cost savings for the**  
11 **project; and**

12 **(8) consideration of regionally based model school construction**  
13 **standards under AS 14.11.017(d).**

14 \* **Sec. 3.** AS 14.11.013(c) is amended to read:

15 (c) The department may

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

18 (2) require that a school construction project be phased for purposes of  
19 planning, design, and construction; [AND]

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

22 (A) incomplete information or documentation provided by the  
23 district;

24 (B) a determination by the department that existing facilities  
25 can adequately serve the program requirements, or that alternative projects are  
26 in the best interests of the state;

27 (C) a determination that the project is not in the best interest of  
28 the state; **and**

29 **(4) require that a school construction project include all or part of**  
30 **the regionally based model school construction standards developed under**  
31 **AS 14.11.017(d) or use previously approved design plans and building systems**

1 **that would result in capital or operating cost savings for the project.**

2 \* **Sec. 4.** AS 14.11.017 is amended by adding a new subsection to read:

3 (d) The department shall develop and periodically update regionally based  
4 model school construction standards that describe acceptable building systems and  
5 anticipated costs and establish school design ratios to achieve efficient and cost-  
6 effective school construction. In developing the standards, the department shall  
7 consider the standards and criteria developed under AS 14.11.014(b).

8 \* **Sec. 5.** AS 14.11.030(a) is amended to read:

9 (a) The regional educational attendance area and small municipal school  
10 district school fund is created as an account in the general fund to be used, in addition  
11 to other funding sources, to fund projects approved under AS 14.11.025 for the costs  
12 of school construction **and major maintenance** in regional educational attendance  
13 areas and small municipal school districts. **The primary function of the fund is to**  
14 **fund school construction projects.**

15 \* **Sec. 6.** AS 14.11.030(b) is amended to read:

16 (b) Legislative appropriations, including appropriations of interest earned on  
17 the fund, shall be deposited in the fund established under this section. The  
18 **unobligated and unexpended cash** [FUND] balance **of the fund** may not exceed  
19 \$70,000,000.

20 \* **Sec. 7.** AS 14.11.035 is amended to read:

21 **Sec. 14.11.035. Report on school construction and major maintenance**  
22 **funding. Every** [BEGINNING IN] February [2013], the department shall provide to  
23 the governor and the legislature an annual report on the effectiveness of the school  
24 construction and major maintenance grants, state aid for school construction **and**  
25 **major maintenance** in regional educational attendance areas, and state aid for costs of  
26 school construction debt under this chapter. The report must include an analysis of  
27 funding sources and the short-term and long-term fiscal effects of the funding on the  
28 state. Copies of the report shall be made available to the public and to the legislature.

29 \* **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).