

4 AAC 31.013(a)(2) is amended to read:

(2) an energy management plan that includes recording energy consumption for all the utilities on a monthly basis for each building; for facilities constructed before December 15, 2004, a district may record energy consumption for utilities on a monthly basis when multiple buildings are served by one utility plant.

(Eff. 5/24/2001, Register 158; am 12/19/2002, Register 164; am 12/15/2004, Register 172; am 6/17/2010, Register 194)

Authority: AS 14.07.020 AS 14.11.011 AS 14.11.132
AS 14.02.060

4 AAC 31.014(a) is amended to read:

(a) The chief school administrator shall assure that a new school facility, addition, or major renovation complies with applicable facility codes and regulations of the state and with those of the municipality in which the facility is located. The chief school administrator may meet the obligation by providing documentation from the appropriate state or municipal official that the facility, addition, or renovation complies with an applicable code or regulation. For purposes of this subsection, the applicable codes and regulations of the state with which facilities, additions, or renovations must comply are

- (1) the building code, adopted by 13 AAC 50.020;
- (2) the electrical code, adopted by 8 AAC 70.025;
- (3) the plumbing code, adopted by

AS 18.60.705(a);

- (4) the mechanical code, adopted by

13 AAC 50.023;

(5) the ASME Boiler and Pressure Vessel Code, adopted by 8 AAC 80.010; and

(6) the fire code, adopted by 13 AAC 50.025.

(Eff. 4/17/98, Register 146; am 6/17/2010, Register 194)

Authority: AS 14.07.020 [AS 14.07.020(a)(7)]

4 AAC 31.020(a)(1) is repealed and readopted to read:

(1) for a school capital project application submitted to the department, *Creating Connections: The CEFPI Guide for Educational Facility Planning*, 2004 Edition, as published by the Council of Educational Facilities Planners International;

4 AAC 31.020(f) is repealed:

(f) Repealed 6/17/2010.

(Eff. 3/1/78, Register 65; am 6/9/83, Register 86; am 12/2/83, Register 88; am 8/31/90, Register 115; am 10/7/95; Register 136; am 4/17/98, Register 146; am 2/18/99, Register 149; am 7/13/2000, Register 155; am 8/23/2001, Register 159; am 12/20/2002, Register 164; am 6/17/2010, Register 194)

Authority: AS 14.07.020 AS 14.11.011 AS 14.11.100

AS 14.07.060 AS 14.11.020 AS 14.11.132

4 AAC 31.021(a) is amended to read:

(a) A school district, as the term "district" is defined in AS 14.11.135, may apply for up to 10 capital improvement grants under AS 14.11.011 by September 1 of the fiscal year

preceding the fiscal year for which the request is made. The application shall be made on forms prescribed by the commissioner and be accompanied by the school district’s current six-year capital improvement plan prepared under 4 AAC 31.011, and the chief school administrator must certify that the application is submitted in accordance with law.

The lead-in language of 4 AAC 31.021(c) is amended to read:

(c) A grant application that includes new construction, addition of space, or replacement of space, must include verification that

...

4 AAC 31.021(c)(6) is repealed:

(6) repealed 6/17/2010.

4 AAC 31.021 is amended by adding a new subsection to read:

(h) A grant application must include verification that insurance or a program of self-insurance exists under 4 AAC 31.200 – 4 AAC 31.225 and will be revised, if necessary, to include the proposed facility. (Eff. 8/31/90, Register 115; am 8/12/93, Register 127; am 3/10/96, Register 137; am 4/17/98, Register 146; am 7/13/2000, Register 155; am 12/19/2002, Register 164; am 6/17/2010, Register 194)

Authority: AS 14.07.060 AS 14.11.011 AS 14.11.132
AS 14.11.008 AS 14.11.013

4 AAC 31.022(b)(2) is amended to read:

(2) major maintenance projects are those projects the primary purpose of which is to accomplish work under the categories established in AS 14.11.013(a)(1)(C) and (D), except that a major maintenance project may not include additional or replacement square footage.

4 AAC 31.022(c)(9) is amended to read:

(9) the inclusion of new square footage to support unhoused students; the department staff shall place projects that add or replace square footage on the school construction list.

4 AAC 31.022(e)(3) is repealed:

(3) repealed 6/17/2010;

(Eff. 8/31/90, Register 115; am 8/12/93, Register 127; am 10/7/95, Register 136; am 4/17/98, Register 146; am 7/13/2000, Register 155; am 12/19/2002, Register 164; am 6/17/2010, Register 194)

Authority: AS 14.07.060 AS 14.11.013 AS 14.11.132
AS 14.11.011

4 AAC 31.060(b) is amended to read:

(b) In accepting state aid from the department, the municipality or school district receiving the grant or debt reimbursement shall comply with all pertinent state statutes, codes, standards, and regulations related to construction of a public facility. Further, the recipient shall comply with conditions, requirements, and stipulations in the forms prescribed by the commissioner for the capital improvement project agreement.

4 AAC 31.060(f)(2) is repealed:

(2) repealed 6/17/2010;

4 AAC 31.060 is amended by adding new subsections to read:

(m) A school facility that falls under AS 14.11.100(j)(4), and that proposes to construct new space, add space, or replace existing space, must meet the eligibility requirements of this chapter.

(n) A district requesting financial assistance for a new school must demonstrate a minimum of 25 unhoused students in the attendance area, during the five year post occupancy projection unless otherwise approved by the commissioner. (Eff. 3/1/78, Register 65; am 2/24/83, Register 85; am 12/2/83, Register 88; am 9/12/85, Register 96; am 2/8/86, Register 97; am 5/30/90, Register 114; am 4/17/98, Register 146; am 7/13/2000, Register 155; am 6/17/2010, Register 194)

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|-------------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.11.020 | AS 14.11.102 |
| | AS 14.07.060 | AS 14.11.100 | AS 14.11.132 |
| | AS 14.11.011 | | |

4 AAC 31.063(a) is repealed:

(a) Repealed 6/17/2010.

4 AAC 31.063(b) is repealed:

(b) Repealed 6/17/2010.

4 AAC 31.063(c) is repealed:

(c) Repealed 6/17/2010.

4 AAC 31.063(d) is repealed:

(d) Repealed 6/17/2010.

4 AAC 31.063(e) is amended:

(e) Interest on proceeds of grant money appropriated for approved projects shall be held by the district to pay for project cost overruns, change orders, contract amendments, contractor's claims, or other modifications necessary because of unavoidable or unforeseeable circumstances that are not the result of imprudent management, as determined by the commissioner. If at the completion of the project, any money earned as interest remains, the district shall transfer that amount to a district capital account for school capital projects.

(Eff. 2/8/86, Register 97; am 7/11/86, Register 99; am 12/19/2002, Register 164; am 6/17/2010, Register 194)

Authority: AS 14.07.060 AS 14.11.100 AS 14.11.132

4 AAC 31.085(d) is amended to read:

(d) If a municipal government proposes a use for the facility, the department may convey the facility to the municipality without charge. Removal from state-owned land, of the facility conveyed under this subsection is required, unless the department determines that no state

agency has use for the land which the facility is located and approves conveyance of the land to the municipality.

4 AAC 31.085 is amended by adding a new subsection to read:

(i) If removal of a facility disposed of under (g) of this section is not feasible, the commissioner may determine that it is in the best interest of the state to approve the granting of a long-term lease with the non-profit entity that has been approved for use of the facility. (Eff. 10/4/90, Register 115; am 4/17/98, Register 146; am 12/19/2002, Register 164; am 6/17/2010, Register 194)

Authority: AS 14.07.030 AS 14.07.060

4 AAC 31.200(d) is amended by adding a new paragraph to read:

(3) “replacement cost” includes all costs associated with replacement of the facility including construction management, design, equipment, technology, district overhead, and art costs necessary to insure that the facility is fully operational at no additional cost to the district.

4 AAC 31.200 is amended by adding a new subsection to read:

(e) If a school facility operated by a regional educational attendance area and owned by the state is damaged or destroyed, the district shall include the department in all insurance negotiations. (Eff. 8/31/90, Register 115; am 6/11/97, Register 142; am 6/17/2010, Register 194)

Authority: AS 14.03.150 AS 14.07.060

4 AAC 31.215(c) is amended to read:

(c) If a grant under AS 14.11 is sought to repair or replace a facility, the project amount will be reduced by the amount of insurance proceeds received by the district, and as provided in 4 AAC 31.210, by the amount of the deductible paid. (Eff. 8/31/90, Register 115; am 4/17/98, Register 146; am 7/13/200, Register 155; am 6/17/2010, Register 194)

Authority: AS 14.03.150 AS 14.07.060

4 AAC 31.900(4) is repealed and readopted to read:

(4) “elementary and secondary schools” means buildings that have been built or converted predominantly for instruction of students in grades kindergarten through 12, and buildings for the support of that instruction;

(i) elementary students are those in grades kindergarten – 6th; and

(ii) secondary students are those in grades 7th – 12th;

4 AAC 31.900(22) is amended to read:

(22) “temporary” as applied to facilities means facilities, typically providing classroom or administrative space, of temporary construction, intended for use for a limited period of time, and installed with minimal site support and without water or sewer services or a foundation of permanent construction;

(Eff. 3/1/78, Register 65; am 6/9/83, Register 86; am 12/2/83, Register 88; am 9/12/85, Register 96; am 8/31/90, Register 115; am 9/29/90, Register 115; am 10/7/95, Register 136; am 4/17/98,

Register 146; am 2/18/99, Register 149; am 7/13/2000, Register 155; am 8/23/2001, Register 159; am 12/20/2002, Register 164; am 12/20/2002, Register 164; am 6/17/2010, Register 194

Authority: AS 14.07.020 AS 14.11.020 AS 14.11.102
 AS 14.07.060 AS 14.11.100 AS 14.11.132
 AS 14.11.011