



# LAWS OF ALASKA

1982

**Source**

SB 559 am

**Chapter No.**

4

**AN ACT**

Relating to state grants; 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, LINE 9

Veto Overridden: January 15, 1982  
Actual Effective Date: January 16, 1982

AN ACT

Relating to state grants; and providing for an effective date.

\* Section 1. AS 37.05.315 is repealed and reenacted to read:

Sec. 37.05.315. GRANTS TO MUNICIPALITIES. (a) When an amount is appropriated or allocated as a grant to a municipality, the Department of Administration shall promptly notify the municipality of the availability of the grant. When the Department of Administration receives an agreement executed by the municipality which provides that the municipality (1) will spend the grant for the purposes specified in the appropriation or allocation; (2) will allow, on request, an audit by the state of the uses made of the grant; and (3) assures that, to the extent consistent with the purpose of the appropriation or allocation, the facilities and services provided with the grant will be available for the use of the general public, the Department of Administration shall pay the grant directly to the municipality. The agreement executed by a municipality under this section shall be on a form furnished by the Department of Administration and shall be executed within 60 days after the effective date of the appropriation or allocation.

(b) An appropriation or allocation for a grant to a municipality for construction of a public facility lapses if substantial, ongoing work on the project has not begun within five years after the effective date of the appropriation or allocation.

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1 (c) In accepting a grant of money for construction of a public  
2 facility, a municipality covenants with the state that it will operate  
3 and maintain the facility for the practical life of the facility and  
4 that the municipality will not look to the state to operate or maintain  
5 the facility or pay for its operation or maintenance. This requirement  
6 does not apply to a grant of money for repair or improvement of an  
7 existing facility operated or maintained by the state at the time the  
8 grant is accepted if the repair or improvement for which the grant is  
9 made will not substantially increase the operating or maintenance costs  
10 to the state.

11 (d) Not less than 20 percent of a grant shall be paid to a  
12 municipality within 10 days of the effective date of the agreement  
13 under (a) of this section. The remainder of the grant shall be paid  
14 either in monthly installments equal to the amount of grant money the  
15 municipality expended in the previous month or in a lump sum as deter-  
16 mined by the Department of Administration.

17 \* Sec. 2. AS 37.05 is amended by adding new sections to read:

18 Sec. 37.05.316. GRANTS TO NAMED RECIPIENTS. When an amount is  
19 appropriated or allocated to a department as a grant for a named  
20 recipient which is not a municipality, the department to which the  
21 appropriation or allocation is made shall promptly notify the named  
22 recipient of the availability of the grant and request the named  
23 recipient to submit a proposal to provide the goods or services speci-  
24 fied in the appropriation act, or both, for which the appropriation or  
25 allocation is made. At the same time, the department may issue a  
26 request for proposals from other qualified persons to provide the same  
27 goods or services, or both, in the same area. The department shall  
28 contract with the named recipient unless the Office of the Governor,  
29 with due regard for any local expertise or experience among those

1 making proposals, determines that an award of the contract to a  
2 different party would better serve the public interest. If the con-  
3 tract is awarded to another party than that named by the legislature,  
4 the basis of that action shall be stated in writing at the time the  
5 grant is issued and a copy of the written statement shall be sent to  
6 the Legislative Budget and Audit Committee. A contract shall be  
7 executed within 60 days after the effective date of the appropriation  
8 or allocation. The purchase of the goods or services, or both, shall  
9 be in accordance with AS 37.05.230(1)(C).

0 Sec. 37.05.317. GRANTS TO UNINCORPORATED COMMUNITIES. When an  
1 amount is appropriated or allocated as a grant under this section to an  
2 unincorporated community, it shall be disbursed as follows:

3 (1) Within 45 days after the effective date of the appropria-  
4 tion or allocation, the Department of Community and Regional Affairs  
5 shall notify the governing body of the unincorporated community, if  
6 any, that a grant is available.

7 (2) The Department of Community and Regional Affairs shall  
8 determine if there is a qualified incorporated entity in the community  
9 area that will agree to receive the grant and administer it, subject  
10 to terms generally applicable to private grantees. If there is more  
11 than one such entity, the Department of Community and Regional Affairs  
12 shall select the most qualified and the grant shall be awarded to that  
13 incorporated entity for the purposes specified in the appropriation  
14 act. However, the Department of Community and Regional Affairs shall  
15 give preference to a nonprofit corporation organized by a community for  
16 receipt of the grant.

17 (3) If there is no incorporated entity qualified to receive  
18 the grant, the Department of Community and Regional Affairs shall  
19 administer the program as specified in the appropriation act directly

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1 or through agents or contractors with whom it may contract in the  
2 community area.

3 Sec. 37.05.318. EXEMPTION FROM REGULATIONS. Notwithstanding the  
4 Administrative Procedure Act (AS 44.62), the Fiscal Procedures Act  
5 (AS 37.05), and the Executive Budget Act (AS 37.07), a state agency may  
6 not adopt regulations or impose additional requirements or procedures to  
7 implement, interpret, make specific, or otherwise carry out the pro-  
8 visions of AS 37.05.315 - 37.05.317 unless required by the federal  
9 government for participation in federal programs.

10 Sec. 37.05.319. DEFINITIONS. In AS 37.05.315 - 37.05.317,  
11 "appropriation" and "allocation" have the meanings set out in AS 37.-  
12 07.120(4) and (5).

13 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
14 070(c).