

1 IN THE SENATE

BY YOUNG

2 SENATE BILL NO. 44

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing state grants to organized boroughs
7 and cities for protection of land endangered by flood-
8 ing or erosion, and otherwise relating to protection
9 of this land."

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

11 * Section 1. AS 43.18 is amended by adding a new section to read:

12 Sec. 43.18.300. STATE AID FOR PROTECTION OF ENDANGERED LAND.

13 (a) An organized borough or a city located outside an organized
14 borough is entitled to state grants to supplement local funds which are
15 expended after July 1, 1971 for costs of protecting endangered land, in
16 the ratio of 75 per cent state funds to 25 per cent local matching
17 funds, as provided in this section.

18 (b) To qualify for a grant under this section, the governing body
19 shall furnish to the commissioner proof in the form required by him
20 that it has deposited in a local municipal capital project fund sepa-
21 rate from other municipal funds and accounts an amount to be utilized
22 solely for costs of protecting endangered land. The amount deposited
23 as a local share may be derived from any source other than the state.
24 In accepting proof of deposit of the local share, the commissioner shall
25 allow as part of the share the reasonable value of in-kind contributions
26 pledged and directly related to payment of the costs of protecting
27 endangered land. Determination of value by the commissioner is final.
28 Upon receipt of satisfactory proof of deposit of the local share in the
29 municipal capital project fund, the commissioner shall provide for

1 allocation from state appropriations available for the purpose payment
2 in the ratio authorized in (a) of this section.

3 (c) State money and equal amounts of local money deposited in a
4 municipal capital project fund under this section shall be utilized
5 solely to pay costs of measures intended to prevent or control flooding
6 or soil erosion with respect to endangered land.

7 (d) The commissioner shall require accounting of money in the
8 municipal capital project fund in the uniform manner set out in the
9 Manual of Governmental Accounting, Auditing and Financial Reporting,
10 1968, as supplemented, issued by the National Committee on Governmental
11 Accounting.

12 (e) The endangered land grant account is established. Funds
13 to carry out the provisions of this section may be appropriated annually
14 by the legislature to the account. If amounts in the account are insuf-
15 ficient for the purpose of each local government's share authorized in
16 this section, such funds as are available shall be distributed pro rata
17 among eligible local governments.

18 (f) Money in the grant account which, at the end of the fiscal
19 year for which the money is appropriated, exceeds the amount required
20 for the allocations authorized in this section reverts to the general
21 fund.

22 (g) The department shall provide an annual report to the legis-
23 lature respecting grants made under this section.

24 (h) The department may promulgate regulations to implement this
25 section.

26 (i) In this section

27 (1) "commissioner" means the commissioner of natural re-
28 sources;

29 (2) "endangered land" means publicly or privately-owned land,

1 whether developed or not, which in the determination of the governing
2 body and commissioner is subject to a substantial threat or condition
3 of flooding or erosion because of its particular situation in the
4 municipality;

5 (3) "department" means the department of natural resources;

6 (4) "governing body" means the governing body of an organized
7 borough or a city of any class located outside an organized borough.

8 * Sec. 2. AS 07.15.350 is amended by adding a new section to read:

9 Sec. 07.15.370. LAND PROTECTION. The assembly of the first or
10 second class borough may by ordinance or otherwise take action it con-
11 siders necessary to prevent or control damage as a result of flooding
12 or erosion of land within the borough. The exercise of the areawide
13 power conferred in this section is at the option of the borough and is
14 not subject to the restrictions on acquiring additional areawide powers
15 specified in sec. 350 of this chapter.

16 * Sec. 3. AS 07.17.020 is amended by adding a new subsection to read:

17 (c) The assembly of the third class borough may by ordinance or
18 otherwise take action it considers necessary to prevent or control
19 damage as a result of flooding or erosion of land within the borough.
20 The exercise of the areawide power conferred in this subsection is at
21 the option of the borough and is not subject to the restrictions on
22 acquiring additional areawide powers specified for other boroughs.

23 * Sec. 4. AS 29.10 is amended by adding a new section to read:

24 Sec. 29.10.134. LAND PROTECTION. The council of a first class
25 city located outside an organized borough may by ordinance or otherwise
26 take action it considers necessary to prevent or control damage as a
27 result of flooding or erosion of land within the city.

28 * Sec. 5. AS 29.15 is amended by adding a new section to read:

29 Sec. 29.15.155. LAND PROTECTION. The board of trustees of a

1 second class city located outside an organized borough may by ordinance
2 or otherwise take action it considers necessary to prevent or control
3 damage as a result of flooding or erosion of land within the city.

4 * Sec. 6. AS 29.20 is amended by adding a new section to read:

5 Sec. 29.20.065. LAND PROTECTION. The board of trustees of a third
6 class city located outside an organized borough may by ordinance or
7 otherwise take action it considers necessary to prevent or control
8 damage as a result of flooding or erosion of land within the city.

9 * Sec. 7. AS 29.25 is amended by adding a new section to read:

10 Sec. 29.25.245. LAND PROTECTION. The council of a fourth class
11 city located outside an organized borough may by ordinance or otherwise
12 take action it considers necessary to prevent or control damage as a
13 result of flooding or erosion of land within the city.