

Introduced: 1/21/72  
Referred: Commerce; Local  
Government

1 IN THE SENATE

CS  
2 SENATE BILL NO. 298 Am

BY JOSEPHSON, MERDES, CROFT,  
GROH, HENSLEY, POLAND, RADER,  
RETTIG, THOMAS, YOUNG

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing state aid for all-weather athletic  
7 facilities; and providing for an effective date."

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

9 \* Section 1. FINDINGS, PURPOSE. The legislature finds and declares that

10 (1) the nature of the climate throughout the State of Alaska and  
11 the demand for all-weather sports facilities to encourage either organized  
12 or individual athletic participation and activity in the interest of preser-  
13 vation of the public health and promotion of the general welfare is such  
14 that funds should be made available for the planning and construction of  
15 all-weather athletic facilities, particularly those buildings of contemporary  
16 design that employ a closed, covered or domed stadium or arena as a place for  
17 both participants and spectators to enjoy athletic events the year around  
18 regardless of weather conditions;

19 (2) spectator athletics enjoy proven, widespread community support  
20 in this state and, as a result, favorable national attention has focused upon  
21 Alaska as a home for semiprofessional and professional sports; however,  
22 inclement weather conditions during long periods of the year necessitate fore-  
23 shortened outdoor sports seasons and result in numerous postponements of  
24 scheduled contests, thus making difficult Alaska's participation in profes-  
25 sional outdoor team sports, or the development of semiprofessional programs,  
26 notwithstanding demonstrated support;

27 (3) the technology in architecture and engineering for the design  
28 and construction of domed or covered athletic stadia and arenas suitable for  
29 football, baseball and other traditional outdoor sports is advancing rapidly

1 thus making economically feasible the construction of these facilities in  
2 Alaska at a time when the state's growth has increased public demand for this  
3 type of facility; athletic facilities incorporating the domed stadium feature  
4 while designed to make possible spectator comfort in viewing the highest  
5 caliber professional and semiprofessional team sports, have incidental use  
6 for individual participatory and intramural, interscholastic and intercollegi-  
7 ate athletic programs as well;

8 (4) state participation in the development of all-weather athletic  
9 facilities, separately or in conjunction with civic center, convention or  
10 community recreation facilities, will serve the economic interests of the  
11 state, increase tourism, promote recreational opportunities and encourage the  
12 accumulation of technological knowledge that will assist northern communities  
13 to meet the growing demand for stadia and arenas in which traditional outdoor  
14 sports can be played the year around.

15 \* Sec. 2. AS 43.18 is amended by adding a new section to read:

16 Sec. 43.18.350. ALL-WEATHER ATHLETIC FACILITIES. (a) Within the  
17 limits of legislative appropriations for the purpose, the state shall  
18 make matching grants to local governments, or their nonprofit designee,  
19 equal to 50 per cent of the estimated reasonable nonfederal costs of  
20 land acquisition, planning and construction of all-weather athletic  
21 facilities in accordance with the provisions of this section. However,  
22 the state grant may not exceed \$50 per capita population of the local  
23 government including both the city and the surrounding integrated  
24 economic area. A local government may issue bonds up to \$100 per capita  
25 population of the entire integrated economic area the all-weather  
26 athletic facility will serve. For the purposes of this section "sur-  
27 rounding" or "entire integrated economic area" means a city and the  
28 borough in which it is located.

29 (b) A project funded under this section may be funded, planned

1 and constructed in conjunction with a project funded under. sec. 300 of  
2 this chapter. However, the athletic facility is subject to the terms  
3 and conditions of this section.

4 (c) Grants for only one project may be awarded to a single local  
5 government under this section. Applications for grants shall be made  
6 in accordance with a form prescribed by the commissioner. A grant shall  
7 be allotted according to an agreement made between the commissioner on  
8 behalf of the state and the local government receiving the grant. The  
9 agreement may include any provisions agreed upon by the parties and  
10 shall include in substance the following provisions:

11 (1) estimates of reasonable nonfederal costs of a project  
12 as approved by the commissioner after consultation with the Department  
13 of Public Works;

14 (2) a schedule of grant disbursements, if, as determined by  
15 the commissioner, a grant is to be disbursed other than in one sum;

16 (3) an agreement by the local government to

17 (A) proceed with and complete the proposed project  
18 expeditiously;

19 (B) not discontinue operation or dispose of all or part  
20 of a project for which it receives a grant without the approval  
21 of the commissioner;

22 (C) apply for, and make reasonable efforts to secure,  
23 federal assistance which may be available for the project, subject  
24 to conditions the commissioner may require in order to maximize  
25 the amounts of the assistance received or to be received for all  
26 projects in the state;

27 (D) provide for payment of the local government's share  
28 of the cost of the project;

29 (4) agreement by the local government that, if federal

1 assistance for a project becomes available to the local government which  
2 was not included in the calculation of the amount of a grant authorized  
3 and disbursed under this section, the value of the federal assistance  
4 shall be ascertained and subtracted from the total value of the project  
5 and the balance shall be equally divided between the state and local  
6 government;

7 (5) provision for alteration or modification of an approved  
8 project and for remedies in case of failure to perform the agreement  
9 between the parties or noncompliance with regulations promulgated by  
10 the commissioner under this section;

11 (6) provision for alteration or modification of an existing  
12 facility which would have qualified under this section as an all-weather  
13 athletic facility at the time of initial construction if this section  
14 had been in effect, and provision for remedies in case of failure to  
15 perform the agreement between the parties or noncompliance with regula-  
16 tions promulgated by the commissioner under this section;

17 (7) provision that an all-weather athletic facility funded  
18 under this section shall have the capacity for individual participatory  
19 or organized competitive ice sports programs including, but not limited  
20 to, ice skating, ice hockey and curling, unless the commissioner finds  
21 that there is another adequate facility in the community under con-  
22 struction or available for this purpose.

23 (d) Nothing in this section prohibits a local government, or its  
24 nonprofit designee, that receives a grant under this section from  
25 leasing in its entirety the all-weather athletic facility to a private  
26 operator or contracting for the management of it with a stadium manage-  
27 ment specialist. However, the private operator or stadium management  
28 specialist shall comply with the provisions of this section, agreements  
29 between the state and a local government, and regulations promulgated

1 by the commissioner under this section.

2 (e) Architectural plans, designs and engineering drawings for a  
3 facility funded under this section become the property of the state;  
4 or verified copies of the plans, designs or drawings shall be available  
5 to the state so that the initial projects may be used as pilot projects  
6 for future facilities.

7 (f) If funds appropriated by the legislature to provide grants  
8 under this section are not adequate to satisfy amounts required by  
9 approved grant applications, funds shall be allocated on the basis  
10 of priority established by the Department of Economic Development by  
11 regulations promulgated to carry out the provisions of this section.

12 (g) The commissioner shall require in the negotiations and  
13 agreements with the local government that continued maintenance of the  
14 all-weather athletic facility is the responsibility of the local  
15 government and the local government must show the feasibility of this  
16 before authorization of state funds.

17 (h) The commissioner shall require annual reports from local  
18 governments or their nonprofit designees receiving grants under this  
19 section. The reports shall include an accounting of grant funds  
20 expended and other information the commissioner considers necessary.  
21 The state may, at any time, conduct a pre- or post-expenditure audit  
22 of a project funded under this section.

23 (i) The commissioner shall provide an annual report to the  
24 legislature with respect to grants made under this section.

25 (j) The commissioner shall promulgate regulations under the  
26 Administrative Procedure Act (AS 44.62) to carry out the purpose of  
27 this section.

28 (k) In this section

29 (l) "commissioner" means the commissioner of economic

1 development;

2 (2) "facility" or "all-weather athletic facility" means a  
3 municipal or civic sports center, arena, stadium or other similar  
4 structure or complex of structures employing a contemporary covered  
5 or domed roof design;

6 (3) "local government" means a first class city or a first  
7 class borough having power to implement the projects for which grants  
8 are authorized in this section.

9 \* Sec. 3. This Act takes effect July 1, 1972.  
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