

Original sponsor: Finance Committee

Offered: 5/27/80

1 IN THE HOUSE

BY THE FREE CONFERENCE COMMITTEE

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FREE CONFERENCE CS FOR HOUSE BILL NO. 578

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "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:

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* Section 1. AS 37.05 is amended by adding a new section to read:

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Sec. 37.05.315. GRANTS. (a) When an appropriation is made 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; (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, 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.

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(b) An appropriation 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.

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(c) In accepting a grant of money for construction of a public facility, each municipality covenants with the state that it will operate and maintain the facility for its practical life and that it will not

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1 look to the state to operate or maintain the facility or pay for its
2 operation or maintenance.

3 (d) Not less than 20 percent of the grant shall be paid to the
4 municipality within 10 days of the effective date of the agreement. The
5 remainder of the grant shall be paid either in monthly installments
6 equal to the amount of grant money the municipality expended in the
7 previous month or in a lump sum as determined by the Department of
8 Administration.

9 (e) When an appropriation is made to a department as a grant for a
10 named recipient which is not a municipality, the department to which the
11 appropriation is made shall promptly notify the named recipient of the
12 availability of the grant and request the named recipient to submit a
13 proposal to provide the goods or services, or both, for which the approp-
14 priation is made. At the same time, the department shall issue a re-
15 quest for proposals from other qualified persons to provide the same
16 goods or services, or both, in the same area. The department shall
17 contract with the named recipient unless the Office of the Governor,
18 with due regard for any local expertise or experience among those making
19 proposals, determines that an award of the contract to a different party
20 would better serve the public interest. If the contract is awarded to
21 another party than that named by the legislature, the basis of that
22 action shall be stated in writing at the time the grant is issued. The
23 purchase of the goods or services, or both, shall be in accordance with
24 AS 37.05.230(1)(C).

25 (f) A grant to a municipality must be made within 60 days after
26 the effective date of the appropriation. A contract under (e) of this
27 section must be executed within 60 days after the effective date of the
28 appropriation.

29 (g) Notwithstanding the Administrative Procedure Act (AS 44.62),

1 the Fiscal Procedures Act (AS 37.05), and the Executive Budget Act
2 (AS 37.07), a department may not adopt regulations or impose additional
3 requirements or procedures to implement, interpret, make specific or
4 otherwise carry out the provisions of this section unless required by
5 the federal government for participation in federal programs.

6 (h) A grant to an unincorporated community made under this section
7 shall be disbursed as follows:

8 (1) Within 45 days after the effective date of the appropria-
9 tion, the Department of Community and Regional Affairs shall notify the
10 governing body of the unincorporated community, if any, that a grant is
11 available.

12 (2) The Department of Community and Regional Affairs shall
13 determine whether there is a qualified incorporated entity in the com-
14 munity area which will agree to receive the grant and administer it,
15 subject to terms generally applicable to private grantees. If there is
16 more than one such entity, the Department of Community and Regional
17 Affairs shall select the most qualified and the grant shall be awarded
18 to that incorporated entity for the purposes of the appropriation:
19 however, the Department of Community and Regional Affairs shall give
20 preference to a nonprofit corporation organized by a community for
21 receipt of the grant.

22 (3) If there is no incorporated entity qualified to receive
23 the grant, the Department of Community and Regional Affairs shall ad-
24 minister the program directly or through agents or contractors with whom
25 it may contract in the community area.

26 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
27 070(c).