

HOUSE BILL NO. 35

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE GARA

Introduced: 1/13/17
Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act creating the safer Alaska streets and communities fund; and providing for an**
2 **effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **SHORT TITLE.** This Act may be known as the Safer Alaska Streets and
7 Communities Act.

8 * **Sec. 2.** AS 29.60 is amended by adding new sections to read:

9 **Article 9. Safer Alaska Streets and Communities Program.**

10 **Sec. 29.60.900. Safer Alaska streets and communities fund.** (a) The safer
11 Alaska streets and communities fund is established in the general fund. Each fiscal
12 year, the legislature may appropriate to the fund the lesser of

13 (1) \$7,380,000; or

14 (2) an amount equal to 90 percent of the reduction, if any, in the

1 amount available for community assistance payments under AS 29.60.850(c) for the
2 fiscal year ending June 30, 2018, from the amount available for community assistance
3 payments under AS 29.60.850(c) for the fiscal year ending June 30, 2017.

4 (b) As provided in AS 29.60.905 and 29.60.910, the department shall annually
5 distribute as payments to each municipality, eligible reserve, or eligible community
6 money appropriated for that purpose from

7 (1) the safer Alaska streets and communities fund;

8 (2) the general fund.

9 (c) A municipality, eligible reserve, or eligible community that receives
10 money from the safer Alaska streets and communities fund shall use the money for
11 only the following services in the following ranking of priority:

12 (1) police protection and related public safety services;

13 (2) fire protection and emergency medical services;

14 (3) other services that the governing body determines have the highest
15 priority.

16 (d) Subsection (c) of this section may not be construed to require a
17 municipality, eligible reserve, or eligible community to fund all requests it receives for
18 services in a category with a higher ranking of priority before funding services in a
19 category with a lower ranking of priority.

20 (e) Notwithstanding the guidelines in (a) of this section, the legislature may
21 appropriate any amount to the safer Alaska streets and communities fund. Nothing in
22 this section creates a dedicated fund.

23 **Sec. 29.60.905. Safer Alaska streets and communities payments.** Each
24 fiscal year, the department shall make a payment from the safer Alaska streets and
25 communities fund to each municipality, eligible reserve, or eligible community. The
26 safer Alaska streets and communities payment for a municipality, eligible reserve, or
27 eligible community for a fiscal year shall be proportionate to the basic community
28 assistance payment calculated for a municipality, eligible reserve, or eligible
29 community, respectively, for that fiscal year under AS 29.60.855. If no community
30 assistance payments are distributed for a fiscal year, the payments under this section
31 shall be proportionate to the basic community assistance payments calculated under

1 AS 29.60.855 for the last fiscal year in which the department distributed community
2 assistance payments.

3 **Sec. 29.60.910. Eligibility requirements for reserves and communities.** (a)

4 The department, with advice from the Department of Law, shall determine whether
5 there is in each community or reserve an incorporated nonprofit entity or a Native
6 village council that will agree to receive and spend the safer Alaska streets and
7 communities payment. If there is more than one qualified entity in a reserve or
8 community in the unorganized borough, the department shall pay the money to the
9 entity that the department finds most qualified to receive and spend the money on
10 behalf of the reserve or community. The department may not make a safer Alaska
11 streets and communities payment to a Native village council unless the council waives
12 immunity from suit for claims arising out of activities of the council related to the
13 payment. A waiver of immunity from suit under this subsection must be on a form
14 provided by the Department of Law. If there is no qualified incorporated nonprofit
15 entity or Native village council in a reserve or community that is willing to receive the
16 safer Alaska streets and communities payment and use the payment on behalf of that
17 reserve or community, the payment for that reserve or community may not be paid.
18 Neither this section nor any action taken under it enlarges or diminishes the
19 governmental authority or jurisdiction of a Native village council.

20 (b) The department may make a safer Alaska streets and communities
21 payment on behalf of a community in a borough or unified municipality only to the
22 municipality for payment by the municipality to an incorporated nonprofit entity or
23 Native village council that has been approved by the assembly and meets the
24 requirements of (a) of this section. The department shall have written evidence of the
25 assembly approval. If there is more than one qualified entity in a community in a
26 borough or unified municipality, one of the entities may receive the entire payment, or
27 the payment may be shared between two or more of the qualified entities, as
28 determined by the assembly.

29 (c) A community in a borough or unified municipality is eligible for a safer
30 Alaska streets and communities payment only if at least three of the following services
31 are generally available to all residents of the community and each of the three services,

1 in any combination, are provided by one or more qualifying incorporated nonprofit
2 entities or a Native village council or are substantially paid for by the residents of the
3 community through taxes, charges, or assessments levied or authorized by the borough
4 or unified municipality:

- 5 (1) fire protection;
- 6 (2) emergency medical;
- 7 (3) water and sewer;
- 8 (4) solid waste management;
- 9 (5) public road or ice road maintenance;
- 10 (6) public health;
- 11 (7) search and rescue.

12 **Sec. 29.60.915. Definitions.** In AS 29.60.900 - 29.60.915,

- 13 (1) "community" has the meaning given in AS 29.60.879;
- 14 (2) "reserve" has the meaning given in AS 29.60.879.

15 * **Sec. 3.** This Act takes effect July 1, 2017.