



# LAWS OF ALASKA

1990

**Source**

**Chapter No.**

SCS CSHE 101(C&RA)

122

## AN ACT

Relating to entitlements for municipalities and unincorporated communities.

---

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 14, 1990  
Actual Effective Date: September 12, 1990

## AN ACT

Relating to entitlements for municipalities and  
unincorporated communities.

\* Section 1. AS 29.60.110(a) is amended to read:

(a) The department shall pay to a municipality that has power to provide for road maintenance and exercises that power, an entitlement based on [\$2,500 A MILE FOR] each mile of road, street, or highway maintained by the municipality, excluding (1) the official state highway system, (2) roads, streets, or highways not dedicated to public use, (3) roads, streets, or highways maintained under the local service road program (AS 19.30.111 - 19.30.251), and (4) alleyways, in accordance with regulations adopted by the Department of Transportation and Public Facilities. A payment may not be made under this subsection for maintenance of a road that is not used by automotive equipment. If at least \$41,472,000 is appropriated for all entitlements under AS 29.60.010 - 29.60.310 for a fiscal year, the entitlement for each municipality under this subsection for that year equals \$3,000 per mile. Otherwise, the entitlement equals \$2,500 per mile.

\* Sec. 2. AS 29.60.140(a) is amended to read:

(a) The department shall pay to each unincorporated community an entitlement [OF \$25,000] each fiscal year to be used for a public purpose. The department with advice from the Department of Law shall determine whether there is in each unincorporated community an incorporated nonprofit entity or a Native village council that will agree

Chapter 122

1 to receive and spend the entitlement. If there is more than one qual-  
2 ified entity in an unincorporated community, the department shall pay  
3 the money under the entitlement to the entity that the department  
4 finds most qualified to receive and spend the money. The department  
5 may not pay money under an entitlement to a Native village council  
6 unless the council waives immunity from suit for claims arising out of  
7 activities of the council related to the entitlement. A waiver of  
8 immunity from suit under this subsection must be on a form provided by  
9 the Department of Law. If there is no qualified incorporated nonprofit  
10 entity or Native village council in an unincorporated community that  
11 is willing to receive money under an entitlement, the entitlement for  
12 that unincorporated community may not be paid. Neither this subsection  
13 nor any action taken under it enlarges or diminishes the governmental  
14 authority or jurisdiction of a Native village council. If at least  
15 \$41,472,000 is appropriated for all entitlements under AS 29.60.010 -  
16 29.60.310 for a fiscal year, the entitlement for each unincorporated  
17 community under this subsection for that year equals \$40,000. Other-  
18 wise, the entitlement equals \$25,000.

19 \* Sec. 3. AS 29.60.290(a) is amended to read:

20 (a) A municipality qualifying for an entitlement under AS 29.-  
21 60.010 - 29.60.080 or 29.60.100 - 29.60.180 shall receive a minimum  
22 payment [OF \$25,000] plus an area cost-of-living differential for each  
23 fiscal year if

24 (1) the municipality has conducted a regular election  
25 during the state fiscal year preceding the year in which the depart-  
26 ment's determination of the municipality's millage rate equivalent is  
27 made under AS 29.60.030 and has reported the results of the election  
28 to the commissioner;

29 (2) regular meetings of the governing body are held in the

1 municipality during the state fiscal year preceding the year in which  
2 the department's determination of the municipality's millage rate  
3 equivalent is made under AS 29.60.030 and a record of the proceedings  
4 is maintained;

5 (3) a municipal budget has been adopted for the fiscal year  
6 during which payment of an entitlement is authorized by AS 29.60.010 -  
7 29.60.080 or 29.60.100 - 29.60.180 and an audit or financial statement  
8 for the fiscal year preceding the year in which the department's  
9 determination of the municipality's millage rate equivalent is made  
10 under AS 29.60.030 has been prepared and furnished to the department  
11 in accordance with AS 29.20.640(a); and

12 (4) local ordinances adopted by the municipality have been  
13 codified in accordance with AS 29.25.050.

14 \* Sec. 4. AS 29.60.290(d) is amended to read:

15 (d) If at least \$41,472,000 is appropriated for all entitlements  
16 under AS 29.60.010 - 29.60.310 for a fiscal year, the minimum payment  
17 for a municipality under this section for that year equals \$40,000.  
18 Otherwise, the minimum payment equals \$25,000. A payment under this  
19 section may be prorated and reduced under AS 29.60.300.  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30