

HOUSE BILL NO. 105

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Introduced: 2/3/97

Referred: Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the unorganized borough national forest receipts program; and
2 providing for an effective date."

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

4 * **Section 1.** AS 41.15.180(b) is amended to read:

5 (b) **Of that portion** [THERE IS CREATED AS A SEPARATE ACCOUNT
6 IN THE GENERAL FUND THE UNORGANIZED BOROUGH NATIONAL FOREST
7 RECEIPTS FUND. THE FUND CONSISTS] of national forest income received by
8 the Department of Community and Regional Affairs under 16 U.S.C. 500 for the
9 percentage of a national forest located within the unorganized borough, **75** [
10 SEVENTY-FIVE] percent [OF THE FUND] shall be allocated for public schools and
11 25 percent **shall be allocated** for public roads.

12 * **Sec. 2.** AS 41.15.180(c) is amended to read:

13 (c) From the percentage of the unorganized borough national forest receipts
14 [FUND] allocated to the public schools under (b) of this section, the commissioner

1 shall pay to each home rule or first class city located within the unorganized borough
 2 and within a national forest or within 20 miles of a national forest, or regional
 3 educational attendance area that has a school located within the unorganized borough
 4 and within a national forest or within 20 miles of a national forest, a share of the
 5 income **allocated for** [FROM THE] public schools **under (b) of this section**
 6 [ALLOCATION OF THE FUND]. A home rule city, first class city, or regional
 7 educational attendance area's share shall be calculated as the proportion of the number
 8 of children in average daily membership of the city school district or regional
 9 educational attendance area compared to the total number of children in average daily
 10 membership in city school districts located within the unorganized borough and within
 11 the national forest or within 20 miles of the national forest and in regional educational
 12 attendance areas that have a school located within the unorganized borough and within
 13 the national forest or within 20 miles of the national forest.

14 * **Sec. 3.** AS 41.15.180(d) is amended to read:

15 (d) From the percentage of the unorganized borough national forest receipts
 16 [FUND] allocated to public roads under (b) of this section, the commissioner shall pay
 17 to each

18 (1) home rule city, first class city, or second class city that exercises
 19 road powers, that is located within the unorganized borough and within a national
 20 forest or within 20 miles of a national forest, a share of the income **allocated for**
 21 [FROM THE] roads **under (b) of this section** [ALLOCATION OF THE FUND]; a
 22 home rule city, first class city, or second class city's share shall be calculated as the
 23 proportion of the number of road miles within municipal boundaries over which the
 24 community exercises road powers plus the number of state road miles maintained by
 25 the municipality under agreement with the state compared to the total number of road
 26 miles maintained by state or local governments in the unorganized borough and within
 27 the national forest or within 20 miles of the national forest;

28 (2) municipality organized under federal law as an Indian reserve that
 29 existed before the enactment of 43 U.S.C. 1618(a) and is continued in existence under
 30 that subsection and that has formed a community development corporation under
 31 AS 29.60.365, that exercises road powers and that is located within the unorganized

1 borough and within the national forest or within 20 miles of the national forest, a share
 2 of the income **allocated for** [FROM THE] roads **under (b) of this section**
 3 [ALLOCATION OF THE FUND]; the share due a municipality organized under
 4 federal law that exercises road powers shall be calculated as the proportion of the
 5 number of road miles within municipal boundaries over which the community
 6 exercises road powers plus the number of state road miles maintained by the
 7 municipality under agreement with the state compared to the total number of road
 8 miles maintained by state or local governments in the unorganized borough and within
 9 the national forest or within 20 miles of the national forest; however, the commissioner
 10 may pay income from national forest receipts under this paragraph only after the
 11 corporation has delivered a written waiver of sovereign immunity from legal action by
 12 the state to recover all or a portion of the money distributed under this section.

13 * **Sec. 4.** AS 41.15.180(f) is amended to read:

14 (f) For the purpose of making distributions **of national forest income under**
 15 **this section** [FROM THE FUND], the commissioner of community and regional affairs
 16 shall consult with the commissioner of education [,] for purposes of determining the
 17 number of children in average daily membership in the public schools affected by this
 18 section, and **with** the commissioner of transportation and public facilities [,] to
 19 determine the total number of road miles in the unorganized borough affected by this
 20 section.

21 * **Sec. 5.** AS 41.15.180(j) is amended to read:

22 (j) That portion of the [UNORGANIZED BOROUGH] national forest **income**
 23 **subject to (b) of this section** [RECEIPTS FUND] remaining [IN THE ACCOUNT]
 24 unobligated and unexpended on June 30 of **the** [A] fiscal year **in which the income**
 25 **was to be distributed** shall be deposited into the unrestricted portion of the general
 26 fund and shall be used to offset expenses of the general fund for school and road
 27 maintenance in the affected areas of the unorganized borough for which direct
 28 distribution of funds has not been made.

29 * **Sec. 6.** DISTRIBUTION OF UNANTICIPATED RECEIPTS. If money accruing to the
 30 unorganized borough national forest receipts fund is received by the State of Alaska on or
 31 after the effective date of this Act, the money shall be deposited into the unrestricted portion

1 of the general fund and shall be used to offset expenses of the general fund for school and
2 road maintenance in the affected areas of the unorganized borough for which direct
3 distribution of national forest income has not been made under AS 41.15.180.

4 * **Sec. 7.** This Act takes effect July 1, 1997.