

1 IN THE SENATE

BY HENSLEY, BINKLEY AND ZHAROFF

2

SENATE BILL NO. 388

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to entitlements for municipalities
7 and unincorporated communities; and providing for an
8 effective date."

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

10 * Section 1. AS 29.60.140(a) is amended to read:

11 (a) The department shall pay to each unincorporated community an
12 entitlement of \$50,000 [\$25,000] each fiscal year to be used for a
13 public purpose. The department with advice from the Department of Law
14 shall determine whether there is in each unincorporated community an
15 incorporated nonprofit entity or a Native village council that will
16 agree to receive and spend the entitlement. If there is more than one
17 qualified entity in an unincorporated community, the department shall
18 pay the money under the entitlement to the entity that the department
19 finds most qualified to receive and spend the money. The department
20 may not pay money under an entitlement to a Native village council
21 unless the council waives immunity from suit for claims arising out of
22 activities of the council related to the entitlement. A waiver of
23 immunity from suit under this subsection must be on a form provided by
24 the Department of Law. If there is no qualified incorporated nonprofit
25 entity or Native village council in an unincorporated community that
26 is willing to receive money under an entitlement, the entitlement for
27 that unincorporated community may not be paid. Neither this subsection
28 nor any action taken under it enlarges or diminishes the governmental
29 authority or jurisdiction of a Native village council.

1 * Sec. 2. AS 29.60.290(a) is amended to read:

2 (a) A municipality qualifying for an entitlement under
3 AS 29.60.010 - 29.60.080 or 29.60.100 - 29.60.180 shall receive a
4 minimum payment of \$50,000 [\$25,000] plus an area cost-of-living
5 differential for each fiscal year if

6 (1) the municipality has conducted a regular election
7 during the state fiscal year preceding the year in which the depart-
8 ment's determination of the municipality's millage rate equivalent is
9 made under AS 29.60.030 and has reported the results of the election
10 to the commissioner;

11 (2) regular meetings of the governing body are held in the
12 municipality during the state fiscal year preceding the year in which
13 the department's determination of the municipality's millage rate
14 equivalent is made under AS 29.60.030 and a record of the proceedings
15 is maintained;

16 (3) a municipal budget has been adopted for the fiscal year
17 during which payment of an entitlement is authorized by AS 29.60.010 -
18 29.60.080 or 29.60.100 - 29.60.180 and an audit or financial state-
19 ment for the fiscal year preceding the year in which the department's
20 determination of the municipality's millage rate equivalent is made
21 under AS 29.60.030 has been prepared and furnished to the department
22 in accordance with AS 29.20.640(a); and

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

25 * Sec. 3. This Act takes effect July 1, 1988.