

Introduced: 1/20/89
Referred: Community & Regional
Affairs and Finance

6-0564A

1 IN THE HOUSE

BY MACLEAN, FOSTER,
AND JACKO

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HOUSE BILL NO. 101

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to entitlements for municipalities
and unincorporated communities; 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 29.60.140(a) is amended to read:

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(a) The department shall pay to each unincorporated community an entitlement of \$50,000 [\$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 to receive and spend the entitlement. If there is more than one qualified entity in an unincorporated community, the department shall pay the money under the entitlement to the entity that the department finds most qualified to receive and spend the money. The department may not pay money under an entitlement to a Native village council unless the council waives immunity from suit for claims arising out of activities of the council related to the entitlement. A waiver of immunity from suit under this subsection must be on a form provided by the Department of Law. If there is no qualified incorporated nonprofit entity or Native village council in an unincorporated community that is willing to receive money under an entitlement, the entitlement for that unincorporated community may not be paid. Neither this subsection nor any action taken under it enlarges or diminishes the governmental 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 AS 29.-
3 60.010 - 29.60.080 or 29.60.100 - 29.60.180 shall receive a minimum
4 payment of \$50,000 [\$25,000] plus an area cost-of-living differential
5 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 statement
19 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 on the effective date of an appropria-
26 tion to the Department of Community and Regional Affairs for state revenue
27 sharing for fiscal year 1990 that equals at least \$44,283,400.