

Offered: 5/8/90
Referred: Finance

6-0564P

Original sponsor(s): REP. MacLean, Foster, Jacko, Kubina

1 IN THE HOUSE BY THE C&RA COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 101 (C&RA)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to entitlements for municipalities
7 and unincorporated communities."

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

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

10 (a) The department shall pay to a municipality that has power to
11 provide for road maintenance and exercises that power, an entitlement
12 based on [\$2,500 A MILE FOR] each mile of road, street, or highway
13 maintained by the municipality, excluding (1) the official state
14 highway system, (2) roads, streets, or highways not dedicated to
15 public use, (3) roads, streets, or highways maintained under the local
16 service road program (AS 19.30.111 - 19.30.251), and (4) alleyways, in
17 accordance with regulations adopted by the Department of Transporta-
18 tion and Public Facilities. A payment may not be made under this
19 subsection for maintenance of a road that is not used by automotive
20 equipment. If at least \$41,472,000 is appropriated for all entitle-
21 ments under AS 29.60.010 - 29.60.310 for a fiscal year, the entitle-
22 ment for each municipality under this subsection for that year equals
23 \$3,000 per mile. Otherwise, the entitlement equals \$2,500 per mile.

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

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

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.