

SENATE BILL NO. 105

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR MYERS

Introduced: 3/10/21

Referred: Transportation, Community and Regional Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to road service area consolidation."**

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

3 * **Section 1.** AS 29.35.450(c) is amended to read:

4 (c) If voters reside within a service area that provides road, fire protection, or
5 parks and recreation services, abolishment of the service area is subject to approval by
6 the majority of the voters residing in the service area who vote on the question. A
7 service area that provides road, fire protection, or parks and recreation services in
8 which voters reside may not be abolished and replaced by a larger service area unless
9 that proposal is approved, separately, by a majority of the voters who vote on the
10 question residing in the existing service area and by a majority of the voters who vote
11 on the question residing in the area proposed to be included within the new service
12 area but outside of the existing service area. A service area that provides road, fire
13 protection, or parks and recreation services in which voters reside may not be altered
14 or combined with another service area unless that proposal is approved, separately, by
15 a majority of the voters who vote on the question and who reside in each of the service

1 areas or in the area outside of service areas that is affected by the proposal. This
 2 subsection does not apply

3 (1) to a proposed change to a service area that provides fire protection
 4 services

5 (A) that would result in increasing the number of parcels of
 6 land in the service area or successor service area if the increase is not more
 7 than six percent and would add not more than 1,000 residents;

8 (B) in a second class borough that would result in

9 (i) decreasing the number of parcels of land in the
 10 service area or successor service area if the owner of the property to be
 11 removed from the area requests removal and the removal meets criteria
 12 adopted by ordinance; or

13 (ii) increasing or decreasing the number of parcels of
 14 land in the service area or successor service area if the parcel is
 15 transferred to a service area that provides more accessible fire
 16 protection services to the transferred parcel;

17 (2) in a second class borough to abolishment of a road service area or
 18 consolidation of two or more road service areas if

19 (A) taxes have not been levied in the service area for road
 20 maintenance or construction during the last 12 months and there is no balance
 21 in any account available to pay for these road services for the service area;

22 (B) during the last 12 months, the service area board has not
 23 met with a quorum present and in accordance with law; [OR]

24 (C) there are no road maintenance contracts in effect for the
 25 service area or the existing road maintenance contracts fail to provide for
 26 minimum road standards required by law that are necessary to protect the
 27 borough from civil liability; or

28 **(D) the service area boards of two or more service areas**
 29 **request service area consolidation for the purpose of creating a single new**
 30 **service area that includes all of the parcels from the consolidated service**
 31 **areas and no additional parcels;**

1 (3) to require approval by the voters residing in a subdivision or parcel
2 proposed to be added to a road service area if roads maintained by the service area
3 provide the only access to the subdivision or parcel or provide access to the
4 subdivision or parcel that is required by the subdivision plat or by other regulation or
5 ordinance;

6 (4) to a change in the boundaries of a road service area to exclude a
7 subdivision or parcel that does not rely on the use of roads maintained by the service
8 area for the subdivision's or parcel's only access or for access that is required by the
9 subdivision plat or by other regulation or ordinance;

10 (5) to a change in the boundaries of a road service area to include or
11 exclude a parcel that is located in more than one service area so that the parcel is only
12 located in one road service area;

13 (6) to a change in the boundaries of a road service area to include a
14 parcel that is partially located in the road service area if roads maintained by the
15 service area provide the only access to the parcel.