

SENATE BILL NO. 157

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY SENATOR COGHILL

Introduced: 2/5/14

Referred: Community and Regional Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to municipal fire protection service area boundary changes."**

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 that would result in

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

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

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

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

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

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

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

27 (3) to require approval by the voters residing in a subdivision or parcel
 28 proposed to be added to a road service area if roads maintained by the service area
 29 provide the only access to the subdivision or parcel or provide access to the
 30 subdivision or parcel that is required by the subdivision plat or by other regulation or
 31 ordinance;

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