

SENATE BILL NO. 208 am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY SENATOR PARNELL

Amended: 3/2/98

Introduced: 1/12/98

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to municipal service areas and providing for voter approval of
2 the formation, alteration, or abolishment of certain service areas; and providing
3 for an effective date."

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

5 * **Section 1.** AS 29.10.200 is amended by adding a new paragraph to read:

6 (54) AS 29.35.450 (voter approval of alteration or abolishment of
7 service areas).

8 * **Sec. 2.** AS 29.26.050(b) is amended to read:

9 (b) Voter registration by the municipality may not be required. However,
10 subject to AS 29.35.450(c), in order to vote for a candidate or on a ballot measure
11 relating to a specific local election district or service area, a municipality may by
12 ordinance require that a person be registered to vote in state elections at least 30 days
13 before the municipal election at an address within the boundaries of that local election
14 district or service area.

1 * **Sec. 3.** AS 29.35.450(a) is amended to read:

2 (a) A service area to provide special services in a borough **or unified**
 3 **municipality** may be established, operated, altered, or abolished by ordinance, **subject**
 4 **to (c) of this section. Special services include services not provided by the unified**
 5 **municipality or a higher or different level of services.** Special services include
 6 services not provided **by a borough** on an areawide or nonareawide basis in the
 7 borough [,] or a higher or different level of **services** [SERVICE] than that provided
 8 on an areawide or nonareawide basis. **A** [THE] borough may include a city in a
 9 service area if

10 (1) the city agrees by ordinance; or

11 (2) approval is granted by a majority of voters residing in the city, and
 12 by a majority of voters residing inside the boundaries of the proposed service area but
 13 outside of the city.

14 * **Sec. 4.** AS 29.35.450 is amended by adding new subsections to read:

15 (c) If voters reside within a service area, abolishment of the service area is
 16 subject to approval by the majority of the voters who reside or own real property in
 17 the service area and who vote on the question. A service area in which voters reside
 18 may not be abolished and replaced by a larger service area unless that proposal is
 19 approved, separately, by a majority of the voters who reside or own real property in
 20 the existing service area and who vote on the question, and by a majority of the voters
 21 who reside or own real property in the area outside of the existing service area that is
 22 proposed to be included and who vote on the question. A service area in which voters
 23 reside may not be altered or combined with another service area unless that proposal
 24 is approved, separately, by a majority of the voters who reside or own real property
 25 in each of the service areas affected by the proposal and who vote on the question.

26 (d) This section applies to home rule and general law municipalities.

27 * **Sec. 5.** AS 29.35.450(c) is amended to read:

28 (c) If voters reside within a service area, abolishment of the service area is
 29 subject to approval by the majority of the voters who reside [OR OWN REAL
 30 PROPERTY] in the service area and who vote on the question. A service area in
 31 which voters reside may not be abolished and replaced by a larger service area unless

1 that proposal is approved, separately, by a majority of the voters who reside [OR
2 OWN REAL PROPERTY] in the existing service area and who vote on the question,
3 and by a majority of the voters who reside [OR OWN REAL PROPERTY] in the area
4 outside of the existing service area that is proposed to be included and who vote on
5 the question. A service area in which voters reside may not be altered or combined
6 with another service area unless that proposal is approved, separately, by a majority
7 of the voters who reside [OR OWN REAL PROPERTY] in each of the service areas
8 affected by the proposal and who vote on the question.

9 * **Sec. 6.** Section 5 of this Act takes effect, only if a court finds the requirement for
10 approval of certain changes to a service area by voters that include real property owners who
11 do not reside within the service area violates art. V, sec. 1, Constitution of the State of Alaska.

12 * **Sec. 7.** If sec. 5 of this Act takes effect, it takes effect, after a court finds the voter
13 approval requirement invalid under sec. 6 of this Act, on the date that the time for filing an
14 appeal has expired or a final decision on appeal has been reached.