

SENATE BILL NO. 136

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATOR THOMAS

Introduced: 3/23/07

Referred: Community and Regional Affairs, Transportation

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to certain municipal service areas that provide road services."**

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

7 (2) [. THIS SUBSECTION DOES NOT APPLY] in a second class
 8 borough to abolishment of a road service area or consolidation of two or more road
 9 service areas if

10 (A) [(1)] taxes have not been levied in the service area for road
 11 maintenance or construction during the last 12 months and there is no balance
 12 in any account available to pay for these road services for the service area;

13 (B) [(2)] during the last 12 months, the service area board has
 14 not met with a quorum present and in accordance with law; or

15 (C) [(3)] there are no road maintenance contracts in effect for
 16 the service area or the existing road maintenance contracts fail to provide for
 17 minimum road standards required by law that are necessary to protect the
 18 borough from civil liability;

19 (3) to require approval by the voters residing on property
 20 proposed to be added to a road service area if roads maintained by the service
 21 area provide the only access to the property or provide access to the property
 22 that is required by a subdivision plat or by other regulation or ordinance;

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