

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 27, 2007

8:03 a.m.

MEMBERS PRESENT

Representative Anna Fairclough, Co-Chair
Representative Gabrielle LeDoux, Co-Chair
Representative Nancy Dahlstrom
Representative Mark Neuman
Representative Kurt Olson
Representative Sharon Cissna (via teleconference)
Representative Woodie Salmon

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 185

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

- MOVED CSHB 185(CRA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 185

SHORT TITLE: MUNICIPAL ROAD SERVICE AREAS

SPONSOR(S): REPRESENTATIVE(S) COGHILL

03/12/07	(H)	READ THE FIRST TIME - REFERRALS
03/12/07	(H)	CRA, TRA
03/22/07	(H)	CRA AT 8:00 AM BARNES 124
03/22/07	(H)	Heard & Held
03/22/07	(H)	MINUTE(CRA)
03/27/07	(H)	CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

CAROL BEECHER, Staff
to Representative John Coghill
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: During hearing of HB 185, answered questions.

RENE BROKER, Attorney
Fairbanks North Star Borough
Fairbanks, Alaska

POSITION STATEMENT: During hearing of HB 185, answered questions.

ACTION NARRATIVE

CO-CHAIR GABRIELLE LEDOUX called the House Community and Regional Affairs Standing Committee meeting to order at [8:03:52 AM](#). Representatives LeDoux, Fairclough, Dahlstrom, Neuman, Olson, and Cissna (via teleconference) were present at the call to order. Representative Salmon arrived as the meeting was in progress.

HB 185-MUNICIPAL ROAD SERVICE AREAS

[8:04:25 AM](#)

CO-CHAIR LEDOUX announced that the only order of business would be HOUSE BILL NO. 185, "An Act relating to certain municipal service areas that provide road services." [Before the committee was CSHB 185, Version E.]

[8:05:23 AM](#)

REPRESENTATIVE DAHLSTROM moved to rescind the committee's action in adopting Version 25-LS068\E, Cook, 3/21/07. There being no objection, HB 185 was before the committee.

[8:05:52 AM](#)

CO-CHAIR FAIRCLOUGH moved that the committee adopt Conceptual Amendment 1, which read [original punctuation provided]:

Page 2, Line 19:

Insert: **"or parcel"**
Immediately following the word
"subdivision" at the end of line 19

Page 2, Line 21:

Insert: **"or parcel"**

Immediately following the word
"subdivision" in the middle of line 21

Page 2, Line 22:

Insert: **"or parcel"**

Immediately following the word
"subdivision" at the start of line 22

Page 2, Line 25:

Insert: **"or parcel"**

Immediately following the word
"subdivision" at the start of line 25

Page 2, Line 26:

Insert: **"or parcel's"**

Immediately following the word
"subdivision's" in the middle of line
26

CO-CHAIR FAIRCLOUGH related that originally Version E inserted the term "property" in place of the term "subdivision". The Municipality of Anchorage expressed concern with regard to constitutionality with the language. Upon review and collaboration with the Fairbanks North Star Borough, the language "**or parcel**" was suggested.

[8:09:32 AM](#)

CO-CHAIR LEDOUX inquired as to how inserting the language in Conceptual Amendment 1 would address constitutional concerns.

CO-CHAIR FAIRCLOUGH pointed out that the committee packet should include a letter from the Fairbanks North Star Borough and the Municipality of Anchorage in which they withdraw their constitutional and charter concerns because changes can be made by ordinance to address the concerns.

[8:10:18 AM](#)

REPRESENTATIVE DAHLSTROM referred to the change proposed by Conceptual Amendment 1 on page 2, line 21, and suggested that one of the terms "or" should be deleted.

CO-CHAIR FAIRCLOUGH clarified that although it's wordy, it's the intent to address access by a subdivision or an individual parcel. She acknowledged that a comma or semicolon may need to

be added prior to the language "or provide", which can be determined [by the drafter].

[There being no objection, Conceptual Amendment 1 was treated as adopted.]

[8:11:23 AM](#)

REPRESENTATIVE NEUMAN inquired as to the meaning of paragraph (4) on page 2, lines 24-27.

CAROL BEECHER, Staff to Representative John Coghill, Alaska State Legislature, explained that paragraph (4) on page 2, lines 24-27, was included to allow parcels or subdivisions in a road service area that aren't receiving access through the road service area to be removed from that road service area.

REPRESENTATIVE NEUMAN surmised then that subdivision A doesn't have to pay for or join in a road service area that subdivision B forms.

MS. BEECHER related her understanding that there could be two subdivisions abutting each other that could have two separate road service areas. Paragraph (4) addresses a situation in which a subdivision isn't using a road service area, but is being charged for it.

REPRESENTATIVE NEUMAN posed a situation in which one has to go through subdivision A to get to subdivision B. In such a situation, does subdivision A have the ability to say it doesn't want to be in the road service area of [subdivision B].

MS. BEECHER said that paragraph (3) on page 2, lines 19-23, addresses a situation in which subdivision A doesn't want to have subdivision B within its road service area. In such a situation, [subdivision A] would have the right to vote to not include [subdivision B] in its road service area.

REPRESENTATIVE NEUMAN requested further explanation of paragraph (4).

[8:15:12 AM](#)

RENE BROKER, Attorney, Fairbanks North Star Borough, explained that paragraph (4) addresses a parcel or a subdivision that is already in a road service area, but the parcel or subdivision no longer needs or uses the roads within the road service area for

access to their property. Paragraph (4) allows the assembly to specify that certain parcels or subdivision can be removed because it's unfair to keep them in the road service area when they no longer receive the benefit of the roads within the road service area.

REPRESENTATIVE NEUMAN asked if, under paragraph (4), the residents of a road service area have a voice in the decision.

MS. BROKER said that paragraph (4) only provides the public process in the assembly.

[8:16:42 AM](#)

CO-CHAIR FAIRCLOUGH noted that she had provided the committee with an e-mail from Tammie Wilson regarding this legislation.

[8:18:04 AM](#)

CO-CHAIR FAIRCLOUGH moved to report HB 185, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 185(CRA) was reported from the House Community and Regional Affairs Standing Committee.

[8:18:19 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 8:18 a.m.