

SB

19

<TARGET><BILL>SB 19</BILL><SUBJECT>SB
19</SUBJECT><COMM>SCRA29</COMM></TARGET>

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/21/15

FURTHER: Rules

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/16/15

Community and Regional Affairs Committee considered SENATE BILL NO. 19

SB 19 BOUNDARIES OF ROAD SERVICE AREAS

"An Act relating to road service area boundary changes."

and recommends:


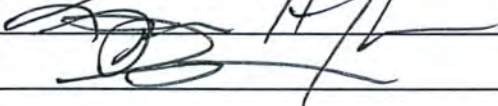
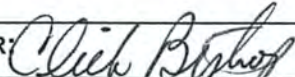
- be replaced with CS SB19 (CRA) [~~Same Title~~] [] New Title
- adopt previous CS _____ (_____) [] Same Title [] New Title
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DOTPF			✓	1

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	STEFAN HOFFMAN	✓			
	E. KRAG	✓			
CHAIR: 	Bishop	✓			

Alaska State Legislature

Senate Majority Leader

Joint Armed Services Committee

Co-Chairman

Judiciary Committee

Vice-Chairman

Resources Committee

State Affairs Committee

Legislative Council

Rules Committee



Senator John Coghill

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Fax (907) 465-3258


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(907) 451-2997
Fax (907) 451-3526
877-465-3719

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MEMORANDUM

Date: February 23, 2015

To: Senator Click Bishop, Chairman
Senate Community & Regional Affairs

From: Senator John Coghill 

Re: Request for hearing for SB 19 Road Service Area Boundaries

I am requesting SB 19, "*An Act relating to road service area boundary changes*" be scheduled in Senate Community & Regional Affairs at your earliest convenience. I have attached the backup information for the bill.

Thank you for your consideration.

Alaska State Legislature

Senate Majority Leader

Joint Armed Services Committee

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SB 19 ROAD SERVICE AREA BOUNDARIES

SPONSOR STATEMENT

This legislation was introduced as a request from the Fairbanks North Star Borough to take care of situations when a parcel of land is split into two service areas even though it is only one parcel or tax lot.

SB 19 would allow the borough assembly to place the tax lot or parcel in one of the service areas.

29-LS0326\W
Shutts
2/23/15

CS FOR SENATE BILL NO. 19()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR COGHILL

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to road 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

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;

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

1 ordinance;

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

6 **(5) to a change in the boundaries of a road service area to include**
7 **or exclude a parcel that is located in more than one service area so that the parcel**
8 **is only located in one road service area.**

CS FOR SENATE BILL NO. 19(CRA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): **SENATOR COGHILL**

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1 areas or in the area outside of service areas that is affected by the proposal. This
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8 (B) in a second class borough that would result in

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11 removed from the area requests removal and the removal meets criteria
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13 (ii) increasing or decreasing the number of parcels of
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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
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29 proposed to be added to a road service area if roads maintained by the service area
30 provide the only access to the subdivision or parcel or provide access to the
31 subdivision or parcel that is required by the subdivision plat or by other regulation or

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ordinance;

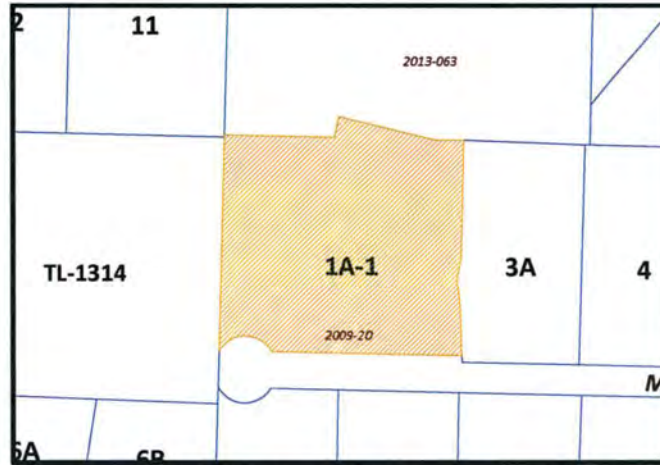
(4) to a change in the boundaries of a road service area to exclude a subdivision or parcel that does not rely on the use of roads maintained by the service area for the subdivision's or parcel's only access or for access that is required by the subdivision plat or by other regulation or ordinance;

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

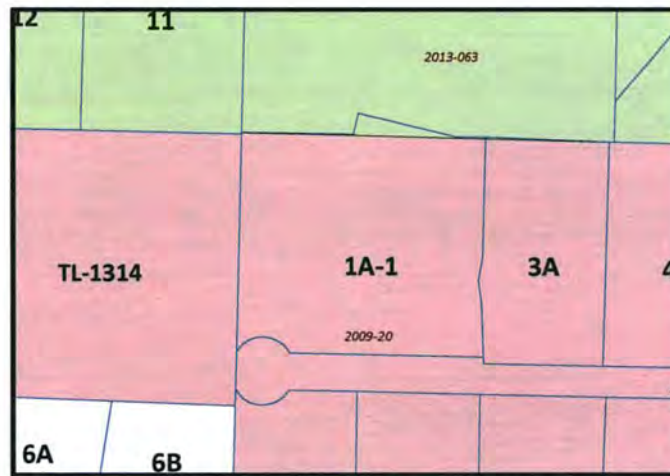
(6) to a change in the boundaries of a road service area to include a parcel that is partially located in the road service area if roads maintained by the service area provide the only access to the parcel.



Sunny Hills Terrace Service Area



Parcel 1A-1 Block 5 Sunny Hills Terrace 2nd Addition



Summerwood Service Area (Green) and Sunny Hills Terrace Service Area (Pink) Boundaries

In this example, parcel 1A-1 was re-platted adding an additional triangle portion to the north side of the property. This one parcel was split between two separate service areas. The Summerwood Service Area boundary needed to change to remove the small portion of Lot 1A-1 from the service area. That same portion needed to be annexed into the Sunny Hills Terrace Service Area.

In 2013 the removal of Lot 1A-1 from Summerwood Service Area was approved through ordinance using AS29.35.450(c)(4). The annexation of that portion of Lot 1A-1 was sent to a Sunny Hills Terrace Service Area election via ordinance. The election failed with zero residents casting a vote.

That portion of parcel is now not within any service area, and the tax assessors must split the taxation into two separate millage groups.

Alaska State Legislature

Senate Majority Leader

Joint Armed Services Committee
Co-Chairman
Judiciary Committee
Vice-Chairman
Resources Committee
State Affairs Committee
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Senator John Coghill

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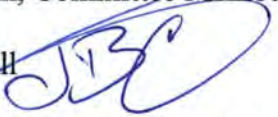
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MEMORANDUM

Date: March 2, 2015

To: Senate Community & Regional Affairs

Senator Click Bishop, Chairman
Senator Bert Stedman, Vice-Chair
Senator Anna MacKinnon, Committee Member
Senator Lyman Hoffman, Committee Member
Senator Dennis Egan, Committee Member

From: Senator John Coghill 

Re: SB 19 – An Act relating to road service area boundary changes

I have attached the backup information for SB 19 relating to boundary changes for road service areas. I have also including a Blank CS to better reflect the intentions of the bill.

The original version of the bill gave broader authority to a borough assembly than intended.

The bill is scheduled to be heard at your Thursday meeting. If you have any questions, please feel free to contact Rynniva Moss in my office.

Thanks for your consideration.

Alaska State Legislature

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Joint Armed Services Committee

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Amendment to CSSB 19(CRA):

29-LS0326\W.1

At the last Senate CRA meeting, I mentioned there was some disagreement about what AS 29.35.450(c)(3) requires for a boundary change. After consulting with Leg Legal and the attorney for the Fairbanks North Star Borough it has been agreed that subsection (c) requires a vote of the existing service area before a parcel or subdivision is added to the service area.

This is a logical requirement to annex a subdivision because a subdivision has roads that would have to be brought up to code and maintained by the existing service area. There are subdivision that are so out of compliance with codes for service areas that annexing the roads would place an undue burden on the existing service area.

This is not the case with a parcel. The amendment to SB 19 would add subsection 6. Subsection 6 would provide that a parcel can be added to an existing service area if it meets two requirements: (1) a portion of the parcel is already in the service area boundaries; and (2) the only access to the parcel is a road in the service area.

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 19(), Draft Version "W"

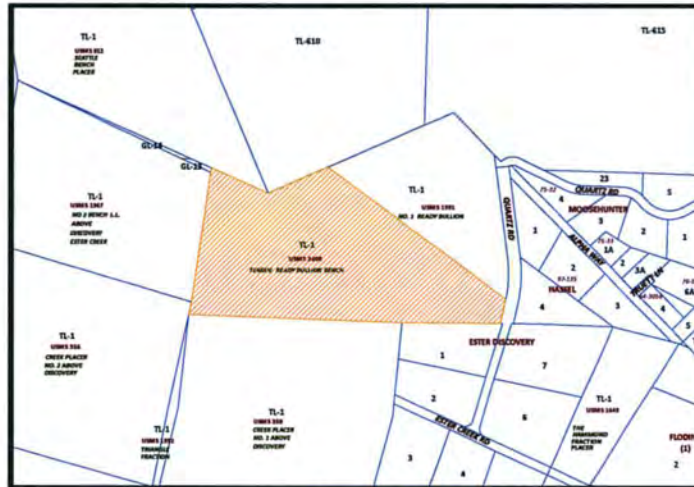
1 Page 3, line 8, following "area":

2 Insert ":

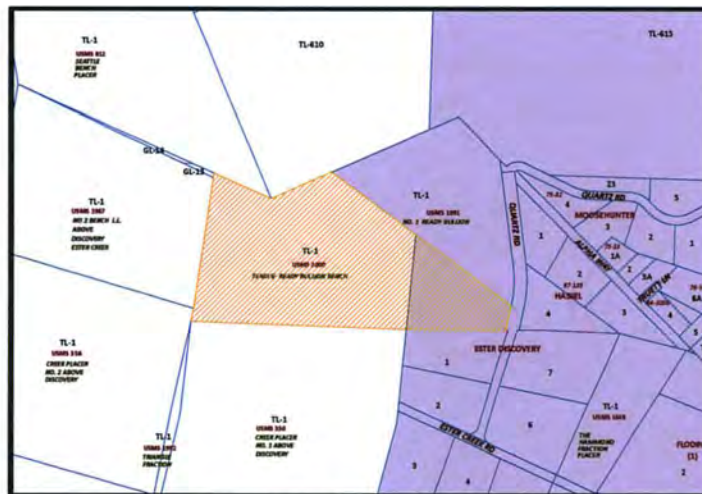
3 (6) to a change in the boundaries of a road service area to include
4 a parcel that is partially located in the road service area if roads maintained by
5 the service area provide the only access to the parcel"



Ester Lump Road Service Area



Tax Lot 1 USMS 2000



Ester Lump Road Service Area Boundary

In this example, only a portion of Tax Lot 1 USMS 2000 is within the Ester Lump Road Service Area. The service area boundary should match the parcel boundary. Until the service area boundary is changed to include the entire parcel, the tax assessors must split the taxation into two separate millage groups.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: SB 19
 Fiscal Note Number: _____
 () Publish Date: _____

Identifier: SB019-DOT-CO-3-5-15
 Title: BOUNDARIES OF ROAD SERVICE AREAS
 Sponsor: COGHILL
 Requester: Senate Community & Regional Affairs

Department: Department of Transportation and Public Facilities
 Appropriation: Administration and Support
 Allocation: Commissioner's Office
 OMB Component Number: 530

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By:	Mike Lesmann, Spec Asst to the Comm II	Phone:	(907)465-4772
Division:	Commissioner's Office	Date:	03/05/2015 11:30 AM
Approved By:	Mary Siroky, Director	Date:	03/05/15
Agency:	Administrative Services Director		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. SB 19

Analysis

This legislative proposal results in no fiscal impact to the Department.

SB 19 – AN ACT RELATING TO ROAD SERVICE AREA BOUNDARY CHANGES

29.35 Municipal Powers & Duties

(c) A vote must occur to do the following:

- (1) Abolish a service area – majority vote of the service area
- (2) Abolish a service area and annex it to another service area – separate majority vote of the existing service area and those residents of the area to be annexed
- (3) Alter or combine service areas – separate vote of each service area

- **Existing exceptions for inclusion in a road service areas without a vote:****

- (c) 3 – a subdivision or parcel by which the only access to that subdivision or parcel is a road maintained by an adjacent road service area.
- (c) 4 – exclude a subdivision or parcel in an existing road service area that does not rely on the use of roads maintained by the road service area for access to the subdivision or parcel.

SB 19 adds a third exception for adjusting boundaries of a service area without a vote of residents of a service area:

- (c) 5 – Removing a parcel that is located in more than one service area from one service area and adding it to the boundaries of the adjacent service area.

**** = When a vote is not required the adjustment of the road service area boundary can be accomplished with the approval of the borough assembly by a vote after public hearing.**