

**SENATE BILL NO. 45**

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

**BY SENATOR GIESSEL**

**Introduced: 2/6/15**

**Referred: Community and Regional Affairs, Resources**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to parks and recreation 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 parks and recreation service**  
7 **area to include a subdivision or parcel that is wholly or partially within the**  
8 **exterior boundaries of the service area.**