



# LAWS OF ALASKA

1970

Source

HCSSB 543

Chapter No.

218

## AN ACT

Relating to the Alaska Transportation Commission and its jurisdiction over certain common carriers; and providing for an effective date.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 42.07.021(d) is repealed and re-enacted to read:

(d) The governor may remove a commissioner from office for cause including but not limited to incompetence, neglect of duty or misconduct in office. A commissioner, to be removed for cause, shall be given a copy of the charges against him and afforded an opportunity to be publicly heard in person or by counsel in his own defense upon not less than 10 days notice. If a commissioner is removed for cause, the governor shall file with the secretary of state a complete statement of all charges made against the commissioner and his finding based on the charges, together with a complete record of the proceedings.

\* Sec. 2. AS 42.07.101 is amended to read:

Sec. 42.07.101. EMPLOYMENT AND COMPENSATION OF PERSONNEL. (a) The commission may employ engineers, hearing officers, experts, clerks, accountants, and other agents and assistants it considers necessary. Employees and agents of the commission, other than legal counsel, are in the classified service under AS 39.25.

(b) In addition to its staff of regular employees the commission may contract for and engage the services of the consultants, experts and hearing officers the commission considers necessary for the purpose of developing information or conducting studies, investigations, hearings or other proceedings.

\* Sec. 3. AS 07.12 is amended by adding a new section to read:

Sec. 07.12.040. LIMIT ON POWER RELATING TO GARBAGE COLLECTION AND DISPOSAL. AS 29.10.156, relating to garbage collection and disposal, applies to home rule boroughs.

\* Sec. 4. AS 29.08 is amended by adding a new section to read:

Sec. 29.08.030. LIMIT ON POWER RELATING TO GARBAGE COLLECTION AND DISPOSAL. AS 29.10.156, relating to garbage collection and disposal, applies to home rule cities.

\* Sec. 5. AS 29.10.156 is amended by adding new subsections to read:

(b) The council may not prohibit a person holding a valid permit from the Alaska Transportation Commission from continuing to collect and dispose of garbage and provide other related services in an area annexed by the city if the permit authorizes the collection and disposal of garbage and the providing of other services in the area annexed by the city and the permit was originally issued before the area was annexed by the city. If a city provides for a garbage collection and disposal system in an annexed area already serviced by a person allowed to continue under this subsection, the city may not charge less than the rate set for garbage collection and disposal by the Alaska Transportation Commission for common carriers.

(c) If the council determines that it is not in the public interest for the city to provide garbage collection and disposal and related services under the restrictions of (b) of this section, it may exercise the power of eminent domain to acquire, at the fair market value, from the person providing the services, that portion of the operating authority representing the services within the city. The fair market value shall be based on the economic loss to the permit holder. If an eminent domain proceeding is instituted, the council may exercise the power through the filing of a declaration of taking with the complaint or at any time after the filing of the complaint, but before judgment.

\* Sec. 6. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.