



LAWS OF ALASKA

1973

Source

Chapter No.

SB 97 am

76

AN ACT

Relating to garbage, refuse, trash or other waste material collection and disposal service.

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

* Section 1. AS 42.05.221 is amended by adding a new subsection to read:

(f) A certificate shall be issued by the Public Utilities Commission to a public utility engaged in garbage, refuse, trash or other waste material collection and disposal which was not required to have one before January 1, 1973, and which is required to have one after that date, if the public utility was previously operating under the authority of a permanent permit granted by the Alaska Transportation Commission. The certificate, however, shall exclude all areas within the limits of an incorporated city except a unified city/borough municipality as they existed on January 1, 1973 even though the area was included in the permit issued by the Alaska Transportation Commission. In unified city/borough municipalities, the certificate shall exclude only such areas as were actually served by such municipalities on January 1, 1973. Any area annexed after January 1, 1973, shall not be excluded from a carrier's certificate effective at the time of annexation, and shall be governed by the general provisions of this section. A political subdivision of the state may not provide for a garbage, refuse, trash or other waste material collection and disposal service in any area to the extent it lies within an area granted to a garbage or refuse carrier by a certificate issued by the commission to the carrier until or unless it has purchased the certificate, equipment and facilities of the carrier or that portion of the certificate, facilities and equipment which would be affected, at fair market value. Section 711(b) of this chapter notwithstanding, this subsection shall not be construed to

have the effect of bringing public utilities owned and operated by a political subdivision of the state within the jurisdiction of the Alaska Public Utilities Commission.

* Sec. 2. AS 42.05.701(2) is amended by adding a new subparagraph to read:

(F) furnishing collection and disposal service of garbage, refuse, trash or other waste material.

* Sec. 3. AS 42.05.711(b) is amended to read:

(b) Public utilities owned and operated by a political subdivision of the state and none of whose utilities, excepting the furnishing of collection and disposal service of garbage, refuse, trash or other waste material, is in competition with any other utility, are exempt from the provisions of this chapter, other than the provisions of secs. 221 - 281 of this chapter, unless the owner and operator elects to be subject to all provisions of this chapter. Notwithstanding any other provisions of this chapter, municipalities providing collection and disposal service of garbage, refuse, trash or other waste material within their corporate boundaries are not subject to regulation by the Alaska Public Utilities Commission unless such municipality elects to be subject to the provisions of this chapter.

* Sec. 4. AS 42.10.420(11) is repealed and re-enacted to read:

(11) "property" means all commodities, articles and cargo, of whatever nature or value excluding garbage, refuse, trash or other waste material;

* Sec. 5. AS 29.48.033(b) is repealed and re-enacted to read:

(b) The council or governing body of any political subdivision may not prohibit a person holding a valid certificate from the Alaska Public Utilities Commission from continuing to collect and dispose of garbage, refuse, trash, waste material, or other related services in any area in the political subdivision if the certificate authorizes the collection and disposal of garbage, refuse, trash or other waste material and providing of other services in the area, and the certificate was originally issued before the political subdivision provided like or similar services. A political subdivision may not provide for a garbage, refuse, trash or other waste material collection and disposal service in any area to the extent it lies within an area granted to a garbage, refuse, trash or other waste material carrier by a certificate issued by the commission to the carrier until or unless it has purchased the certificate, equipment and facilities of the carrier or that portion of the certificate which would be affected at fair market value and may exercise the right of eminent domain to determine fair market value.

* Sec. 6. AS 29.48.033(c) is repealed.