

HOUSE BILL NO. 161

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JAMES, Kohring

Introduced: 2/25/97

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to deregulation of public utilities furnishing collection and
2 disposal service of waste material."

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

4 * **Section 1.** AS 29.35.070(a) is amended to read:

5 (a) The assembly acting for the area outside all cities in the borough and the
6 council acting for the area in a city may regulate, fix, establish, and change the rates
7 and charges imposed for a utility service provided to the municipality or its inhabitants
8 by a utility that is not subject to regulation under AS 42.05 unless that utility is
9 exempted from regulation under AS 42.05.711(a), (d) - (h) or (k) [(d) - (k)] or is
10 exempted under regulations adopted under AS 42.05.810 from complying with all or
11 part of AS 42.05.010 - 42.05.721.

12 * **Sec. 2.** AS 38.05.810(f) is amended to read:

13 (f) The commissioner shall lease state land for telephone or electric
14 transmission and distribution lines for less than the appraised value of the land if the

1 lessee is a nonprofit cooperative association organized under AS 10.25. The
2 commissioner may lease state land that is not located within the boundary of a
3 municipality for the disposal of garbage, refuse, trash, or other waste material for less
4 than the appraised value of the land if the lessee is **approved by the commissioner**
5 **and collects and disposes** [A LICENSED PUBLIC UTILITY AUTHORIZED TO
6 COLLECT AND DISPOSE] of garbage, refuse, trash, or other waste material outside
7 the boundaries of a municipality. Before determining the annual rental, the
8 commissioner shall consider the nature of the public service rendered by the nonprofit
9 cooperative association or **approved lessee** [LICENSED PUBLIC UTILITY] and the
10 terms of the grant under which the land was acquired by the state. A nonprofit
11 cooperative association may not construct improvements other than transmission or
12 distribution lines and substations on land leased under this subsection. **An approved**
13 **lessee** [A LICENSED PUBLIC UTILITY] may not construct permanent improvements
14 on land leased under this subsection that are not related to the purpose of the lease.

15 * **Sec. 3.** AS 42.05.712(h) is amended to read:

16 (h) A utility or cooperative that is already exempt from regulation under this
17 section or that is exempt from regulation under AS 42.05.711(e) [, (i),] or (k) may
18 elect to terminate its exemption in the same manner.

19 * **Sec. 4.** AS 29.35.050(b), 29.35.050(c); AS 42.05.711(i), 42.05.711(m), and
20 42.05.990(4)(F) are repealed.