

HOUSE BILL NO. 436

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 3/20/00

Referred: House Special Committee on Utility Restructuring, Community and Regional Affairs, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to regulation of certain utilities by home rule or first class
2 municipalities; and providing for an effective date."

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

4 * **Section 1.** AS 42.05.711(b) is amended to read:

5 (b) Except as otherwise provided in this subsection, public utilities owned and
6 operated by a political subdivision of the state, or electric operating entities established
7 as the instrumentality of two or more public utilities owned and operated by political
8 subdivisions of the state, are exempt from this chapter, other than AS 42.05.221 -
9 42.05.281 and 42.05.385. However,

10 (1) the governing body of a political subdivision may elect to be
11 subject to this chapter; [AND]

12 (2) **except as provided in (3) of this subsection,** a utility or electric
13 operating entity that is owned and operated by a political subdivision and that directly
14 competes with another utility or electric operating entity is subject to this chapter, and

1 any other utility or electric operating entity owned and operated by the political
2 subdivision is also subject to this chapter; **and**

3 **(3) a home rule or first class municipality that has adopted an**
4 **ordinance providing for comprehensive municipal regulation of public utilities and**
5 **electric operating entities within the municipality may file the ordinance with the**
6 **commission and request the commission to transfer regulation of public utilities**
7 **and electric operating entities within the municipality to the municipality; the**
8 **commission shall transfer regulatory authority to the municipality if it finds that**
9 **the municipality owns and operates a utility or electric operating entity that**
10 **directly competes with another utility or electric operating entity and that the**
11 **ordinance meets the requirements of this paragraph.**

12 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).