

Original sponsor: Commerce Committee

Offered: 5/15/70  
Referred: Finance

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 543

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Transportation Commis-  
7 sion and its jurisdiction over certain common carriers:  
8 and providing for an effective date."

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

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 AS 42.07.021(d) is repealed and re-enacted to read:

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

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

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

26 (b) In addition to its staff or regular employees the commission  
27 may contract for and engage the services of the consultants, [AND]  
28 experts and hearing officers the commission considers necessary for the  
29 purpose of developing information or conducting studies, investigations

1 hearings or other proceedings.

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

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

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

7 Sec. 29.08.220. LIMIT ON POWER RELATING TO GARBAGE COLLECTION AND  
8 DISPOSAL. AS 29.10.156, relating to garbage collection and disposal,  
9 applies to home rule cities.

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

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

22 (c) If the council determines that it is not in the public  
23 interest for the city to provide garbage collection and disposal and  
24 related services under the restrictions of (b) of this section, it may  
25 exercise the power of eminent domain to acquire, at the fair market  
26 value, from the person providing the services, that portion of the  
27 operating authority representing the services within the city. The  
28 fair market value shall be based on the economic loss to the permit  
29 holder. If an eminent domain proceeding is instituted, the council

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

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.