

Introduced: 2/8/71
Referred: Local Government

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 158

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to municipal garbage collection and
7 disposal services in annexed areas."

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

9 * Section 1. AS 29.10.156(b) is amended to read:

10 (b) The council may not prohibit a person holding a valid permit
11 from the Alaska Transportation Commission from continuing to collect
12 and dispose of garbage and provide other related services in an area
13 annexed by the city if the permit authorizes the collection and
14 disposal of garbage and the providing of other services in the area
15 annexed by the city and the permit was originally issued before the
16 area was annexed by the city. A city is prohibited from providing
17 for a garbage collection and disposal system in an annexed area which
18 is within the scope of operating authority of a person possessing
19 a valid permit from the Alaska Transportation Commission authorizing
20 him to provide for garbage collection and disposal services in the
21 annexed area. This section does not prohibit the operation of a
22 sanitary land fill by the city within the annexed areas [IF A CITY
23 PROVIDES FOR A GARBAGE COLLECTION AND DISPOSAL SYSTEM IN AN ANNEXED
24 AREA ALREADY SERVICED BY A PERSON ALLOWED TO CONTINUE UNDER THIS
25 SUBSECTION, THE CITY MAY NOT CHARGE LESS THAN THE RATE SET FOR GARBAGE
26 COLLECTION AND DISPOSAL BY THE ALASKA TRANSPORTATION COMMISSION FOR
27 COMMON CARRIERS].

28 * Sec. 2. AS 29.10.156(c) is amended to read:

29 (c) If the council determines that it is not in the public

1 interest for the city to provide garbage collection and disposal and
2 related services under the restrictions of (b) of this section, it may
3 negotiate for and purchase or exercise the power of eminent domain to
4 acquire, at the fair market value, from the person providing the
5 services, that portion of the operating authority representing the
6 services within the city. The fair market value shall be based on the
7 economic loss to the permit holder. If an eminent domain proceeding
8 is instituted, the council may exercise the power through the filing
9 of a declaration of taking with the complaint or at any time after the
10 filing of the complaint, but before judgment.