

Original sponsor: Commerce Committee

Offered: 8/11/71
Referred: Rules

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

2 CS FOR 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
7 and 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 dis-
14 posal 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 area annexed after
18 the effective date of this Act, which is within the scope of operating
19 authority of a person possessing a valid permit from the Alaska
20 Transportation Commission authorizing him to provide for garbage collec-
21 tion and disposal services in the annexed area. This section does not
22 prohibit the operation of a sanitary land fill by the city within the
23 annexed areas. If a city provides for a garbage collection and
24 disposal system in an area annexed before the effective date of this
25 Act in which these services are offered by a person holding a valid
26 permit from the Alaska Transportation Commission to provide the
27 services [ANNEXED AREA ALREADY SERVICED BY A PERSON ALLOWED TO CONTINUE
28 UNDER THIS SUBSECTION], the city may not charge less than the rate set
29 for garbage collection and disposal by the Alaska Transportation

1 Commission for common carriers.

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

3 (c) If the council determines that it is not in the public
4 interest for the city to provide garbage collection and disposal and
5 related services under the restrictions of (b) of this section, it
6 may negotiate for and purchase or exercise the power of eminent domain
7 to acquire, at the fair market value, from the person providing the
8 services, that portion of the operating authority representing the
9 services within the city. The fair market value is the amount a willing
10 buyer would pay and a willing seller accept as the purchase price
11 without threat of eminent domain or other compulsion with the premise
12 that the refuse service would be continued for a reasonable period of
13 time in the future [SHALL BE BASED ON THE ECONOMIC LOSS TO THE PERMIT
14 HOLDER]. If an eminent domain proceeding is instituted, the person
15 holding a valid permit may continue operating under the authority of
16 that permit until final judgment has been rendered and compensation
17 has been paid to the person from whom the operating authority is to
18 be acquired and the city shall not furnish service in that area until
19 the compensation has been paid to the permit holder [COUNCIL MAY
20 EXERCISE THE POWER THROUGH THE FILING OF A DECLARATION OF TAKING WITH
21 THE COMPLAINT OR AT ANY TIME AFTER THE FILING OF THE COMPLAINT, BUT
22 BEFORE JUDGMENT].
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