

Original sponsor: Commerce Committee

Offered: 3/11/71
Referred: Rules

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CS

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 collecting [CONTINUING TO
12 COLLECT] and disposing [DISPOSE] of garbage and providing [PROVIDE]
13 other related services in an area annexed by the city if the permit
14 authorizes the collection and disposal of garbage and the providing of
15 other services in the area annexed by the city and the permit was
16 originally issued before the area was annexed by the city. A city is
17 prohibited from providing for a garbage collection and disposal system
18 in an area annexed after the effective date of this Act, which is within
19 the scope of operating authority of a person possessing a valid permit
20 from the Alaska Transportation Commission authorizing him to provide for
21 garbage collection and disposal services in the annexed area. This
22 section does not prohibit the operation of a sanitary land fill by the
23 city within the annexed areas. If a city provides for a garbage collec-
24 tion and disposal system in an area annexed before the effective date of
25 this 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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