

Introduced: 2/19/74
Referred: Commerce and
Judiciary

1 IN THE HOUSE

BY HUBER

2 HOUSE BILL NO. 662

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to regulation of municipal utilities."

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

8 * Section 1. AS 42.05.221(f) is amended to read:

9 (f) A certificate shall be issued by the Public Utilities Commis-
10 sion to a public utility engaged in garbage, refuse, trash or other
11 waste material collection and disposal which was not required to have
12 one before January 1, 1973, and which is required to have one after
13 that date, if the public utility was previously operating under the
14 authority of a permanent permit granted by the Alaska Transportation
15 Commission. The certificate, however, shall exclude all areas within
16 the limits of an incorporated city except a unified city/borough munici-
17 pality as they existed on January 1, 1973 even though the area was
18 included in the permit issued by the Alaska Transportation Commission.
19 In unified city/borough municipalities, the certificate shall exclude
20 only such areas as were actually served by the municipalities on
21 January 1, 1973. Any area annexed after January 1, 1973, shall not
22 be excluded from a carrier's certificate effective at the time of annexa-
23 tion, and shall be governed by the general provisions of this section.
24 A political subdivision of the state may not provide for a garbage, refuse,
25 trash or other waste material collection and disposal service in any
26 area to the extent it lies within an area granted to a garbage or refuse
27 carrier by a certificate issued by the commission to the carrier until
28 it has purchased the certificate, equipment and facilities of the
29 carrier or that portion of the certificate, facilities and equipment

1 which would be affected, at fair market value. [SECTION 711(b) OF THIS
2 CHAPTER NOTWITHSTANDING, THIS SUBSECTION SHALL NOT BE CONSTRUED TO
3 HAVE THE EFFECT OF BRINGING PUBLIC UTILITIES OWNED AND OPERATED BY A
4 POLITICAL SUBDIVISION OF THE STATE WITHIN THE JURISDICTION OF THE
5 ALASKA PUBLIC UTILITIES COMMISSION.]

6 * Sec. 2. AS 29.48.040 is amended to read:

7 Sec. 29.48.040. MUNICIPALLY-OWNED UTILITIES. A municipality
8 owning or operating utilities may extend service to adjacent areas out-
9 side its municipal limits, subject to AS 42.05. For that purpose the
10 municipality may acquire, maintain and operate utility facilities
11 together with necessary real property interests in real property outside
12 its limits. This section applies to home rule and general law munici-
13 palities.

14 * Sec. 3. AS 42.05.711(b) is repealed.
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