

Introduced: 2/25/74  
Referred: Commerce and  
Judiciary

1 IN THE HOUSE

BY HUBER, HACKNEY, BRADNER,  
CARROL AND RANDOLPH

2 HOUSE BILL NO. 697

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 state regulation of certain  
7 municipal utilities."

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

9 \* Section 1. AS 42.05.711(b) is amended to read:

10 (b) Public utilities owned and operated by a political subdivision  
11 of the state and none of whose utilities, excepting the furnishing of  
12 collection and disposal service of garbage, refuse, trash or other waste  
13 material, is in competition with any other utility, are exempt from the  
14 provisions of this chapter, other than the provisions of secs. 221 - 281  
15 of this chapter, unless the owner and operator elects to be subject to  
16 all provisions of this chapter or unless (1) a full range of utility  
17 services, consisting at least of water, steam, electrical, and telephone  
18 services, is furnished by the political subdivision and (2) at least one  
19 of the services enumerated on the effective date of this Act, is fur-  
20 nished outside the corporate limits of the political subdivision. Not-  
21 withstanding any other provisions of this chapter, municipalities provi-  
22 ding collection and disposal service of garbage, refuse, trash or other  
23 waste material within their corporate boundaries are not subject to  
24 regulation by the commission as to the collection and disposal service  
25 [ALASKA PUBLIC UTILITIES COMMISSION] unless the municipality elects to  
26 be subject to the provisions of this chapter.

27 \* Sec. 2. AS 42.05.221(f) is amended to read:

28 (f) A certificate shall be issued by the commission [PUBLIC  
29 UTILITIES COMMISSION] to a public utility engaged in garbage, refuse,

1 trash or other waste material collection and disposal which was not  
2 required to have one before January 1, 1973, and which is required to  
3 have one after that date, if the public utility was previously operating  
4 under the authority of a permanent permit granted by the Alaska Trans-  
5 portation Commission. The certificate, however, shall exclude all areas  
6 within the limits of an incorporated city except a unified city/borough  
7 municipality as they existed on January 1, 1973 even though the area was  
8 included in the permit issued by the Alaska Transportation Commission.  
9 In unified city/borough municipalities, the certificate shall exclude  
10 only such areas as were actually served by the municipalities on  
11 January 1, 1973. Any area annexed after January 1, 1973, shall not be  
12 excluded from a carrier's certificate effective at the time of annexa-  
13 tion, and shall be governed by the general provisions of this section.  
14 A political subdivision of the state may not provide for a garbage,  
15 refuse, trash or other waste material collection and disposal service  
16 in any area to the extent it lies within an area granted to a garbage or  
17 refuse carrier by a certificate issued by the commission to the carrier  
18 until it has purchased the certificate, equipment and facilities of the  
19 carrier or that portion of the certificate, facilities and equipment  
20 which would be affected, at fair market value. Section 711(b) of this  
21 chapter notwithstanding, this subsection shall not be construed to have  
22 the effect of bringing public utilities owned and operated by a political  
23 subdivision of the state within the jurisdiction of the Alaska Public  
24 Utilities Commission.

25 \* Sec. 3. AS 29.48.040 is amended to read:

26       Sec. 29.48.040. MUNICIPALLY-OWNED UTILITIES. A municipality  
27 owning or operating utilities may extend service to adjacent areas out-  
28 side its municipal limits, subject to AS 42.05. For that purpose the  
29 municipality may acquire, maintain and operate utility facilities to-

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

gether with necessary real property interests in real property outside  
its limits. This section applies to home rule and general law municipi-  
palities.