

Introduced: 1/31/73  
Referred: Local Government  
and Commerce

1 IN THE SENATE

BY ZIEGLER

2 SENATE BILL NO. 97

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An act relating to garbage, refuse, trash or other  
7 waste material collection and disposal service."

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

9 \* Section 1. AS 42.05.221 is amended by adding a new subsection to read:

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

1 Section 711(b) of this chapter notwithstanding, this subsection shall not  
2 be construed to have the effect of bringing public utilities owned and  
3 operated by a political subdivision of the state within the jurisdiction  
4 of the Alaska Public Utilities Commission.

5 \* Sec. 2. AS 42.05.701(2) is amended by adding a new subparagraph to read:

6 (F) furnishing collection and disposal service of garbage,  
7 refuse, trash or other waste material.

8 \* Sec. 3. AS 42.05.711(b) is amended to read:

9 (b) Public utilities owned and operated by a political subdivision  
10 of the state and none of whose utilities, excepting the furnishing of  
11 collection and disposal service of garbage, refuse, trash or other  
12 waste material, is in competition with any other utility, are exempt  
13 from the provisions of this chapter, other than the provisions of secs.  
14 221 - 228 of this chapter, unless the [SUCH AN] owner and operator elects  
15 to be subject to all provisions of this chapter.

16 \* Sec. 4. AS 42.10.420(11) is repealed and re-enacted to read:

17 (11) "property" means all commodities, articles and cargo, of  
18 whatever nature or value excluding garbage, refuse, trash or other waste  
19 material;

20 \* Sec. 5. AS 29.48.033(b) is repealed and re-enacted to read:

21 (b) The council or governing body of any political subdivision may  
22 not prohibit a person holding a valid certificate from the Alaska Public  
23 Utilities Commission from continuing to collect and dispose of garbage,  
24 refuse, trash, waste material, or other related services in any area in  
25 the political subdivision if the certificate authorizes the collection  
26 and disposal of garbage, refuse, trash or other waste material and pro-  
27 viding of other services in the area, and the certificate was originally  
28 issued before the political subdivision provided like or similar ser-  
29 vices. A political subdivision may not provide for a garbage, refuse,

1 trash or other waste material collection and disposal service in any  
2 area to the extent it lies within an area granted to a garbage, refuse,  
3 trash or other waste material carrier by a certificate issued by the  
4 commission to the carrier until or unless it has purchased the certifi-  
5 cate, equipment and facilities of the carrier or that portion of the  
6 certificate which would be affected at fair market value and may  
7 exercise the right of eminent domain to determine fair market value.

8 \* Sec. 6. AS 29.48.033(c) is repealed.