

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 except a unified city/borough
18 municipality as they existed on January 1, 1973 even though the area
19 was included in the permit issued by the Alaska Transportation
20 Commission. In unified city/borough municipalities, the certificate
21 shall exclude only such areas as were actually served by such
22 municipalities on January 1, 1973. Any area annexed after January 1,
23 1973, shall not be excluded from a carrier's certificate effective
24 at the time of annexation, and shall be governed by the general
25 provisions of this section. A political subdivision of the state may
26 not provide for a garbage, refuse, trash or other waste material
27 collection and disposal service in any area to the extent it lies within
28 an area granted to a garbage or refuse carrier by a certificate issued
29 by the commission to the carrier until or unless it has purchased the

1 certificate, equipment and facilities of the carrier or that portion
2 of the certificate, facilities and equipment which would be affected,
3 at fair market value. Section 711(b) of this chapter notwithstanding,
4 this subsection shall not be construed to have the effect of bringing
5 public utilities owned and operated by a political subdivision of the
6 state within the jurisdiction of the Alaska Public Utilities Commission.

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

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

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

11 (b) Public utilities owned and operated by a political subdivision
12 of the state and none of whose utilities, excepting the furnishing of
13 collection and disposal service of garbage, refuse, trash or other
14 waste material, is in competition with any other utility, are exempt
15 from the provisions of this chapter, other than the provisions of secs.
16 221 - 281 of this chapter, unless the [SUCH AN] owner and operator elects
17 to be subject to all provisions of this chapter. Notwithstanding any
18 other provisions of this chapter, municipalities providing collection
19 and disposal service of garbage, refuse, trash or other waste material
20 within their corporate boundaries are not subject to regulation by the
21 Alaska Public Utilities Commission unless such municipality elects to
22 be subject to the provisions of this chapter.

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 AS 42.10.420(11) is repealed and re-enacted to read:

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

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

28 (b) The council or governing body of any political subdivision may
29 not prohibit a person holding a valid certificate from the Alaska Public

1 Utilities Commission from continuing to collect and dispose of garbage,
2 refuse, trash, waste material, or other related services in any area in
3 the political subdivision if the certificate authorizes the collection
4 and disposal of garbage, refuse, trash or other waste material and pro-
5 viding of other services in the area, and the certificate was originally
6 issued before the political subdivision provided like or similar ser-
7 vices. A political subdivision may not provide for a garbage, refuse,
8 trash or other waste material collection and disposal service in any
9 area to the extent it lies within an area granted to a garbage, refuse,
10 trash or other waste material carrier by a certificate issued by the
11 commission to the carrier until or unless it has purchased the certifi-
12 cate, equipment and facilities of the carrier or that portion of the
13 certificate which would be affected at fair market value and may
14 exercise the right of eminent domain to determine fair market value.

15 * Sec. 6. AS 29.48.033(c) is repealed.
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