

1 IN THE SENATE

BY HUBER AND RADER

2 SENATE BILL NO. 291

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST 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
13 waste material, is in competition with any other utility, are exempt
14 from the provisions of this chapter, other than the provisions of secs.
15 221 - 281 of this chapter, unless the owner and operator elects to be
16 subject to all provisions of this chapter or unless (1) a full range of
17 utility services, consisting at least of water, steam, electrical, and
18 telephone services, is furnished by the political subdivision and (2)
19 at least one of the services enumerated on the effective date of this
20 Act, is furnished outside the corporate limits of the political subdivi-
21 sion. Notwithstanding any other provisions of this chapter, municipali-
22 ties providing collection and disposal service of garbage, refuse,
23 trash or other waste material within their corporate boundaries are not
24 subject to regulation by the commission as to the collection and dis-
25 posal service [ALASKA PUBLIC UTILITIES COMMISSION] unless the munici-
26 pality elects to 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
8 was included in the permit issued by the Alaska Transportation Commis-
9 sion. In unified city/borough municipalities, the certificate shall
10 exclude only such areas as were actually served by the municipalities
11 on January 1, 1973. Any area annexed after January 1, 1973, shall not
12 be 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
17 or refuse carrier by a certificate issued by the commission to the
18 carrier until it has purchased the certificate, equipment and facilities
19 of the carrier or that portion of the certificate, facilities and equip-
20 ment which would be affected, at fair market value. Section 711(b) of
21 this chapter notwithstanding, this subsection shall not be construed
22 to have the effect of bringing public utilities owned and operated by
23 a political subdivision of the state within the jurisdiction of the
24 Alaska Public 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
28 outside its municipal limits, subject to AS 42.05. For that purpose
29 the municipality may acquire, maintain and operate utility facilities

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

together with necessary real property interests in real property outside its limits. This section applies to home rule and general law municipalities.

#