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Referred: Labor & Commerce
and Resources

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1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

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HOUSE BILL NO. 310

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to waste collection and recycling;
7 and providing for an effective date."

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

9 * Section 1. FINDINGS AND POLICY. (a) The legislature finds that

10 (1) the recycling and reuse of garbage, refuse, trash or other
11 waste material and the material, resource, and energy recovery from waste
12 would substantially extend the useful life of existing solid waste disposal
13 sites in the state, reduce the need for new landfills, save the environment
14 of the state, reduce outdoor pollution, and create jobs in the state;

15 (2) refuse utilities are ideally situated to collect and recycle
16 waste and to engage in recovery activity;

17 (3) recycling and recovery activity is in its infancy in the
18 nation and particularly in this state and provides little or no profit for
19 those engaged in the activity;

20 (4) unless the legislature promotes recycling and recovery
21 activity whenever possible, it will be difficult to establish recycling and
22 recovery as a business in the state;

23 (5) substantial volumes of waste are needed to make the recycl-
24 ing and recovery business economically viable, which requires that certifi-
25 cated refuse utilities collect and control the available waste in their
26 service areas;

27 (6) it is in the public interest to encourage the existing
28 refuse utilities to develop the necessary technology and business oppor-
29 tunities to engage in economical and efficient waste recycling and recovery

1 activities.

2 (b) It is the policy of the state to encourage waste recycling and
3 recovery activities and to assist and encourage refuse utilities to develop
4 waste recycling and recovery technology and to conduct an economical and
5 efficient waste recycling and recovery business.

6 * Sec. 2. AS 42.05.221 is amended by adding a new subsection to read:

7 (g) The commission may only issue a certificate to a refuse
8 utility in an area already served by a certificated refuse utility if
9 the certificated utility and its affiliates are incurring operating
10 and capital expenses for waste recovery in an amount less than three
11 percent of the annual operating and capital expenses of the certifi-
12 cated utility and the commission finds that the certificated utility
13 will not provide satisfactory service. In calculating the annual
14 operating and capital expenses incurred by a utility and its affili-
15 ates for waste recovery, the expenses for the five years immediately
16 preceding the filing of the application may be averaged together.

17 * Sec. 3. AS 42.05.711(d) is amended to read:

18 (d) The commission, on a finding that no legitimate public
19 interest will be served, may exempt a utility from all or any portion
20 of this chapter. However, the commission may not exempt a refuse
21 utility from AS 42.05.221 - 42.05.281.

22 * Sec. 4. AS 42.05.720 is amended by adding new paragraphs to read:

23 (9) "refuse utility" means a utility furnishing collection
24 and disposal service of waste to the public for compensation;

25 (10) "waste" means garbage, refuse, trash, or other waste
26 material;

27 (11) "waste recovery" means resource recovery, energy recov-
28 ery, material recovery, recycling, or reuse of waste; in this para-
29 graph

1 (A) "energy recovery" means recovery in which all or a
2 part of the waste is processed to utilize the energy content,
3 including the heat content, of the material;

4 (B) "material recovery" means a process of obtaining
5 from waste, by presegregation or by other means, materials that
6 still have useful physical or chemical properties after serving a
7 specific purpose and can, therefore, be reused or recycled for
8 the same or other purpose;

9 (C) "recycling" means a process by which solid waste
10 is transformed into new products in a manner that may cause the
11 original products to lose their identity;

12 (D) "resource recovery" means the process of obtaining
13 useful material or energy resources from waste;

14 (E) "reuse" means the return of a commodity into the
15 economic stream for use in the same kind of application as before
16 without change in its identity.

17 * Sec. 5. For one year after the effective date of this Act, the com-
18 mission may not grant a certificate to a refuse utility in an area already
19 serviced by a certificated refuse utility.

20 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).

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