

BY REP. BOYER, Swackhammer, Koponen, M.Davis, Sharp

1 IN THE HOUSE

2

HOUSE BILL NO. 499

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to waste collection."

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

8 * Section 1. AS 29.35.050(b) is amended to read:

9 (b) The governing body of a municipality may not prohibit a
10 person holding a valid certificate from the Alaska Public Utilities
11 Commission from continuing to collect and dispose of garbage, refuse,
12 trash, waste material, or provide other related services in an area in
13 the municipality if the certificate authorizes the collection and
14 disposal of [GARBAGE, REFUSE, TRASH, OR OTHER] waste material and
15 providing of other services in the area, and the certificate was
16 originally issued before the municipality provided similar services.
17 Except as provided in (d) of this section, a [A] municipality may not
18 provide for a garbage, refuse, trash, or other waste material collec-
19 tion and disposal service in an area to the extent it lies in an area
20 granted to a garbage, refuse, trash, or other waste material carrier
21 by a certificate issued by the Alaska Public Utilities Commission to
22 the carrier until it has purchased the certificate, equipment and
23 facilities of the carrier, or that portion of the certificate that
24 would be affected, at fair market value. A municipality may exercise
25 the right of eminent domain to acquire the certificate, equipment, and
26 facilities of the carrier, or that portion of the certificate that
27 would be affected.

28 * Sec. 2. AS 29.35.050 is amended by adding a new subsection to read:

29 (d) A municipality may establish an intermediate transfer site

1 for the collection and disposal of waste material without purchasing
2 the certificate, equipment, or facilities of a waste material carrier
3 certificated by the Alaska Public Utilities Commission. The municipi-
4 pality may, without compensating a certificated waste carrier operat-
5 ing in the area, provide for or contract with a certificated or non-
6 certificated entity to provide for the collection and disposal of
7 waste material

8 (1) left at the intermediate transfer site; or

9 (2) generated by the municipal government or by the municipi-
10 pal school district.

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

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

16 * Sec. 4. AS 42.05.711 is amended by adding a new subsection to read:

17 (m) The collection and disposal, under AS 29.35.050(d), by a
18 municipality of waste material deposited at an intermediate transfer
19 site and of waste material generated by the municipality itself or by
20 the municipal school district is exempt from this chapter.