

Original sponsor(s): REP. BOYER, Swackhammer, Koponen, M.Davis, Sharp

1 IN THE HOUSE BY THE LABOR & COMMERCE COMMITTEE  
2 CS FOR HOUSE BILL NO. 499 (L&C)  
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 collection and disposal of solid  
7 waste material at an intermediate transfer site  
8 established by a municipality and to collection and  
9 disposal of solid waste material generated by a  
10 municipality itself; and prohibiting the Alaska  
11 Public Utilities Commission from exempting refuse  
12 utilities from certification requirements."

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

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

15 (b) The governing body of a municipality may not prohibit a  
16 person holding a valid certificate from the Alaska Public Utilities  
17 Commission from continuing to collect and dispose of garbage, refuse,  
18 trash, or other solid waste material, or provide other related ser-  
19 vices in an area in the municipality if the certificate authorizes the  
20 collection and disposal of solid [GARBAGE, REFUSE, TRASH, OR OTHER]  
21 waste material and providing of other services in the area, and the  
22 certificate was originally issued before the municipality provided  
23 similar services. Except as provided in (d) of this section, a [A]  
24 municipality may not provide for a garbage, refuse, trash, or other  
25 solid waste material collection and disposal service in an area to the  
26 extent it lies in an area granted to a garbage, refuse, trash, or  
27 other solid waste material carrier by a certificate issued by the  
28 Alaska Public Utilities Commission to the carrier until it has pur-  
29 chased the certificate, equipment and facilities of the carrier, or

1 that portion of the certificate that would be affected, at fair market  
2 value. A municipality may exercise the right of eminent domain to  
3 acquire the certificate, equipment, and facilities of the carrier, or  
4 that portion of the certificate that would be affected.

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

6 (d) A municipality may establish an intermediate transfer site  
7 for the collection and disposal of solid waste material without pur-  
8 chasing the certificate, equipment, or facilities of a solid waste  
9 material carrier certificated by the Alaska Public Utilities Commis-  
10 sion. The municipality may, without compensating a certificated solid  
11 waste carrier operating in the area, provide for or contract with a  
12 certificated or noncertificated entity to provide for the collection  
13 and disposal of solid waste material

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

15 (2) generated by the municipal government.

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

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

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

22 (m) The collection and disposal, under AS 29.35.050(d), by a  
23 municipality of solid waste material deposited at an intermediate  
24 transfer site and of solid waste material generated by the municipal  
25 government is exempt from this chapter.