

1 SB38
2 164351-3
3 By Senator Holley
4 RFD: County and Municipal Government
5 First Read: 03-MAR-15
6 PFD: 02/20/2015

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8 SYNOPSIS: Under existing law, county and municipal
9 governing bodies have authority to operate solid
10 waste programs and may establish and collect fees,
11 charges, and rates for the service. Existing law
12 provides that all funds collected from the solid
13 waste program are required to be used for the
14 administration of the solid waste program.

15 This bill would provide further for the use
16 of the funds by the local governing body for
17 administrative service related to the program, for
18 buildings and roads or bridges used for solid waste
19 services, and for certain other services provided
20 through the solid waste program.

21 Existing law also provides for the
22 collection of delinquent fees for solid waste
23 services by the suspension of service and by civil
24 action.

25 This bill would further authorize local
26 governing bodies to use provisions for collection
27 through income tax refund set-offs.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 To amend Section 22-27-5, Code of Alabama 1975,
7 relating to local solid waste programs; to further provide for
8 the use of fees, charges, and rates collected in the operation
9 and administration of the programs; and to further provide for
10 the collection of delinquent fees and charges for services.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 22-27-5, Code of Alabama 1975, is
13 amended to read as follows:

14 "§22-27-5.

15 "(a) ~~Fees, etc.; mutual agreements or contracts.~~ The
16 ~~county commission or municipality~~ local governing body
17 undertaking the responsibility for providing services to the
18 public under this article, including operation of a landfill
19 as defined in Section 22-27-2, may establish fees, charges,
20 and rates ~~and may collect and disburse funds within~~
21 ~~cooperating areas or districts, inside or outside the~~
22 ~~corporate limits of municipalities or inside or outside of~~
23 ~~county boundaries,~~ for the ~~specific~~ purpose of administering
24 this article and for providing and operating a solid waste
25 program. All fees, charges, and rates collected pursuant to
26 this article shall be appropriated for one or more of the
27 following purposes:

1 "(1) The administrative and operational services for
2 any solid waste program, including, but not limited to,
3 overhead and general administrative services provided by the
4 administrative office or offices of the local governing body.

5 "(2) The maintenance, repair, and upkeep of
6 buildings and roads or bridges used for solid waste collection
7 or disposal services authorized under this chapter.

8 "(3) Any other program of the local governing body
9 which uses the services provided through its solid waste
10 program.

11 ~~"Also, said county commission or public authority~~

12 "(b) The local governing body may enter into mutual
13 agreements or contracts with the government bodies of other
14 counties, municipalities, corporations, or individuals, where
15 deemed to be mutually economical and feasible, to jointly or
16 individually collect, haul and/or dispose of solid wastes
17 generated within the cooperating area. All contracts or mutual
18 agreements under this article shall be subject to review by
19 the health officer, and all ~~such~~ contracts and agreements
20 shall be subject to cancellation upon 30 days' notice from
21 ~~said the~~ the health officer with the concurrence of the
22 department, any time ~~said the~~ the contracts or agreements fail to
23 be in the best interest of the health, safety, and welfare of
24 the citizens residing in the affected area.

25 ~~"(b) Private or corporate agencies. (c) (1)~~
26 Individuals, corporations, partnerships, or other agencies
27 engaging in the collection and disposal of solid wastes are

1 subject to this article. Governing bodies may assign
2 territories, approve or disapprove disposal sites, with the
3 concurrence of the health department, and shall establish and
4 collect annual license fees from ~~such~~ the firms and set rate
5 schedules if a service fee is charged. In addition to any
6 other approvals which are necessary for any contract between
7 private or corporate agencies and governmental entities for
8 the disposal of solid wastes, approval of the department shall
9 be obtained.

10 ~~"(c) Permits and bonds. Under subsection (b) of this~~
11 ~~section, no~~ (2) No license shall be granted or fee collected
12 under this subsection without a permit issued by the state or
13 county health department, renewable annually at the time
14 licenses are due. ~~Such~~ The permit shall be based upon
15 performance and may be revoked for cause, including failure to
16 perform under the provisions of this article and regulations
17 adopted under authority of this article. No license shall be
18 granted without the posting of a performance bond satisfactory
19 to the governing body. All solid waste disposal sites except
20 those which have certificates of exception shall have a permit
21 from the department.

22 ~~"(d) Financial assurance.~~ No permit for
23 transportation of garbage by out-of-state transporters, for
24 disposal of such garbage in a sanitary landfill in this state,
25 shall be issued unless financial assurance is posted by such
26 transporter with the health department.

1 "The financial assurance shall be in an amount not
2 less than ~~\$250,000~~ two hundred fifty thousand dollars
3 (\$250,000) and must guarantee that ~~such~~ the garbage does not
4 contain any regulated hazardous waste, infectious waste, or
5 explosive materials or debris. The financial assurance shall
6 be provided in accordance with acceptable financial assurance
7 instruments which include, but are not limited, to an escrow
8 account, performance bond, or letter of credit. The health
9 department shall promulgate regulations specifying the terms
10 and conditions of financial assurance instruments, as
11 appropriate.

12 "~~(e) Nonpayment of fees, etc. Any county commission~~
13 ~~or municipality~~ local governing body establishing fees,
14 charges, and rates pursuant to subsection (a) of this section
15 shall have the power and authority to adopt resolutions or
16 ordinances providing that if the fees, charges, or rates for
17 the services furnished by the ~~county commission or~~
18 ~~municipality, or licensee of either,~~ local governing body or
19 its licensee under the provisions of ~~said~~ this chapter, shall
20 not be paid within 30 days after the same shall become due and
21 payable, ~~such county commission or municipality~~ the local
22 governing body may, at the expiration of ~~such~~ the 30-day
23 period, take any actions available under the law for
24 collection of a debt, including, but not limited to, any of
25 the following: suspending the ~~suspend such~~ services;
26 collecting the debt pursuant to Article 3, Title 40, Chapter
27 18; or bringing a civil action ~~or may proceed~~ to recover the

1 amount of ~~any such~~ the delinquency with interest ~~in a civil~~
2 ~~action, or both."~~

3 Section 2. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.