

1 SB56  
2 208319-1  
3 By Senator Melson  
4 RFD: Governmental Affairs  
5 First Read: 02-FEB-21  
6 PFD: 01/20/2021

SYNOPSIS: Under existing law, a county or municipality may operate or contract for the operation of a program for the collection and disposal of solid waste within a cooperating area and may charge and collect fees for the providing of solid waste services to the public. Any fees or charges are required to be used for the specific purpose of administering and operating the solid waste program.

This bill would authorize a county or municipality operating or providing a solid waste program that has more than one million dollars (\$1,000,000) in a solid waste reserve account to expend amounts in the solid waste reserve account over one million dollars (\$1,000,000) for purposes in the best interest of the county or municipality.

A BILL  
TO BE ENTITLED  
AN ACT

1  
2           Relating to solid waste; to amend Section 22-27-5 of  
3 the Code of Alabama 1975, authorizing counties and  
4 municipalities to provide solid waste services to the public  
5 and to charge and collect fees for the services; to authorize  
6 a county or municipality operating or providing a solid waste  
7 program to expend certain excess amounts in any solid waste  
8 reserve account for purposes in the best interest of the  
9 county or municipality.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13           "§22-27-5.

14           "(a) Fees, etc.; mutual agreements or contracts. The  
15 county commission or municipality undertaking the  
16 responsibility for providing services to the public under this  
17 article may establish fees, charges, and rates and may collect  
18 and disburse funds within cooperating areas or districts,  
19 inside or outside the corporate limits of municipalities or  
20 inside or outside of county boundaries, for the specific  
21 purpose of administering this article and providing and  
22 operating a solid waste program. Also, ~~said~~ the county  
23 commission or public authority may enter into mutual  
24 agreements or contracts with the government bodies of other  
25 counties, municipalities, corporations, and individuals, where  
26 deemed to be mutually economical and feasible, to jointly or  
27 individually collect, haul, and or dispose of solid wastes

1 generated within the cooperating area. All contracts or mutual  
2 agreements under this article shall be subject to review by  
3 the health officer, and all such contracts and agreements  
4 shall be subject to cancellation upon 30 days' notice from  
5 ~~said~~ the health officer with the concurrence of the  
6 department, any time ~~said~~ the contracts or agreements fail to  
7 be in the best interest of the health, safety, and welfare of  
8 the citizens residing in the affected area.

9 "(b) Private or corporate agencies. Individuals,  
10 corporations, partnerships or other agencies engaging in the  
11 collection and disposal of solid wastes are subject to this  
12 article. Governing bodies may assign territories, approve, or  
13 disapprove disposal sites, with the concurrence of the health  
14 department, and shall establish and collect annual license  
15 fees from such firms and set rate schedules if a service fee  
16 is charged. In addition to any other approvals which are  
17 necessary for any contract between private or corporate  
18 agencies and governmental entities for the disposal of solid  
19 wastes, approval of the department shall be obtained.

20 "(c) Permits and bonds. Under subsection (b) ~~of this~~  
21 ~~section~~, no license shall be granted or fee collected without  
22 a permit issued by the state or county health department,  
23 renewable annually at the time licenses are due. Such permit  
24 shall be based upon performance and may be revoked for cause,  
25 including failure to perform under the provisions of this  
26 article and regulations adopted under authority of this  
27 article. No license shall be granted without the posting of a

1 performance bond satisfactory to the governing body. All solid  
2 waste disposal sites except those which have certificates of  
3 exception shall have a permit from the department.

4 "(d) Financial assurance. No permit for  
5 transportation of garbage by out-of-state transporters, for  
6 disposal of such garbage in a sanitary landfill in this state,  
7 shall be issued unless financial assurance is posted by such  
8 transporter with the health department.

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

19 "(e) Nonpayment of fees, etc. Any county commission  
20 or municipality establishing fees, charges, and rates pursuant  
21 to subsection (a) ~~of this section~~ shall have the power and  
22 authority to adopt resolutions or ordinances providing that if  
23 the fees, charges, or rates for the services furnished by the  
24 county commission or municipality, or licensee of either,  
25 under ~~the provisions of said~~ this chapter, shall not be paid  
26 within 30 days after the same shall become due and payable,  
27 ~~such~~ the county commission or municipality may, at the

1 expiration of ~~such~~ the 30-day period, suspend such services or  
2 may proceed to recover the amount of any ~~such~~ delinquency with  
3 interest in a civil action, or both.

4 "(f) Notwithstanding the provisions of subsection  
5 (a), any county or municipality that is providing solid waste  
6 services under this article that has a solid waste reserve  
7 account in excess of one million dollars (\$1,000,000) may  
8 expend excess amounts over one million dollars (\$1,000,000) in  
9 the solid waste reserve account for any lawful purposes in the  
10 best interest of the county or municipality."

11 Section 2. This act shall become effective on the  
12 first day of the third month following its passage and  
13 approval by the Governor, or its otherwise becoming law.