

1 HB24
2 172894-2
3 By Representative Clouse
4 RFD: County and Municipal Government
5 First Read: 02-FEB-16
6 PFD: 01/29/2016

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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 authorize enactment of local
16 laws providing for the use of the funds by the
17 local governing body for administrative service
18 related to the program, for buildings and roads or
19 bridges used for solid waste services, and for
20 certain other services provided through the solid
21 waste program.

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

1 This bill would further authorize local
2 governing bodies to use provisions for collection
3 through income tax refund set-offs.
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5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 To amend Section 22-27-5, Code of Alabama 1975,
10 relating to local solid waste programs; to further provide for
11 the use of fees, charges, and rates collected in the operation
12 and administration of the programs pursuant to local laws; and
13 to further provide for the collection of delinquent fees and
14 charges for services.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

18 "§22-27-5.

19 "~~(a) Fees, etc.; mutual agreements or contracts. The~~
20 ~~county commission or municipality~~ The local governing body
21 undertaking the responsibility for providing services to the
22 public under this article, including operation of a landfill
23 as defined in Section 22-27-2, may establish fees, charges,
24 and rates ~~and may collect and disburse funds within~~
25 ~~cooperating areas or districts, inside or outside the~~
26 ~~corporate limits of municipalities or inside or outside of~~
27 ~~county boundaries,~~ for the ~~specific~~ purpose of administering

1 this article and providing and operating a solid waste
2 program. ~~Also, said county commission or public authority~~ If
3 authorized by local law, the fees, charges, and rates
4 collected pursuant to this article may also be appropriated
5 for one or more of the following purposes:

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

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

13 "(3) Any other program of the local governing body
14 which utilizes the services provided through its solid waste
15 program.

16 "Appropriations for the purposes set out in
17 subdivision (1) or (2) may be made only if the local governing
18 body is in receipt of notice from the Department of
19 Environmental Management that it is in compliance with the
20 financial assurance requirements in Section 22-27-8, if the
21 requirements are applicable.

22 "(b) The local governing body may enter into mutual
23 agreements or contracts with the government bodies of other
24 counties, municipalities, corporations or individuals, where
25 deemed to be mutually economical and feasible, to jointly or
26 individually collect, haul and/or dispose of solid wastes
27 generated within the cooperating area. All contracts or mutual

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

8 ~~"(b) Private or corporate agencies. (c) (1)~~

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

20 ~~"(c) Permits and bonds. Under subsection (b) of this~~
21 ~~section, no~~ (2) No license shall be granted or fee collected
22 under this subsection without a permit issued by the state or
23 county health department, renewable annually at the time
24 licenses are due. ~~Such~~ The permit shall be based upon
25 performance and may be revoked for cause, including failure to
26 perform under the provisions of this article and regulations
27 adopted under authority of this article. No license shall be

1 granted without the posting of a performance bond satisfactory
2 to the governing body. All solid waste disposal sites except
3 those which have certificates of exception shall have a permit
4 from the department.

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

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

21 "(e) ~~Nonpayment of fees, etc.~~ Any ~~county commission~~
22 ~~or municipality~~ local governing body establishing fees,
23 charges and rates pursuant to subsection (a) ~~of this section~~
24 shall have the power and authority to adopt resolutions or
25 ordinances providing that if the fees, charges, or rates for
26 the services furnished by the ~~county commission or~~
27 ~~municipality, or licensee of either,~~ local governing body or

1 its licensee under ~~the provisions of said this~~ chapter, shall
2 not be paid within 30 days after the same shall become due and
3 payable, ~~such county commission or municipality~~ the local
4 governing body may, at the expiration of ~~such~~ the 30-day
5 period, ~~suspend such~~ take any actions available under the law
6 for collection of a debt, including, but not limited to, any
7 of the following: Suspending the services; collecting the debt
8 pursuant to Article 3, Title 40, Chapter 18; or bringing a
9 civil action ~~or may proceed~~ to recover the amount of ~~any such~~
10 the delinquency with interest in a civil action, or both."

11 Section 2. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.