

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

1 SB56

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4 ENROLLED, An Act,

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

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 22-27-5 of the Code of Alabama  
15 1975, is amended to read as follows:

16 "§22-27-5.

17 "(a) Fees, etc.; mutual agreements or contracts. The  
18 county commission or municipality undertaking the  
19 responsibility for providing services to the public under this  
20 article may establish fees, charges, and rates and may collect  
21 and disburse funds within cooperating areas or districts,  
22 inside or outside the corporate limits of municipalities or  
23 inside or outside of county boundaries, for the specific  
24 purpose of administering this article and providing and  
25 operating a solid waste program. Also, ~~said~~ the county

1 commission or public authority may enter into mutual  
2 agreements or contracts with the government bodies of other  
3 counties, municipalities, corporations, or individuals, where  
4 deemed to be mutually economical and feasible, to jointly or  
5 individually collect, haul, and/or dispose of solid wastes  
6 generated within the cooperating area. All contracts or mutual  
7 agreements under this article shall be subject to review by  
8 the health officer, and all such contracts and agreements  
9 shall be subject to cancellation upon 30 days' notice from  
10 ~~said~~ the health officer with the concurrence of the  
11 department, any time ~~said~~ the contracts or agreements fail to  
12 be in the best interest of the health, safety, and welfare of  
13 the citizens residing in the affected area.

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

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

12           "(d) Financial assurance. No permit for  
13 transportation of garbage by out-of-state transporters, for  
14 disposal of such garbage in a sanitary landfill in this state,  
15 shall be issued unless financial assurance is posted by such  
16 transporter with the health department.

17           "The financial assurance shall be in an amount not  
18 less than two hundred fifty thousand dollars (\$250,000) and  
19 must guarantee that such garbage does not contain any  
20 regulated hazardous waste, infectious waste, or explosive  
21 materials or debris. The financial assurance shall be provided  
22 in accordance with acceptable financial assurance instruments  
23 which include, but are not limited to, an escrow account,  
24 performance bond, or letter of credit. The health department

1 shall ~~promulgate~~ adopt regulations specifying the terms and  
2 conditions of financial assurance instruments, as appropriate.

3 "(e) Nonpayment of fees, etc. Any county commission  
4 or municipality establishing fees, charges, and rates pursuant  
5 to subsection (a) ~~of this section~~ shall have the power and  
6 authority to adopt resolutions or ordinances providing that if  
7 the fees, charges, and or rates for the services furnished by the  
8 county commission or municipality, or licensee of either,  
9 under ~~the provisions of said~~ this chapter, shall not be paid  
10 within 30 days after the same shall become due and payable,  
11 ~~such~~ the county commission or municipality may, at the  
12 expiration of ~~such~~ the 30-day period, suspend such services or  
13 may proceed to recover the amount of any ~~such~~ delinquency with  
14 interest in a civil action, or both.

15 "(f) Notwithstanding the provisions of subsection  
16 (a), any county or municipality that is providing solid waste  
17 services under this article that has a solid waste reserve  
18 account in excess of one million dollars (\$1,000,000) may  
19 expend excess amounts over one million dollars (\$1,000,000) in  
20 the solid waste reserve account for any lawful purposes in the  
21 best interest of the county or municipality."

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

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB56  
Senate 09-FEB-21  
I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 27-APR-21

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By: Senator Melson