

ADOPTED

1 Senators Murphy of the 27th, Pearson of the 51st and Williams of the 19th offered the
2 following amendment:

3 *Amend SB 154 (LC 0277ER) by striking lines 2 through 4 of page 1 and inserting in their*
4 *place the following:*

5 general provisions applicable only to municipal corporations, so as to provide definitions;
6 to provide that municipal corporations and newly incorporated municipalities shall provide
7 certain notice to solid waste collection firms prior to displacing such firms from providing
8 services to the municipal corporations and newly incorporated municipalities; to provide

9 *By striking from line 13 on page 1 through line 9 of page 2 and inserting in their place the*
10 *following:*

11 (1) 'Agreement' shall mean any subscription agreement or franchise agreement for solid
12 waste collection services.

13 (2) 'Displacement' or 'displace' shall mean any action by a municipality or a governing
14 entity responsible for providing solid waste collection which prohibits or has the effect
15 of prohibiting a firm from providing all or a portion of the collections services for solid
16 waste or recovered materials or both which the firm is providing at the time of final
17 approval of the action which would result in the displacement of the firm, with the
18 exception of an action taken by a municipality, a governing entity responsible for solid
19 waste collection, or a private entity subject to a subscription agreement displacing a firm
20 subsequent to material breach of the service agreement by such firm.

21 (3) 'Displacement territory' shall mean the territory for which a firm is providing solid
22 waste collection services at the time of displacement.

23 (4) 'Firm' shall mean a private solid waste collection firm.

24 (5) 'Franchise agreement' shall mean the right and privilege to provide solid waste
25 collection services granted to a firm by a governing entity responsible for providing solid
26 waste collection in the displacement territory.

27 (6) 'Local Act' shall mean a local Act passed by the General Assembly granting an
28 original charter creating a municipal corporation pursuant to Chapter 31 of this title.

29 (7) 'Municipal corporation' or 'municipality' shall mean:

30 (A) A municipal corporation pursuant to Article 4 of Chapter 36 of this title; or

31 (B) A municipal corporation newly incorporated pursuant to Chapter 31 of this title.

32 (8) 'Resolution' shall mean a resolution required pursuant to Article 4 of Chapter 36 of
33 this title as a condition to a municipal corporation annexing any territory.

1 (9) 'Referendum' shall mean a referendum required ratifying a resolution pursuant to
2 Article 4 of Chapter 36 of this title.