

The House Committee on Judiciary offers the following substitute to SB 154:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable only to counties, municipal corporations, and other
3 governmental entities, so as to provide definitions; to provide that certain contracts shall be
4 honored by municipalities or other government entities; to provide for certain restrictions on
5 certain actions taken by local governments; to place certain requirements on solid waste
6 collection firms; to provide for related matters; to provide an effective date; to repeal
7 conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general
11 provisions applicable to counties, municipal corporations, and other governmental entities,
12 is amended by adding a new Code section to read as follows:

13 "36-80-22.

14 (a) As used in this Code section, the term:

15 (1) 'Agreement' means any written private contract for solid waste collection services
16 between a firm and any commercial client.

17 (2) 'Commercial client' means any private, nonresidential business entity or person
18 required to have a business license who contracts with a firm for solid waste collection
19 services.

20 (3) 'Displacement' means the displacing of any firm's agreement by annexation,
21 deannexation, or incorporation of a municipality.

22 (4) 'Firm' means a private solid waste collection firm.

23 (5) 'Governmental action' means the invalidation of any firm's existing agreement by a
24 local government by a law, rule, or regulation, provided that such law, rule, or regulation
25 is not enacted pursuant to an emergency as declared by the governing authority of the
26 local government.

1 (6) 'Local government' means a county, municipal corporation, or any county-municipal
2 consolidated government.

3 (b) Prior to a firm receiving any protection under this Code section, the firm shall first
4 establish that at least 30 days prior to the effective date of any governmental action or
5 displacement, the firm is providing solid waste collection services in the county or
6 municipality pursuant to an agreement.

7 (c) A firm's agreement with a private commercial entity or person that meets the
8 requirements of subsection (b) of this Code section shall not be invalidated by any
9 governmental action or displacement. This subsection shall not prevent commercial clients
10 from discontinuing an agreement with a firm pursuant to the terms of any agreement such
11 commercial client may have with a firm.

12 (d) Notwithstanding the provisions of this Code section, in order to protect the public
13 health and safety, a local government shall have the authority to adopt local laws, rules, or
14 regulations establishing standards and procedures for the collection and disposal of solid
15 waste and recyclables generated by a commercial client."

16 **SECTION 2.**

17 This Act shall become effective upon its approval by the Governor or upon its becoming law
18 without such approval.

19 **SECTION 3.**

20 All laws and parts of laws in conflict with this Act are repealed.