

Senate Bill 154

By: Senators Murphy of the 27th, Pearson of the 51st, Johnson of the 1st, Rogers of the 21st, Shafer of the 48th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to require that certain contracts shall be honored by municipalities or other government
3 entities; to provide for definitions; to provide for certain restrictions on certain actions taken
4 by local governments; to place certain requirements on solid waste collection firms; to
5 provide for additional requirements regarding certain excess funds of special districts divided
6 into noncontiguous areas; to provide for related matters; to provide an effective date; to
7 repeal conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
11 by adding a new Code section to read as follows:

12 "36-80-22.

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

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

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

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

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

22 (5) 'Governmental action' means the invalidation of any firm's existing agreement by a
23 local government by a law, rule, or regulation, provided that such law, rule, or regulation
24 is not enacted pursuant to an emergency as declared by the governing authority of the
25 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 Said title is further amended in Code Section 36-31-12, relating to special districts divided
18 into noncontiguous areas, by revising subsection (b) as follows:

19 "(b)(1) When a municipal corporation is created by local Act within a county which has
20 a special district for the provision of local government services consisting of the
21 unincorporated area of the county and following the creation of said municipal
22 corporation the special district is divided into two or more noncontiguous areas, any
23 special district taxes, fees, and assessments collected in such a noncontiguous area shall
24 be spent to provide services in that noncontiguous area. Effective January 1, 2006, for
25 the purposes of this Code section, a noncontiguous area located within ten miles of
26 another noncontiguous area may be treated as the same noncontiguous area.

27 (2) If, on the effective date of this paragraph:

28 (A) Excess proceeds remain following the expenditure required under paragraph (1)
29 of this subsection; and

30 (B) All of the area within the special district shall have become incorporated within
31 one or more municipalities,

32 then the excess proceeds shall be disbursed within 60 days to the governing authority of
33 each municipality which has incorporated any portion of the area of the special district.
34 The amount of proceeds to be disbursed to each municipality shall be determined on a pro
35 rata basis using as a denominator the total value of all tax parcels within the special

1 district and as a numerator the total value of all tax parcels which were incorporated
2 within each municipality.

3 (3) If, on the effective date of this paragraph:

4 (A) Excess proceeds remain from the collection of any special district taxes, fees, and
5 assessments; and

6 (B) A new municipality shall have been created from within such special district such
7 that the special district shall have been diminished in size but not all of the special
8 district shall have been incorporated within one or more municipalities.

9 then the excess proceeds shall be disbursed within 60 days to the governing authority of
10 each municipality which has incorporated any portion of the area of the special district.

11 The amount of proceeds to be disbursed to each municipality shall be determined on a pro
12 rata basis using as a denominator the total value of all tax parcels within the special
13 district and as a numerator the total value of all tax parcels which were incorporated
14 within each municipality."

15 **SECTION 3.**

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

18 **SECTION 4.**

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