

March 24, 2005

S 951. PUBLIC-PRIVATE SOLID WASTE COLLECTION. *TO REQUIRE A UNIT OF LOCAL GOVERNMENT THAT DISPLACES A PRIVATE COMPANY THAT IS PROVIDING COLLECTION SERVICES FOR SOLID WASTE OR RECOVERED MATERIALS TO GIVE NOTICE OF ITS INTENT TO DO SO AND TO PROVIDE COMPENSATION TO THE DISPLACED PRIVATE COMPANY.* Enacts new GS 130A-309.09E as title indicates. Specifies the notice to be required before private waste collection company is displaced, both public notice and written private notice to affected companies. If a local government begins services that displace private company within two years after the date of the first public notice, the local government must provide compensation to the company, in amounts specified in bill up to 18 months of gross receipts for the company. If government fails to act within 6 months after the initial public notice, the notice process must begin again. Allows governments to not renew agreements or to terminate agreements for breaches specified in the bill. Effective October 1, 2005, for contracts entered into on or after that date.

Intro. by Hoyle.

Ref. to Judiciary I

GS 130A

May 31, 2005

S 951. PUBLIC-PRIVATE SOLID WASTE COLLECTION. Intro. 3/24/05. Senate committee substitute deletes all provisions of 1st edition. (1) Repeals GS 160A-37.3 and GS 160A-324, providing procedures when annexation displaces solid waste contractor. (2) Amends GS 160A-49.3 to require a city annexing property and displacing private solid waste contractors to give contractor the option of either a contract to continue providing services for a minimum of two years or receiving a sum equal to 15 times the gross monthly revenue due the contractor for residential, commercial, and industrial collection service in the area for the three months prior to the passage of resolution of intent to annex. (2) Enacts new GS 160A-327 requiring a local government to give notice prior to taking action to displace a private solid waste contractor. Upon taking action to displace the contractor, the local government must either allow the contractor to continue collection services for 18 months, or compensate the contractor according to a formula set forth in the statute. "Displacement" is defined not to include failure by the local government to renew a contract with a private contractor, actions taken because the company's operations constitute a threat to human health and safety, termination due to the contractor's breach of contract, termination in accordance with the contract terms, or providing temporary collection services during a declared state of emergency. Effective July 1, 2006.

July 13, 2006

S 951. PUBLIC-PRIVATE SOLID WASTE COLLECTION. Filed 3/23/05. House committee substitute makes the following changes to 2nd edition. (1) Organizes the bill so it contains parallel amendments to GS 160A-37.3, GS 160A-49.3, and GS 160A-324 (three different municipal annexation provisions); the 2nd edition repealed two of those sections and put all the amendments into one section. (2) Provides that in the case of annexation, the city may choose whether it will contract with the private collection firm for continued service or pay compensation for the economic loss; the 2nd edition gave the choice to the firm. (3) Provides for the payout of compensation for economic loss to take place over twelve months; 2nd edition provided for payout over five months. (4) Adds a provision making clear that the calculation of economic loss does not include receipts unless policies of the city will provide solid waste collection in a way that will cause termination of arrangement between the firm and the customers. In a separate provision concerning displacement of private companies providing municipal solid waste or recovered materials services in circumstances other than annexations, the committee substitute makes the following changes from provisions in the 2nd edition: (1) Revises slightly the requirements for publication of notice before taking this action. (2) Provides that displacement cannot take place (without compensation for economic loss) earlier than 15 months from the date of the first publication; 2nd edition provided 18 months. (3) Provides for payout of compensation for economic loss over six months; 2nd edition provided five months. (4) Specifies that economic loss calculation is based on gross "revenue" rather than gross "receipts." (5) Adds a provision that

it is not a displacement for a city to take action changing solid waste collection services because of a felony conviction of an existing provider. Changes effective date to January 1, 2007.

July 18, 2006

S 951. PUBLIC-PRIVATE SOLID WASTE COLLECTION. Filed 3/23/05. House amendment makes the following changes to 3rd edition. Clarifies the proposed introductory paragraphs of GS 160A-37.3(a), 160A-49.3(a), and 160A-324(a) by enumerating each item in the series of conditions. Adds a reference to "resolution of consideration" in the proposed introductory paragraph of GS 160A-49.3(a). Clarifies the effective dates of certain sections of the bill.

August 4, 2006

SL 2006-193 (S 951). PUBLIC-PRIVATE SOLID WASTE COLLECTION. AN ACT TO REQUIRE A UNIT OF LOCAL GOVERNMENT THAT DISPLACES A PRIVATE COMPANY THAT IS PROVIDING COLLECTION SERVICES FOR SOLID WASTE OR RECOVERED MATERIALS TO GIVE NOTICE OF ITS INTENT TO DO SO OR TO PROVIDE COMPENSATION TO THE DISPLACED PRIVATE COMPANY. Summarized in *Daily Bulletin* 5/31/05, 7/13/06, and 7/18/06. Enacted August 3, 2006. Sections 1 and 2 apply to annexations for which a resolution of intent is adopted on or after January 1, 2007, and Section 3 applies to annexations for which the bill making the annexation is enacted on or after January 1, 2007. Section 4 applies to action taken on or after that date.