

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1159

Environment and Natural Resources Committee Substitute Adopted 6/15/92

Short Title: Local Govt. Solid Waste Contracts.

(Public)

Sponsors:

Referred to:

June 3, 1992

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE REQUIREMENT THAT LONG-TERM CONTRACTS ENTERED INTO BY LOCAL GOVERNMENTS FOR THE COLLECTION AND DISPOSAL OF NONHAZARDOUS SOLID WASTE MUST BE APPROVED BY THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES AND TO ALLOW ALL LOCAL GOVERNMENTS TO ENTER INTO SUCH CONTRACTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-299.3 reads as rewritten:

"§ 153A-299.3. Power not limited by §§ 153A-136 or 160A-319.

Counties, cities and towns may enter into long-term contracts as described in G.S. 153A-299.1 of this Part notwithstanding the provisions of G.S. 153A-136 limiting a franchise granted by a board of county commissioners for the collection and disposal of solid waste to a term of no more than seven years and notwithstanding the provisions of G.S. 160A-319 limiting a franchise granted by a city for the collection and disposal of solid waste to a term of no more than 60 years. A contract for the collection or disposal of solid waste shall be consistent with the provisions of Article 9 of Chapter 130A of the General Statutes and with rules adopted by the Commission for Health Services. Any provision of any contract that is inconsistent with State law or rules relating to the management of nonhazardous solid waste is void. A determination that any provision of any contract is void shall not affect the validity and enforceability of the remaining provisions of the contract."

Sec. 2. G.S. 153A-299.4 is repealed.

1                   Sec. 3. G.S. 153A-299.6, as amended by Chapter 763 of the 1991 Session  
2 Laws (1992 Regular Session), is repealed.

3                   Sec. 4. Any contract for solid waste collection or disposal entered into by any  
4 county, city, or town that would have been lawful if this act had been in effect at the  
5 time the contract was entered into is validated.

6                   Sec. 5. This act is effective upon ratification.