

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 890

Short Title: Landfill Fee Use. (Public)

Sponsors: Representatives Jones and Holloway (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Finance.

April 15, 2013

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE A COUNTY THAT ACCEPTS SOLID WASTE FROM ANOTHER CITY OR COUNTY TO USE FEES FOR THE USE OF DISPOSAL FACILITIES PROVIDED BY THE COUNTY FOR PUBLIC SCHOOL AND OTHER COUNTY PURPOSES BY LEVYING A SURCHARGE ON THE FEE, AND TO AUTHORIZE A COUNTY TO MAKE APPROPRIATIONS FROM A UTILITY OR PUBLIC SERVICE ENTERPRISE FUND USED FOR OPERATION OF A LANDFILL TO THE COUNTY GENERAL FUND UPON CERTAIN FINDINGS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-292(b) reads as rewritten:

"(b) The board of county commissioners may impose a fee for the collection of solid waste. The fee may not exceed the costs of collection.

The board of county commissioners may impose a fee for the use of a disposal facility provided by the county. ~~The~~ Except as provided in this subsection, the fee for use may not exceed the cost of operating the facility and may be imposed only on those who use the facility. The fee may exceed those costs if the county enters into a contract with another county or city to accept the other entity's solid waste and the county by ordinance levies a surcharge on the fee which may be used for public school purposes or any other purpose for which the county may appropriate funds. A fee under this paragraph may be imposed only on those who use the facility. The fee for use may vary based on the amount, characteristics, and form of recyclable materials present in solid waste brought to the facility for disposal. A county may not impose a fee for the use of a disposal facility on a city located in the county or a contractor or resident of the city unless the fee is based on a schedule that applies uniformly throughout the county.

The board of county commissioners may impose a fee for the availability of a disposal facility provided by the county. A fee for availability may not exceed the cost of providing the facility and may be imposed on all improved property in the county that benefits from the availability of the facility. A county may not impose an availability fee on property whose solid waste is collected by a county, a city, or a private contractor for a fee if the fee imposed by a county, a city, or a private contractor for the collection of solid waste includes a charge for the availability and use of a disposal facility provided by the county. Property served by a private contractor who disposes of solid waste collected from the property in a disposal facility provided by a private contractor that provides the same services as those provided by the county disposal facility is not considered to benefit from a disposal facility provided by the county and is not subject to a fee imposed by the county for the availability of a disposal facility provided by the county. To the extent that the services provided by the county disposal



1 facility differ from the services provided by the disposal facility provided by a private
2 contractor in the same county, the county may charge an availability fee to cover the costs of
3 the additional services provided by the county disposal facility.

4 In determining the costs of providing and operating a disposal facility, a county may
5 consider solid waste management costs incidental to a county's handling and disposal of solid
6 waste at its disposal facility, including the costs of the methods of solid waste management
7 specified in G.S. 130A-309.04(a) of the Solid Waste Management Act of 1989. A fee for the
8 availability or use of a disposal facility may be based on the combined costs of the different
9 disposal facilities provided by the county."

10 **SECTION 2.** G.S. 159-13(b)(14) reads as rewritten:

11 (b) The following directions and limitations shall bind the governing board in adopting
12 the budget ordinance:

13 ...
14 (14) No appropriation may be made from a utility or public service enterprise
15 fund to any other fund than the appropriate debt service fund unless the total
16 of all other appropriations in the fund equal or exceed the amount that will
17 be required during the fiscal year, as shown by the budget ordinance, to meet
18 operating expenses, capital outlay, and debt service on outstanding utility or
19 enterprise bonds or notes. A county may, upon a finding that a fund balance
20 in a utility or public service enterprise fund used for operation of a landfill
21 exceeds the requirements for funding the operation of that fund, including
22 closure and postclosure expenditures, transfer excess funds to be used to
23 support the public schools and other services supported by the county's
24 general fund.

25"

26 **SECTION 3.** This act is effective when it becomes law.