

## REPORT OF CONFERENCE COMMITTEE

**MADAM PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2745: Solid waste; person partially within county service area may elect not to use service.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

7           **SECTION 1.** Section 19-5-21, Mississippi Code of 1972, is  
8 amended as follows:

9           19-5-21. (1) (a) Except as provided in paragraphs (b),  
10 (c), (d) and (g) of this subsection, the board of supervisors, to  
11 defray the cost of establishing and operating the system provided  
12 for in Section 19-5-17, may levy an ad valorem tax not to exceed  
13 four (4) mills on all taxable property within the area served by  
14 the county garbage or rubbish collection or disposal system. The  
15 service area may be comprised of unincorporated or incorporated  
16 areas of the county or both; however, no property shall be subject  
17 to this levy unless that property is within an area served by a  
18 county's garbage or rubbish collection or disposal system.

19           (b) The board of supervisors of any county wherein  
20 Mississippi Highways 35 and 16 intersect and having a land area of  
21 five hundred eighty-six (586) square miles may levy, in its  
22 discretion, for the purposes of establishing, operating and  
23 maintaining a garbage or rubbish collection or disposal system, an  
24 ad valorem tax not to exceed six (6) mills on all taxable property  
25 within the area served by the system as set out in paragraph (a)  
26 of this subsection.

27           (c) The board of supervisors of any county bordering on  
28 the Mississippi River and traversed by U.S. Highway 61, and which  
29 is intersected by Mississippi Highway 4, having a population of  
30 eleven thousand eight hundred fifty-four (11,854) according to the  
31 1970 federal census, and having an assessed valuation of Fourteen  
32 Million Eight Hundred Seventy-two Thousand One Hundred Forty-four  
33 Dollars (\$14,872,144.00) in 1970, may levy, in its discretion, for  
34 the purposes of establishing, operating and maintaining a garbage  
35 or rubbish collection or disposal system, an ad valorem tax not to  
36 exceed six (6) mills on all taxable property within the area  
37 served by the system as set out in paragraph (a) of this  
38 subsection.

39           (d) The board of supervisors of any county having a  
40 population in excess of Two Hundred Fifty Thousand (250,000),  
41 according to the latest federal decennial census, and in which  
42 Interstate Highway 55 and Interstate Highway 20 intersect, may  
43 levy, in its discretion, for the purposes of establishing,  
44 operating and maintaining a garbage or rubbish collection or  
45 disposal system, an ad valorem tax not to exceed seven (7) mills  
46 on all taxable property within the area served by the system as  
47 set out in paragraph (a) of this subsection.

48           (e) The proceeds derived from any additional millage  
49 levied pursuant to paragraphs (a) through (d) of this subsection  
50 in excess of two (2) mills shall be excluded from the ten percent  
51 (10%) increase limitation under Section 27-39-321 for the first  
52 year of such additional levy and shall be included within such  
53 limitation in any year thereafter. The proceeds from any millage  
54 levied pursuant to paragraph (g) shall be excluded from the ten  
55 percent (10%) increase limitation under Section 27-39-321 for the  
56 first year of the levy and shall be included within the limitation  
57 in any year thereafter.

58           (f) The rate of the ad valorem tax levied under this  
59 section shall be shown as a line item on the notice of ad valorem  
60 taxes on taxable property owed by the taxpayer.

61           (g) In lieu of the ad valorem tax authorized in  
62 paragraphs (a), (b), (c) and (d) of this subsection, the fees  
63 authorized in subsection (2) of this subsection and in Section  
64 19-5-17 or any combination thereof, the board of supervisors may  
65 levy an ad valorem tax not to exceed six (6) mills to defray the  
66 cost of establishing and operating the system provided for in  
67 Section 19-5-17 on all taxable property within the area served by  
68 the system as provided in paragraph (a) of this subsection.

69           Any board of supervisors levying the ad valorem tax  
70 authorized in this paragraph (g) is prohibited from assessing or  
71 collecting fees for the services provided under the system.

72           (2) In addition to the ad valorem taxes authorized in  
73 paragraphs (a), (b) and (c) of subsection (1) or in lieu of any  
74 other method authorized to defray the cost of establishing and  
75 operating the system provided for in Section 19-5-17, the board of  
76 supervisors of any county with a garbage or rubbish collection or  
77 disposal system may assess and collect fees to defray the costs of  
78 the services. The board of supervisors may assess and collect the  
79 fees from each single family residential generator of garbage or  
80 rubbish. The board of supervisors also may assess and collect the  
81 fees from each industrial, commercial and multifamily residential  
82 generator of garbage or rubbish for any time period that the  
83 generator has not contracted for the collection of garbage and  
84 rubbish that is ultimately disposed of at a permitted or  
85 authorized nonhazardous solid waste management facility. The fees  
86 assessed and collected under this subsection may not exceed, when  
87 added to the proceeds derived from any ad valorem tax imposed  
88 under this section and any special funds authorized under  
89 subsection (7), the actual costs estimated to be incurred by the

90 county in operating the county garbage and rubbish collection and  
91 disposal system.

92 (3) (a) Before the adoption of any order to increase the ad  
93 valorem tax assessment or fees authorized by this section, the  
94 board of supervisors shall publish a notice advertising their  
95 intent to adopt an order to increase the ad valorem tax assessment  
96 or fees authorized by this section. The notice shall specify the  
97 purpose of the proposed increase, the proposed percentage increase  
98 and the proposed percentage increase in total revenues for garbage  
99 or rubbish collection or disposal services or shall contain a copy  
100 of the resolution by the board stating their intent to increase  
101 the ad valorem tax assessment or fees. The notice shall be  
102 published in a newspaper published or having general circulation  
103 in the county for no less than three (3) consecutive weeks before  
104 the adoption of the order. The notice shall be in print no less  
105 than the size of eighteen (18) point and shall be surrounded by a  
106 one-fourth (1/4) inch black border. The notice shall not be  
107 placed in the legal section notice of the newspaper. There shall  
108 be no language in the notice stating or implying a mandate from  
109 the Legislature.

110 (b) In addition to the requirement for publication of  
111 notice, the board of supervisors shall notify each person  
112 furnished garbage or rubbish collection or disposal service of any  
113 increase in the ad valorem tax assessment or fees. In the case of  
114 an increase of the ad valorem tax assessment, a notice shall be  
115 conspicuously placed on or attached to the first ad valorem tax  
116 bill on which the increased assessment is effective. In the case  
117 of an increase in fees, a notice shall be conspicuously placed on  
118 or attached to the first bill for fees on which the increased fees  
119 or charges are assessed. There shall be no language in any notice  
120 stating or implying a mandate from the Legislature.

121 (4) The board of supervisors of each county shall adopt an  
122 order determining whether or not to grant exemptions, either full  
123 or partial, from the fees for certain classes of generators of  
124 garbage or rubbish. If a board of supervisors grants any  
125 exemption, it shall do so in accordance with policies and  
126 procedures, duly adopted and entered on its minutes, that clearly  
127 define those classes of generators to whom the exemptions are  
128 applicable. The order granting exemptions shall be interpreted  
129 consistently by the board when determining whether to grant or  
130 withhold requested exemptions.

131 (5) (a) The board of supervisors in any county with a  
132 garbage or rubbish collection or disposal system only for  
133 residents in unincorporated areas may adopt an order authorizing  
134 any single family generator to elect not to use the county garbage  
135 or rubbish collection or disposal system. If the board of  
136 supervisors adopts an order, the head of any single family  
137 residential generator may elect not to use the county garbage or  
138 rubbish collection or disposal service by filing with the chancery  
139 clerk the form provided for in this subsection before December 1  
140 of each year. The board of supervisors shall develop a form that  
141 shall be available in the office of the chancery clerk for the  
142 head of household to elect not to use the service and to accept  
143 full responsibility for the disposal of his garbage or rubbish in  
144 accordance with state and federal laws and regulations. The board  
145 of supervisors, following consultation with the Department of  
146 Environmental Quality, shall develop and the chancery clerk shall  
147 provide a form to each person electing not to use the service  
148 describing penalties under state and federal law and regulations  
149 for improper or unauthorized management of garbage. Notice that  
150 the election may be made not to use the county service by filing  
151 the form with the chancery clerk's office shall be published in a  
152 newspaper published or having general circulation in the county

153 for no less than three (3) consecutive weeks, with the first  
154 publication being made no sooner than five (5) weeks before the  
155 first day of December. The notice shall state that any single  
156 family residential generator may elect not to use the county  
157 garbage or rubbish collection or disposal service by the  
158 completion and filing of the form for that purpose with the  
159 chancery clerk's office before December 1 of that year. The  
160 notice shall also include a statement that any single family  
161 residential generator who does not timely file the form shall be  
162 assessed any fees levied to cover the cost of the county garbage  
163 or rubbish collection or disposal service. The chancery clerk  
164 shall maintain a list showing the name and address of each person  
165 who has filed a notice of intent not to use the county garbage or  
166 rubbish collection or disposal service.

167 (b) If the homestead property of a person lies partially  
168 within the unincorporated service area of a county and partially  
169 within the incorporated service area of a municipality and both  
170 the municipality and the county provide garbage collection and  
171 disposal service to that person, then the person may elect to use  
172 either garbage collection and disposal service. The person shall  
173 notify the clerk of the governing authority of the local  
174 government whose garbage collection and disposal service he elects  
175 not to use of his decision not to use such services by certified  
176 mail, return receipt requested. The person shall not be liable  
177 for any fees or charges from the service he elects not to use.

178 (6) The board may borrow money for the purposes of defraying  
179 the expenses of the system in anticipation of:

- 180 (a) The tax levy authorized under this section;
- 181 (b) Revenues resulting from the assessment of any fees  
182 for garbage or rubbish collection or disposal; or
- 183 (c) Any combination thereof.

184 (7) In addition to the fees or ad valorem millage authorized  
185 under this section, a board of supervisors may use monies from any  
186 special funds of the county that are not otherwise required by law  
187 to be dedicated for use for a particular purpose in order to  
188 defray the costs of the county garbage or rubbish collection or  
189 disposal system.

190 **SECTION 2.** This act shall take effect and be in force from  
191 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 19-5-21, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE A PERSON WHOSE HOMESTEAD PROPERTY LIES PARTIALLY WITHIN  
3 THE SOLID WASTE SERVICE AREA OF A MUNICIPALITY AND PARTIALLY  
4 WITHIN THE SOLID WASTE SERVICE AREA OF THE COUNTY, MAY ELECT SOLID  
5 WASTE SERVICE PROVIDER; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)  
T. O. Moffatt

X (SIGNED)  
Sidney Albritton

X (SIGNED)  
Ralph H. Doxey

CONFEREES FOR THE HOUSE

X (SIGNED)  
Rickey Cummings

X (SIGNED)  
Tommy L. Woods

X (SIGNED)  
Steven A. Horne