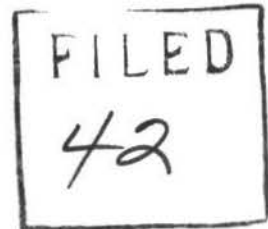


March 20, 1974

ADDENDUM TO OPINION NO. 42

Honorable J. H. Frappier
Representative, District 56
Room 202J, Capitol Building
Jefferson City, Missouri 65101



Dear Representative Frappier:

Since issuing our Opinion No. 42 dated February 8, 1974, to you, we have been advised that some confusion exists with respect to that part of the opinion dealing with the responsibility of the counties to provide for the collection and disposal of solid wastes, and whether private solid waste disposal services may continue to operate in unincorporated areas of the counties.

It should be clear that subsection 2 of Section 260.220 expressly provides that such county plan shall:

"(6) Allow private solid waste disposal services to continue to operate in unincorporated area [sic] of counties so long as such services are operated in a manner consistent with the policies and standards established under sections 260.200 to 260.245;"

Such private haulers who contract directly with their customers obviously have the right to charge and bill such customers directly.

The exception we have quoted merely permits private services to operate in unincorporated areas of the county but does not relieve the counties of the duty to furnish such services either directly or by contract in the absence of adequate private services.

Yours very truly,

JOHN C. DANFORTH
Attorney General