

HB180 INTRODUCED



1 HB180
2 1NFCZZL-1
3 By Representative Ross
4 RFD: Military and Veterans Affairs
5 First Read: 05-Feb-25



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SYNOPSIS:

Under existing law, households whose sole source of income is Social Security benefits are exempt from paying solid waste collection fees.

This bill would add households whose sole source of income is veterans' benefits to those exempt from paying these fees.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to solid waste collection fees; to amend Section 22-27-3, Code of Alabama 1975, to add households whose sole source of income is veterans' benefits to those exempted from paying such fees; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-27-3, Code of Alabama 1975, is amended to read as follows:



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29
30 (a) Generally. (1) The county commission or municipal
31 governing body may, ~~and is hereby authorized to,~~ make
32 available to the general public collection and disposal
33 facilities for solid wastes in a manner acceptable to the
34 department. The county commission or municipal governing body
35 may provide ~~such~~ the collection or disposal services by
36 contract with private or other controlling agencies and may
37 include house-to-house service or the placement of regularly
38 serviced and controlled bulk refuse receptacles within
39 reasonable ~~(generally less than eight miles)~~ distance from the
40 farthest affected household and the wastes managed in a manner
41 acceptable to the department. For purposes of this section,
42 "reasonable distance" means generally less than eight miles.

43 (2) Any county commission or municipal governing body
44 providing services to the public under this article ~~shall have~~
45 ~~the power and authority~~ may by resolution or ordinance ~~to~~
46 adopt rules ~~and regulations~~ providing for mandatory public
47 participation in and subscription to such system of services.
48 ~~Such~~ The governing body may, ~~in its discretion,~~ submit the
49 question of requiring ~~such mandatory~~ public participation to a
50 vote of the qualified electors of the county or municipality
51 ~~as the case may be~~. If ~~such~~ the governing body submits the
52 question to the voters, then the governing body shall also
53 provide for holding and canvassing the returns of the election
54 and for ~~the~~ giving notice thereof for two consecutive weeks in
55 a paper of general circulation in the county. Every person,
56 household, business, industry, or property generating solid



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57 wastes, garbage, or ash as defined in this section shall
58 participate in and subscribe to ~~such~~ the system of service
59 unless granted a certificate of exception as provided in
60 subsection (g). Provided, ~~however,~~ any ~~individual~~ person,
61 household, business, industry, or property generating solid
62 wastes that ~~were~~ was sharing service for a period of at least
63 6 six months may continue to share service without filing for
64 a certificate of exception. In the event ~~such~~ a person,
65 household, business, industry, or property owner who has not
66 been granted a certificate of exception refuses to participate
67 in and subscribe to ~~such~~ the system of service, the county
68 commission or municipal governing body ~~may,~~ in addition to any
69 other remedy provided in this article, may bring an
70 appropriate civil action in circuit court to compel ~~such~~
71 participation and subscription. Except as provided in
72 subsection (g), any person, ~~firm, or corporation~~ violating
73 such rules ~~and regulations~~ adopted pursuant to this section
74 shall be in violation of this article and shall be punished as
75 provided in Section 22-27-7.

76 (3) a. Any household whose sole source of income is
77 Social Security benefits or veterans' benefits shall be
78 granted an exemption from the payment of any fees required
79 under this article, provided the household seeking to claim
80 the exemption shall present proof of income to the county
81 health officer no later than the first billing date of any
82 year in which the exemption is desired. The county health
83 officer or his or her designee shall forward the exemption
84 request and proof of income to the solid waste officer or



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85 municipal governing body upon receipt. The exemption shall
86 apply only so long as the household's sole source of income is
87 Social Security benefits or veterans' benefits and shall be
88 requested each year in which the exemption is desired.
89 Additionally, the Legislature ~~may~~, by local law, may authorize
90 the county commission to grant additional exemptions to
91 households whose total income does not exceed 75 percent of
92 the federal poverty level. Any person who knowingly provides
93 false or misleading information in order to obtain an
94 exemption shall be subject to the provisions of Section
95 22-27-7.

96 b. For purposes of this section, the term "veterans'
97 benefits" means an benefit, program, service, commodity,
98 function, status, or entitlement that pertains to veterans,
99 their dependents, their survivors, or any other individual
100 eligible for such benefits under the laws and rules
101 administered by the United Sates Department of Veterans
102 Affairs and the Alabama Department of Veterans Affairs.

103 (4) No county commission shall provide solid waste
104 collection and disposal services within the corporate limits
105 of a municipality without the express consent of the municipal
106 governing body of such municipality nor shall any municipality
107 provide solid waste collection and disposal services outside
108 its corporate limits without the express consent of the county
109 commission of the county in which it is situated.

110 (5) Any county providing door-to-door solid waste
111 collection shall not reduce ~~such~~ the service unless ~~and until~~
112 a letter has been sent to each resident ~~or property or,~~



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113 business owner, or property owner receiving ~~door to door~~
114 door-to-door service stating that ~~such the~~ service will be
115 reduced or changed and allowing at least 60 days for any
116 resident, business owner, or property owner to call for a
117 public hearing and for the county or municipality to hold ~~such~~
118 a public hearing upon request.

119 (6) Any provision of this article to the contrary
120 notwithstanding, no person, household, business, industry, or
121 property owner shall be required to pay any solid waste
122 collection exemption or disposal fee chargeable under this
123 article unless solid waste collection and disposal services
124 for which ~~such the~~ charge was made were actually made
125 available to ~~such the~~ person, household, business, industry,
126 or property owner.

127 (b) Solid waste officer. As used in this article, solid
128 waste officer ~~shall mean~~ means any county official or county
129 employee or any official or employee of a solid waste disposal
130 authority authorized under Section 11-89A-1 et seq. designated
131 by the county commission to exercise the authority and perform
132 the duties delegated by this article to ~~such the~~ official, and
133 ~~such the~~ officer shall have the same powers of enforcement
134 against persons violating this article as do license
135 inspectors with regard to persons violating revenue laws as
136 provided under Section 40-12-10 (i), (j), (k), and (n).

137 (c) As used in this article, the terms ~~"solid wastes",~~
138 ~~"garbage",~~ "solid wastes," "garbage," and "ash" do not include
139 any drilling discharges from oil or natural gas operations.

140 (d) Garbage disposal. Garbage and rubbish containing



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141 garbage shall be disposed of by sanitary landfill, approved
142 incineration, composting, or by other means now available or
143 which may later become available as approved by the
144 department. The method chosen and used shall also meet the
145 requirements of the health department for sanitation and the
146 protection of public health.

147 (e) Burning. No garbage or rubbish containing garbage
148 or other putrescible materials or hazardous wastes shall be
149 burned except in approved incinerators meeting the necessary
150 temperature requirements and air pollution controls as now
151 established or as may later be established. The open burning
152 of rubbish shall be permitted only under sharply controlled
153 circumstances where sanitary landfill or landfill is not
154 feasible and not in proximity to sanitary landfill or landfill
155 operations where spread of fire to these operations may be a
156 hazard in the opinion of the department.

157 (f) Haulage. Trucks or other vehicles engaged in the
158 business of hauling garbage and rubbish shall be so covered,
159 secured, or sealed that there will be no loss during haulage
160 to cause littering of streets and highways, or cause a
161 nuisance or hazard to the public health.

162 (g) Exception. (1) a. A person, household, business,
163 industry, or any property owner may store, haul, and dispose
164 of his or her own solid wastes on his or her land or
165 otherwise, provided such storage, haulage, or disposal is
166 accomplished pursuant to a certificate of exception as
167 provided in this subsection. In order to obtain a certificate
168 of exception, an application, an application fee, and plan



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169 must be filed with the county health officer or his or her
170 designee in the case of household solid waste or with the
171 department in the case of solid waste from a business or
172 industry, setting out the proposed method of storing, hauling,
173 and disposing of solid waste so as to comply with rules and
174 regulations adopted by the state or county boards of health or
175 the department as appropriate, and not create a public
176 nuisance or hazard to the public health.

177 b. The certification of exception application fee shall
178 be established by the State ~~Board~~ Committee of Public Health
179 or the department, as the case may be, except that with regard
180 to an individual household ~~such~~ the fee shall be ten dollars
181 (\$10). The proceeds from ~~such application~~ the fees are ~~hereby~~
182 appropriated to the State ~~Board~~ Committee of Public Health or
183 the department, as the case may be, to be used for the
184 administration of this article.

185 c. The county health officer or his or her designee or
186 the department as appropriate shall investigate ~~such~~ the
187 application and plan and issue a certificate of exception
188 within the time set by the State ~~Board~~ Committee of Public
189 Health or the department, as the case may be ~~(, not to exceed~~
190 ~~sixty~~ 60 days in the case of an individual household), if ~~such~~
191 the proposal will, in ~~such~~ the officer's ~~or,~~ designee's, or
192 the department's judgment, comply with ~~such~~ the rules ~~and~~
193 ~~regulations~~ and adequately prevent a public nuisance or hazard
194 to public health. A certificate of exception granted under
195 authority of this ~~section~~ subsection shall be valid for the
196 period established by the department, except that in the case



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197 of an individual household ~~such~~ the period shall not exceed
198 one year. The county health officer, l, or his or her designee, l,
199 or the department shall notify the county commission or
200 municipal governing body in writing of the intention to grant
201 a certificate of exception and no ~~such~~ certificate of
202 exception shall be granted for an individual household without
203 prior written approval of the county commission or municipal
204 governing body as the case may be.

205 (2) Notwithstanding any other provision of this chapter
206 to the contrary, no exception, exception fee, or any other
207 review, approval, or payment shall be required of any
208 generator for the collection, handling, or disposal of its own
209 solid waste using facilities or equipment owned by the
210 generator, its corporate parent, affiliate, or subsidiary and
211 duly permitted for such use by the ~~Alabama Department of~~
212 ~~Environmental Management~~ department or its successor in
213 function.

214 (h) Coal combustion by-products. Upon the adoption and
215 implementation of a federal regulatory program to govern the
216 disposal of coal combustion by-products pursuant in whole or
217 in part to Subtitle D of the Solid Waste Disposal Act, 42
218 U.S.C. § 6941 et seq., the department is authorized to ~~develop~~
219 ~~and~~ adopt rules as necessary to implement a state regulatory
220 program consistent with the federal requirements. Until ~~such~~
221 the federal program requirements take effect, the disposal of
222 coal combustion by-products shall be subject to the applicable
223 requirements of this article; provided, however, that a
224 facility permitted by the department pursuant to Chapter 22 of



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225 this title as of May 25, 2011, and thereafter may continue to
226 operate without additional authorization by the department
227 until federal requirements under the Solid Waste Disposal Act
228 take effect. To the extent permissible under the federal
229 program, the department shall allow beneficial uses of coal
230 combustion by-products as an alternative to disposal as part
231 of any adopted state program."

232 Section 2. This act shall become effective on October
233 1, 2025.