

**SB143 INTRODUCED**



1 SB143  
2 4646RRI-1  
3 By Senator Kitchens  
4 RFD: Veterans and Military Affairs  
5 First Read: 11-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.