

# HB512 INTRODUCED



1 HB512  
2 XDYJXZ7-1  
3 By Representative Wadsworth  
4 RFD: County and Municipal Government  
5 First Read: 26-Feb-26



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SYNOPSIS:

Under existing law, the governing body of a county or municipality may assess fees, charges, and rates for the provision of solid waste services, and the governing body may recover outstanding solid waste utility fees, charges, and rates in a civil action, suspend solid waste services, or both.

This bill would establish that the remedies available to the governing body of a county or municipality provided in the statute are the exclusive remedies for nonpayment of solid waste fees, charges, or rates.

Under existing law, a person who has not been issued a certificate of exception and uses the solid waste system of a county or municipality, and fails to pay the solid waste fee, charge, or rate is guilty of a misdemeanor.

This bill would remove the misdemeanor penalty.

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

A BILL  
TO BE ENTITLED



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AN ACT

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Relating to solid waste utility fees; to amend Sections 22-27-5 and 22-27-7, Code of Alabama 1975; to provide an exclusive remedy for nonpayment of solid waste disposal utility fees, charges, or rates; to revise the penalties for failure to pay a solid waste disposal fee, charge, or rate; 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. Sections 22-27-5 and 22-27-7, Code of Alabama 1975, are amended to read as follows:

"§22-27-5

(a) ~~(1) Fees, etc.; mutual agreements or contracts.~~ The governing body of a county ~~commission~~ or municipality ~~undertaking the responsibility for~~ providing services to the public under this article may establish fees, charges, and rates and may collect and disburse funds within cooperating areas or districts, inside or outside the corporate limits of ~~municipalities or inside or outside of county~~ the respective boundaries of the county or municipality, for the specific purpose of administering this article and providing and operating a solid waste program.

~~(2) Also, the county commission or public authority~~ A governing body providing services to the public under this article may enter into mutual agreements or contracts with the ~~government~~ governing bodies of other counties, municipalities, ~~corporations,~~ or ~~individuals~~ with other persons, where deemed



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57 to be mutually economical and feasible, to jointly or  
58 individually collect, haul, ~~and/or~~or dispose of solid wastes  
59 generated within the cooperating area.

60 (3) All contracts or mutual agreements under this  
61 article shall be subject to review by the health officer, ~~and~~  
62 ~~all such contracts and agreements~~ shall be subject to  
63 cancellation upon 30 days' notice from the health officer with  
64 the concurrence of the department, any time ~~the contracts or~~  
65 ~~agreements fail~~a contract or agreement fails to be in the best  
66 interest of the health, safety, and welfare of the  
67 ~~citizens~~residents residing in the affected area.

68 (b) ~~Private or corporate agencies. Individuals,~~  
69 ~~corporations, partnerships, or other agencies engaging in the~~  
70 ~~collection and disposal of solid wastes are subject to this~~  
71 ~~article. Governing bodies~~A governing body providing services  
72 to the public under this article:

73 (1) ~~may~~May assign territories ~~or~~and approve or  
74 disapprove disposal sites, with the concurrence of the health  
75 department, ~~;~~;

76 (2) ~~and shall~~Shall establish and collect annual  
77 license fees from ~~such firms~~the persons engaging in the  
78 collection and disposal of solid wastes and set rate schedules  
79 if a service fee is charged, ~~;~~; and

80 (3) ~~In addition to any other approvals which are~~  
81 ~~necessary for any contract between private or corporate~~  
82 ~~agencies and governmental entities for the disposal of solid~~  
83 ~~wastes, approval of the department shall be obtained~~Shall  
84 obtain approval from the department to enter into a contract



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85 between a governmental entity and persons for the disposal of  
86 solid waste.

87 (c) ~~(1) Permits and bonds. Under subsection (b), no~~  
88 ~~license shall be granted or fee collected~~A governing body  
89 providing services to the public under this article may not  
90 grant a license to a person engaging in the collection and  
91 disposal of solid wastes or collect a service fee without  
92 first obtaining a permit issued by the ~~state or county~~ health  
93 department, renewable annually at the time licenses are due.

94 (2) A~~The health department shall issue a~~ permit ~~shall~~  
95 ~~be~~ based upon performance and may ~~be revoked~~revoke a permit  
96 for cause, including failure to perform under the provisions  
97 of this article and regulations adopted under authority of  
98 this article.

99 ~~(3) No license shall be granted without the posting of~~  
100 ~~a performance bond satisfactory to the governing body~~A  
101 governing body providing services to the public under this  
102 article shall not grant a license to a person engaging in the  
103 collection and disposal of solid waste until the person posts  
104 a satisfactory performance bond to the governing body.

105 ~~(4) All solid waste disposal sites except those which~~  
106 ~~have certificates of exception shall have a permit from the~~  
107 ~~department~~A solid waste disposal site may not operate unless  
108 it has a permit or a certificate of exception from the  
109 department.

110 (d) ~~(1) Financial assurance. No permit for~~  
111 ~~transportation of garbage by out-of-state transporters, for~~  
112 ~~disposal of such garbage in a sanitary landfill in this state,~~



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113 ~~shall be issued unless financial assurance is posted by the~~  
114 ~~transporter with the~~The health department shall not issue a  
115 permit to an out-of-state transporter for transportation of  
116 and disposal of garbage in a sanitary landfill in this state  
117 unless the transporter posts financial assurance with the  
118 health department.

119 (2) The financial assurance shall be in an amount not  
120 less than two hundred fifty thousand dollars (\$250,000) and  
121 must guarantee that the garbage does not contain any regulated  
122 hazardous waste, infectious waste, or explosive materials or  
123 debris. The financial assurance shall be provided in  
124 accordance with acceptable financial assurance instruments  
125 ~~which~~that include, but are not limited to, an escrow account,  
126 performance bond, or letter of credit.

127 (3) The health department shall adopt rules specifying  
128 the terms and conditions of financial assurance instruments,  
129 as appropriate.

130 (e) (1) ~~Nonpayment of fees, etc.~~ Any governing body of a  
131 county ~~commission~~ or municipality establishing fees, charges,  
132 and rates pursuant to subsection (a) may adopt resolutions ~~or~~  
133 ~~ordinances~~ providing that if the fees, charges, or rates for  
134 the services furnished by the governing body of the county  
135 ~~commission~~ or municipality, or licensee of either, under this  
136 chapter, ~~shall~~ are not ~~be~~ paid within 30 days after the  
137 ~~same~~ fees, charges, or rates are assessed, the fees, charges,  
138 or rates shall become due and payable, ~~the county commission~~  
139 ~~or municipality may, at~~ At the expiration of the 30-day  
140 period, the governing body of the county or municipality may



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141 suspend the services or ~~may proceed to recover the amount of~~  
142 ~~any delinquency with interest in~~bring a a civil action to  
143 recover the outstanding amount, or both.

144 (2) Notwithstanding Sections 22-27-6 and 22-27-7, the  
145 remedies provided by subdivision (1) shall be the exclusive  
146 remedies for nonpayment of fees, charges, or rates for the  
147 services furnished by the governing body of the county or  
148 municipality.

149 (f) Notwithstanding subsection (a), any governing body  
150 of a county or municipality that ~~is providing~~provides solid  
151 waste services under this article ~~that~~and has a solid waste  
152 reserve account with a balance in excess of one million  
153 dollars (\$1,000,000) may expend funds in excess ~~amounts over of~~  
154 one million dollars (\$1,000,000) ~~in the solid waste reserve~~  
155 ~~account~~ for any lawful purposes in the best interest of the  
156 county or municipality."

157 "§22-27-7

158 (a) (1) With regard to the collection of solid wastes,  
159 the health department shall exercise ~~such~~ supervision over  
160 equipment, methodology, and personnel in the management of  
161 solid wastes as may be necessary to enforce sanitary  
162 requirements.

163 (2) ~~and the state and county boards of~~ The health  
164 department may adopt ~~such rules and regulations~~ as may be  
165 needed to specify methodology and procedures to meet the  
166 requirements of this article.

167 (b) (1) With regard to the disposal of solid wastes, the  
168 department shall exercise ~~such~~ regulatory control over the



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169 management of solid wastes as may be necessary to enforce the  
170 requirements of the department~~r.~~

171 ~~(2) and the~~The department may adopt ~~such~~ rules ~~and~~  
172 ~~regulations~~ as ~~may be needed~~necessary to meet the requirements  
173 of this article.

174 ~~(c) (1)~~ Any person violating ~~any provision of~~ this  
175 article or any rule ~~or regulation made~~adopted pursuant to this  
176 article shall be guilty of a misdemeanor and, upon conviction,  
177 shall be fined not less than ~~\$50.00 nor~~fifty dollars (\$50) or  
178 more than ~~\$200.00,~~two hundred dollars (\$200).

179 ~~(2) and, if the~~If a violation ~~or failure or refusal to~~  
180 ~~obey or comply with such provision~~ of this article or ~~such~~  
181 ~~rule~~rules adopted pursuant to this article ~~or regulation~~ is a  
182 continuing~~one~~, each day's violation shall constitute a  
183 separate offense and shall be punished ~~accordingly~~according to  
184 this article.

185 ~~(d)~~ Any person, ~~firm or corporation~~ granted an  
186 exception under ~~subsection (g) of~~ Section 22-27-3 ~~(g) who or~~  
187 ~~which~~that fails to carry out and comply with the provisions of  
188 the proposals embodied in the application and plan upon which  
189 a certificate of exception was issued to ~~him or it~~the person  
190 shall be guilty of a misdemeanor and shall be punished as  
191 provided in this section. ~~Any~~Failure to pay the fee, rate, or  
192 charge established by the governing body by any person, firm,  
193 or corporation ~~which~~that has not been issued a certificate of  
194 exception under ~~subsection (g) of~~ Section 22-27-3 ~~(g) and which~~  
195 utilizes the solid waste disposal system of any county or  
196 municipality ~~and which fails to pay the fee, rate or charge~~



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197 ~~established by the county commission or municipal governing~~  
198 ~~body therefor shall be guilty of a misdemeanor and shall be~~  
199 ~~punished as provided in~~ is not a violation of this section.

200 (e) All citations to violators of this article shall be  
201 served by any lawful officer or by the solid waste officer."

202 Section 2. This act shall become effective on October  
203 1, 2026.