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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 exempt households whose sole source of income is veterans' benefits from paying solid waste collection 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 exempt households whose sole source of income is veterans' benefits from paying solid waste collection 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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(a) Generally. (1) The county commission or municipal governing body may, ~~and is hereby authorized to,~~ make available to the general public collection and disposal facilities for solid wastes in a manner acceptable to the department. The county commission or municipal governing body may provide ~~such~~ the collection or disposal services by contract with private or other controlling agencies and may include house-to-house service or the placement of regularly serviced and controlled bulk refuse receptacles within reasonable ~~(generally less than eight miles)~~ distance from the farthest affected household and the wastes managed in a manner acceptable to the department. For purposes of this subdivision, "reasonable distance" means generally less than eight miles.

(2) Any county commission or municipal governing body providing services to the public under this article ~~shall have the power and authority,~~ by resolution or ordinance ~~to,~~ may adopt rules and regulations providing for mandatory public participation in and subscription to such system of services. ~~Such~~ The governing body may, ~~in its discretion,~~ submit the question of requiring ~~such mandatory~~ public participation to a vote of the qualified electors of the county or municipality ~~as the case may be~~. If ~~such~~ the governing body submits the question to the voters, ~~then~~ the governing body shall also provide for holding and canvassing the returns of the election and for ~~the~~ giving notice thereof for two consecutive weeks in a paper of general circulation in the county or municipality.



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

77 (3) a. Any household whose sole source of income is
78 Social Security benefits or veterans' benefits shall be
79 granted an exemption from the payment of any fees required
80 under this article at any time the household qualifies for an
81 exemption pursuant to this paragraph, provided the household
82 seeking to claim the exemption shall present proof of the
83 household's source of income to the county health officer ~~no~~
84 ~~later than the first billing date of any year in which the~~



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

98 b. If a household's income is above the current federal
99 poverty level, the exemption for households whose sole source
100 of income is veterans' benefits provided by paragraph a. shall
101 not apply in any county or municipality unless the county or
102 municipality adopts a resolution providing that the exemption
103 shall apply within the county or municipality for such
104 households.

105 c. For purposes of this subdivision, the term
106 "veterans' benefits" means any benefit, program, service,
107 commodity, function, status, or entitlement that pertains to
108 veterans, their dependents, their survivors, or any other
109 individual eligible for such benefits under the laws,
110 regulations, and rules administered by the United States
111 Department of Veterans Affairs and the Alabama Department of
112 Veterans Affairs.



113 (4) No county commission shall provide solid waste
114 collection and disposal services within the corporate limits
115 of a municipality without the express consent of the municipal
116 governing body of ~~such~~ the municipality nor shall any
117 municipality provide solid waste collection and disposal
118 services outside its corporate limits without the express
119 consent of the county commission of the county in which it is
120 situated.

121 (5) Any county providing door-to-door solid waste
122 collection shall not reduce ~~such~~ the service unless ~~and until~~
123 a letter has been sent to each resident ~~or property or,~~
124 business owner, or property owner receiving ~~door to door~~
125 door-to-door service stating that ~~such~~ the service will be
126 reduced or changed and allowing at least 60 days for any
127 resident, business owner, or property owner to call for a
128 public hearing and for the county or municipality to hold ~~such~~
129 a public hearing upon request.

130 (6) Any provision of this article to the contrary
131 notwithstanding, no person, household, business, industry, or
132 property owner shall be required to pay any solid waste
133 collection exemption or disposal fee chargeable under this
134 article unless solid waste collection and disposal services
135 for which ~~such~~ the charge was made were actually made
136 available to ~~such~~ the person, household, business, industry,
137 or property owner.

138 (b) Solid waste officer. As used in this article, the
139 term "solid waste officer" ~~shall mean~~ means any county
140 official or county employee or any official or employee of a



141 solid waste disposal authority authorized under ~~Section~~
142 ~~11-89A-1 et seq.~~ Chapter 89A of Title 11 designated by the
143 county commission to exercise the authority and perform the
144 duties delegated by this article to ~~such official and such~~ the
145 officer. The officer shall have the same powers of enforcement
146 against persons violating this article as do license
147 inspectors with regard to persons violating revenue laws as
148 provided under Section 40-12-10 ~~(i), (j), (k), and (n).~~

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

152 (d) Garbage disposal. Garbage and rubbish containing
153 garbage shall be disposed of by sanitary landfill, approved
154 incineration, composting, or by other means as now available
155 or ~~which as~~ may later become available as approved by the
156 department. The method chosen and used shall also meet the
157 requirements of the health department for sanitation and the
158 protection of public health.

159 (e) Burning. No garbage or rubbish containing garbage
160 or other putrescible materials or hazardous wastes shall be
161 burned except in approved incinerators meeting the necessary
162 temperature requirements and air pollution controls as now
163 established or as may later be established. The open burning
164 of rubbish shall be permitted only under sharply controlled
165 circumstances where sanitary landfill or landfill is not
166 feasible and not in proximity to sanitary landfill or landfill
167 operations where the spread of fire to these operations may be
168 a hazard in the opinion of the department.



197 c. The county health officer, or his or her designee,
198 or the department, as appropriate, shall investigate ~~such~~ the
199 application and plan and issue a certificate of exception
200 within the time set by the State ~~Board~~ Committee of Public
201 Health or the department, as the case may be ~~(, not to exceed~~
202 ~~sixty~~ 60 days in the case of an individual household), if ~~such~~
203 the proposal will, in ~~such~~ the officer's ~~or,~~ designee's, or
204 the department's judgment, comply with ~~such~~ the rules and
205 regulations and adequately prevent a public nuisance or hazard
206 to public health. A certificate of exception granted under
207 authority of this ~~section~~ subsection shall be valid for the
208 period established by the department, except that in the case
209 of an individual household ~~such,~~ the period shall not exceed
210 one year. The county health officer, or his or her designee,
211 or the department shall notify the county commission or
212 municipal governing body in writing of the intention to grant
213 a certificate of exception ~~and no such.~~ No certificate of
214 exception shall be granted for an individual household without
215 prior written approval of the county commission or municipal
216 governing body, as the case may be.

217 (2) Notwithstanding any other provision of this chapter
218 to the contrary, no exception, exception fee, or any other
219 review, approval, or payment shall be required of any
220 generator for the collection, handling, or disposal of its own
221 solid waste using facilities or equipment owned by the
222 generator, its corporate parent, affiliate, or subsidiary and
223 duly permitted for such use by the ~~Alabama Department of~~
224 ~~Environmental Management~~ department or its successor in



225 function.

226 (h) Coal combustion by-products. Upon the adoption and
227 implementation of a federal regulatory program to govern the
228 disposal of coal combustion by-products pursuant in whole or
229 in part to Subtitle D of the Solid Waste Disposal Act, 42
230 U.S.C. §_6941 et seq., the department ~~is authorized to develop~~
231 ~~and may~~ adopt rules as necessary to implement a state
232 regulatory program consistent with the federal requirements.
233 Until ~~such~~ the federal program requirements take effect, the
234 disposal of coal combustion by-products shall be subject to
235 the applicable requirements of this article ~~;~~ ; provided ~~;~~
236 ~~however;~~ that a facility permitted by the department pursuant
237 to Chapter 22 of this title as of May 25, 2011, and thereafter
238 may continue to operate without additional authorization by
239 the department until federal requirements under the Solid
240 Waste Disposal Act take effect. To the extent permissible
241 under the federal program, the department shall allow
242 beneficial uses of coal combustion by-products as an
243 alternative to disposal as part of any adopted state program."

244 Section 2. This act shall become effective on October
245 1, 2026.