

SB32 ENROLLED



1 SB32
2 NRQCX8T-2
3 By Senator Kitchens
4 RFD: Veterans, Military Affairs and Public Safety
5 First Read: 13-Jan-26
6 PFD: 17-Dec-25



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1 Enrolled, An Act,

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4 Relating to solid waste collection fees; to amend
5 Section 22-27-3, Code of Alabama 1975, to exempt households
6 whose sole source of income is veterans' benefits from paying
7 solid waste collection fees; and to make nonsubstantive,
8 technical revisions to update the existing code language to
9 current style.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13

14 (a) Generally. (1) The county commission or municipal
15 governing body may, ~~and is hereby authorized to,~~ make
16 available to the general public collection and disposal
17 facilities for solid wastes in a manner acceptable to the
18 department. The county commission or municipal governing body
19 may provide ~~such~~ the collection or disposal services by
20 contract with private or other controlling agencies and may
21 include house-to-house service or the placement of regularly
22 serviced and controlled bulk refuse receptacles within
23 reasonable ~~(generally less than eight miles)~~ distance from the
24 farthest affected household and the wastes managed in a manner
25 acceptable to the department. For purposes of this
26 subdivision, "reasonable distance" means generally less than
27 eight miles.

28 (2) Any county commission or municipal governing body



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29 providing services to the public under this article ~~shall have~~
30 ~~the power and authority,~~ by resolution or ordinance ~~to,~~ may
31 adopt rules and regulations providing for mandatory public
32 participation in and subscription to such system of services.
33 ~~Such~~ The governing body ~~may, in its discretion,~~ submit the
34 question of requiring ~~such mandatory~~ public participation to a
35 vote of the qualified electors of the county or municipality
36 ~~as the case may be.~~ If ~~such~~ the governing body submits the
37 question to the voters, ~~then~~ the governing body shall also
38 provide for holding and canvassing the returns of the election
39 and for ~~the~~ giving notice thereof for two consecutive weeks in
40 a paper of general circulation in the county or municipality.
41 Every person, household, business, industry, or property
42 generating solid wastes, garbage, or ash ~~as defined in this~~
43 ~~section~~ shall participate in and subscribe to ~~such~~ the system
44 of service unless granted a certificate of exception as
45 provided in subsection (g). Provided, ~~however,~~ any ~~individual~~
46 person, household, business, industry, or property generating
47 solid wastes ~~that were~~ which was sharing service for a period
48 of at least ~~6~~ six months may continue to share service without
49 filing for a certificate of exception. In the event ~~such~~ a
50 person, household, business, industry, or property owner who
51 has not been granted a certificate of exception refuses to
52 participate in and subscribe to ~~such~~ the system of service,
53 the county commission or municipal governing body ~~may,~~ in
54 addition to any other remedy provided in this article, may
55 bring an appropriate civil action in circuit court to compel
56 ~~such~~ participation and subscription. Except as provided in



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57 subsection (g), any person, ~~firm, or corporation~~ violating
58 ~~such~~ rules and regulations adopted pursuant to this section
59 shall be in violation of this article and shall be punished as
60 provided in Section 22-27-7.

61 (3)a. Any household whose sole source of income is
62 Social Security benefits or veterans' benefits shall be
63 granted an exemption from the payment of any fees required
64 under this article at any time the household qualifies for an
65 exemption pursuant to this paragraph, provided the household
66 seeking to claim the exemption shall present proof of the
67 household's source of income to the county health officer ~~no~~
68 ~~later than the first billing date of any year in which the~~
69 ~~exemption is desired.~~ The county health officer or his or her
70 designee shall forward the exemption request and proof ~~of~~
71 ~~income~~ to the solid waste officer or municipal governing body
72 upon receipt. The exemption shall apply only so long as the
73 household's sole source of income is Social Security benefits
74 or veterans' benefits and shall be requested each year in
75 which the exemption is desired. Additionally, the Legislature
76 ~~may~~, by local law, may authorize the county commission to
77 grant additional exemptions to households whose total income
78 does not exceed 75 percent of the federal poverty level. Any
79 person who knowingly provides false or misleading information
80 in order to obtain an exemption shall be subject to ~~the~~
81 ~~provisions of~~ Section 22-27-7.

82 b. If a household's income is above the current federal
83 poverty level, the exemption for households whose sole source
84 of income is veterans' benefits provided by paragraph a. shall



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85 not apply in any county or municipality unless the county or
86 municipality adopts a resolution providing that the exemption
87 shall apply within the county or municipality for such
88 households.

89 c. For purposes of this subdivision, the term
90 "veterans' benefits" means any benefit, program, service,
91 commodity, function, status, or entitlement that pertains to
92 veterans, their dependents, their survivors, or any other
93 individual eligible for such benefits under the laws,
94 regulations, and rules administered by the United States
95 Department of Veterans Affairs and the Alabama Department of
96 Veterans Affairs.

97 (4) No county commission shall provide solid waste
98 collection and disposal services within the corporate limits
99 of a municipality without the express consent of the municipal
100 governing body of ~~such~~ the municipality nor shall any
101 municipality provide solid waste collection and disposal
102 services outside its corporate limits without the express
103 consent of the county commission of the county in which it is
104 situated.

105 (5) Any county providing door-to-door solid waste
106 collection shall not reduce ~~such~~ the service unless ~~and until~~
107 a letter has been sent to each resident ~~or property or,~~
108 business owner, or property owner receiving ~~door to door~~
109 door-to-door service stating that ~~such~~ the service will be
110 reduced or changed and allowing at least 60 days for any
111 resident, business owner, or property owner to call for a
112 public hearing and for the county or municipality to hold ~~such~~



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113 a public hearing upon request.

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

122 (b) Solid waste officer. As used in this article, the
123 term "solid waste officer" ~~shall mean~~ means any county
124 official or county employee or any official or employee of a
125 solid waste disposal authority authorized under ~~Section~~
126 ~~11-89A-1 et seq.~~ Chapter 89A of Title 11 designated by the
127 county commission to exercise the authority and perform the
128 duties delegated by this article to ~~such official and such~~ the
129 officer. The officer shall have the same powers of enforcement
130 against persons violating this article as do license
131 inspectors with regard to persons violating revenue laws as
132 provided under Section 40-12-10 ~~(i), (j), (k), and (n)~~.

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

136 (d) Garbage disposal. Garbage and rubbish containing
137 garbage shall be disposed of by sanitary landfill, approved
138 incineration, composting, or by other means as now available
139 or ~~which~~ as may later become available as approved by the
140 department. The method chosen and used shall also meet the



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141 requirements of the health department for sanitation and the
142 protection of public health.

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

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

158 (g) Exception. (1)a. A person, household, business,
159 industry, or ~~any~~ property owner may store, haul, and dispose
160 of his or her own solid wastes on his or her land or
161 otherwise, provided ~~such~~ the storage, haulage, or disposal is
162 accomplished pursuant to a certificate of exception as
163 provided in this subsection. In order to obtain a certificate
164 of exception, an application, an application fee, and a plan
165 must be filed with the county health officer or his or her
166 designee in the case of household solid waste or with the
167 department in the case of solid waste from a business or
168 industry, setting out the proposed method of storing, hauling,



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169 and disposing of solid waste so as to comply with rules and
170 regulations adopted by the state or county boards of health or
171 the department as appropriate and not create a public nuisance
172 or hazard to the public health.

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

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



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197 a certificate of exception ~~and no such~~. No certificate of
198 exception shall be granted for an individual household without
199 prior written approval of the county commission or municipal
200 governing body, as the case may be.

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

210 (h) Coal combustion by-products. Upon the adoption and
211 implementation of a federal regulatory program to govern the
212 disposal of coal combustion by-products pursuant in whole or
213 in part to Subtitle D of the Solid Waste Disposal Act, 42
214 U.S.C. §_6941 et seq., the department ~~is authorized to develop~~
215 ~~and may~~ adopt rules as necessary to implement a state
216 regulatory program consistent with the federal requirements.
217 ~~Until such the~~ federal program requirements take effect, the
218 disposal of coal combustion by-products shall be subject to
219 the applicable requirements of this article, ~~provided,~~
220 ~~however,~~ that a facility permitted by the department pursuant
221 to Chapter 22 of this title as of May 25, 2011, and thereafter
222 may continue to operate without additional authorization by
223 the department until federal requirements under the Solid
224 Waste Disposal Act take effect. To the extent permissible



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225 under the federal program, the department shall allow
226 beneficial uses of coal combustion by-products as an
227 alternative to disposal as part of any adopted state program."

228 Section 2. This act shall become effective on October
229 1, 2026.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 03-Mar-26

I hereby certify that the within Act originated in and passed the Senate.

Senate 09-Apr-26

I hereby certify that the within Act originated in and passed the Senate, as amended by Conference Committee Report.

Patrick Harris,
Secretary.

House of Representatives
Passed: 02-Apr-26, as amended.

House of Representatives
Passed: 09-Apr-26, as amended by Conference Committee Report.

By: Senator Kitchens