

- 1 SB32
- 2 ARH9ZQ7-1
- 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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4	SYNOPSIS:
5	Under existing law, households whose sole source
6	of income is Social Security benefits are exempt from
7	paying solid waste collection fees.
8	This bill would exempt households whose sole
9	source of income is veterans' benefits from paying
10	solid waste collection fees.
11	This bill would also make nonsubstantive,
12	technical revisions to update the existing code
13	language to current style.
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16	A BILL
17	TO BE ENTITLED
18	AN ACT
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20	Relating to solid waste collection fees; to amend
21	Section 22-27-3, Code of Alabama 1975, to exempt households
22	whose sole source of income is veterans' benefits from paying
23	solid waste collection fees; and to make nonsubstantive,
24	technical revisions to update the existing code language to
25	current style.
26	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
27	Section 1. Section 22-27-3, Code of Alabama 1975, is

28 amended to read as follows:



(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.

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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 provided in subsection (g). Provided, however, any individual 61 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 person, household, business, industry, or property owner who 66 67 has not been granted a certificate of exception refuses to participate in and subscribe to such the system of service, 68 the county commission or municipal governing body-may, in 69 70 addition to any other remedy provided in this article, may 71 bring an appropriate civil action in circuit court to compel such participation and subscription. Except as provided in 72 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.

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

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

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

- (4) No county commission shall provide solid waste collection and disposal services within the corporate limits of a municipality without the express consent of the municipal governing body of such the municipality nor shall any municipality provide solid waste collection and disposal services outside its corporate limits without the express consent of the county commission of the county in which it is situated.
 - (5) Any county providing door-to-door solid waste



113 collection shall not reduce such the service unless and until a letter has been sent to each resident or property or, 114 115 business owner, or property owner receiving door to door 116 door-to-door service stating that such the service will be 117 reduced or changed and allowing at least 60 days for any resident, business owner, or property owner to call for a 118 119 public hearing and for the county or municipality to hold-such 120 a public hearing upon request.

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- (6) Any provision of this article to the contrary notwithstanding, no person, household, business, industry, or property owner shall be required to pay any solid waste collection exemption or disposal fee chargeable under this article unless solid waste collection and disposal services for which—such_the charge was made were actually made available to—such_the person, household, business, industry, or property owner.
- 129 (b) Solid waste officer. As used in this article, the 130 term "solid waste officer" shall mean means any county 131 official or county employee or any official or employee of a 132 solid waste disposal authority authorized under Section 133 11-89A-1 et seq. Chapter 89A of Title 11 designated by the 134 county commission to exercise the authority and perform the 135 duties delegated by this article to such official and such the 136 officer. The officer shall have the same powers of enforcement 137 against persons violating this article as do license 138 inspectors with regard to persons violating revenue laws as provided under Section 40-12-10 (i), (j), (k), and (n). 139
 - (c) As used in this article, the terms "solid wastes",



"garbage", "solid wastes," "garbage," and "ash" do not include
any drilling discharges from oil or natural gas operations.

- (d) Garbage disposal. Garbage and rubbish containing garbage shall be disposed of by sanitary landfill, approved incineration, composting, or by other means as now available or which as may later become available as approved by the department. The method chosen and used shall also meet the requirements of the health department for sanitation and the protection of public health.
- (e) Burning. No garbage or rubbish containing garbage or other putrescible materials or hazardous wastes shall be burned except in approved incinerators meeting the necessary temperature requirements and air pollution controls as now established or as may later be established. The open burning of rubbish shall be permitted only under sharply controlled circumstances where sanitary landfill or landfill is not feasible and not in proximity to sanitary landfill or landfill operations where the spread of fire to these operations may be a hazard in the opinion of the department.
- (f) Haulage. Trucks or other vehicles engaged in the business of hauling garbage and rubbish shall be so covered, secured, or sealed that there will be no loss during haulage to cause littering of streets and highways, or cause a nuisance or hazard to the public health.
- (g) Exception. (1) a. A person, household, business, industry, or any property owner may store, haul, and dispose of his or her own solid wastes on his or her land or otherwise, provided such the storage, haulage, or disposal is

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accomplished pursuant to a certificate of exception as provided in this subsection. In order to obtain a certificate of exception, an application, an application fee, and a plan must be filed with the county health officer or his or her designee in the case of household solid waste or with the department in the case of solid waste from a business or industry, setting out the proposed method of storing, hauling, and disposing of solid waste so as to comply with rules and regulations adopted by the state or county boards of health or the department as appropriate and not create a public nuisance or hazard to the public health.

b. The certification of exception application fee shall be established by the State—Board_Committee of Public Health or the department, as the case may be, except that with regard to an individual household—such, the fee shall be ten dollars (\$10). The proceeds from—such application_the fees—are hereby shall be appropriated to the State—Board_Committee of Public Health or the department, as the case may be, to be used for the administration of this article.

c. The county health officer, or his or her designee, or the department, as appropriate, shall investigate—such the application and plan and issue a certificate of exception within the time set by the State—Board Committee of Public Health or the department, as the case may be—(, not to exceed sixty 60 days in the case of an individual household), if—such the proposal will, in—such the officer's—or, designee's, or the department's judgment, comply with—such the rules and regulations and adequately prevent a public nuisance or hazard

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to public health. A certificate of exception granted under authority of this section subsection shall be valid for the period established by the department, except that in the case of an individual household—such, the period shall not exceed one year. The county health officer, or his or her designee, or the department shall notify the county commission or municipal governing body in writing of the intention to grant a certificate of exception and no such. No certificate of exception shall be granted for an individual household without prior written approval of the county commission or municipal governing body, as the case may be.

- (2) Notwithstanding any other provision of this chapter to the contrary, no exception, exception fee, or any other review, approval, or payment shall be required of any generator for the collection, handling, or disposal of its own solid waste using facilities or equipment owned by the generator, its corporate parent, affiliate, or subsidiary and duly permitted for such use by the Alabama Department of Environmental Management department or its successor in function.
- 217 (h) Coal combustion by-products. Upon the adoption and implementation of a federal regulatory program to govern the 218 219 disposal of coal combustion by-products pursuant in whole or 220 in part to Subtitle D of the Solid Waste Disposal Act, 42 221 U.S.C. § 6941 et seq., the department is authorized to develop 222 and may adopt rules as necessary to implement a state regulatory program consistent with the federal requirements. 223 224 Until such the federal program requirements take effect, the



225	disposal of coal combustion by-products shall be subject to
226	the applicable requirements of this article; provided, $_{7}$
227	however, that a facility permitted by the department pursuant
228	to Chapter 22 of this title as of May 25, 2011, and thereafter
229	may continue to operate without additional authorization by
230	the department until federal requirements under the Solid
231	Waste Disposal Act take effect. To the extent permissible
232	under the federal program, the department shall allow
233	beneficial uses of coal combustion by-products as an
234	alternative to disposal as part of any adopted state program."
235	Section 2. This act shall become effective on October
236	1, 2026.