

SB32 INTRODUCED



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



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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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
42 subdivision, "reasonable distance" means generally less than
43 eight miles.

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



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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 States 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



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"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.

(h) Coal combustion by-products. Upon the adoption and implementation of a federal regulatory program to govern the disposal of coal combustion by-products pursuant in whole or in part to Subtitle D of the Solid Waste Disposal Act, 42 U.S.C. § 6941 et seq., the department ~~is authorized to develop~~ and may adopt rules as necessary to implement a state regulatory program consistent with the federal requirements. Until ~~such~~ the federal program requirements take effect, the



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225 disposal of coal combustion by-products shall be subject to
226 the applicable requirements of this article; provided~~r~~
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.