



**House County and Municipal Government Reported
Substitute for SB32**

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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:

(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



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29 farthest affected household and the wastes managed in a manner
30 acceptable to the department. For purposes of this
31 subdivision, "reasonable distance" means generally less than
32 eight miles.

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



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57 participate in and subscribe to ~~such~~ the system of service,
58 the county commission or municipal governing body ~~may~~, in
59 addition to any other remedy provided in this article, may
60 bring an appropriate civil action in circuit court to compel
61 ~~such~~ participation and subscription. Except as provided in
62 subsection (g), any person, ~~firm, or corporation~~ violating
63 ~~such~~ rules and regulations adopted pursuant to this section
64 shall be in violation of this article and shall be punished as
65 provided in Section 22-27-7.

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



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85 b.1. A county or municipal governing body, by
86 resolution or ordinance, may make available an exemption from
87 the payment of any fees required under this article for any
88 household whose sole source of income is veterans' benefits.
89 Following the adoption of such a resolution or ordinance, the
90 exemption may be claimed by the same procedures and conditions
91 established for the exemption provided in paragraph a.

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

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

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



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113 resident, business owner, or property owner to call for a
114 public hearing and for the county or municipality to hold ~~such~~
115 a public hearing upon request.

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

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

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

138 (d) Garbage disposal. Garbage and rubbish containing
139 garbage shall be disposed of by sanitary landfill, approved
140 incineration, composting, or by other means as now available



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141 or ~~which~~ as may later become available as approved by the
142 department. The method chosen and used shall also meet the
143 requirements of the health department for sanitation and the
144 protection of public health.

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

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

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



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169 department in the case of solid waste from a business or
170 industry, setting out the proposed method of storing, hauling,
171 and disposing of solid waste so as to comply with rules and
172 regulations adopted by the state or county boards of health or
173 the department as appropriate and not create a public nuisance
174 or hazard to the public health.

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

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



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

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

212 (h) Coal combustion by-products. Upon the adoption and
213 implementation of a federal regulatory program to govern the
214 disposal of coal combustion by-products pursuant in whole or
215 in part to Subtitle D of the Solid Waste Disposal Act, 42
216 U.S.C. § 6941 et seq., the department ~~is authorized to develop~~
217 ~~and may~~ adopt rules as necessary to implement a state
218 regulatory program consistent with the federal requirements.
219 Until ~~such~~ the federal program requirements take effect, the
220 disposal of coal combustion by-products shall be subject to
221 the applicable requirements of this article; provided, ~~7~~
222 ~~however,~~ that a facility permitted by the department pursuant
223 to Chapter 22 of this title as of May 25, 2011, and thereafter
224 may continue to operate without additional authorization by



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225 the department until federal requirements under the Solid
226 Waste Disposal Act take effect. To the extent permissible
227 under the federal program, the department shall allow
228 beneficial uses of coal combustion by-products as an
229 alternative to disposal as part of any adopted state program."

230 Section 2. This act shall become effective on October
231 1, 2027.