

SB22 ENGROSSED



1 6YTL3Z-2
2 By Senators Jones, Chesteen
3 RFD: Finance and Taxation General Fund
4 First Read: 07-Mar-23
5 PFD: 23-Feb-23



SB22 Engrossed

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A BILL
TO BE ENTITLED
AN ACT

Relating to Emergency Management; to amend Section 31-9-10, Code of Alabama 1975, to provide contract letting requirements for local emergency management organizations; to amend Section 31-9-60, Code of Alabama 1975, to increase supplemental funding for assistance to local emergency management organizations; to amend 31-9-61, Code of Alabama 1975, to establish standards for course work for local emergency management director certification; to amend Section 31-9-62, Code of Alabama 1975, to change salary supplements for local emergency management directors and revise local emergency management organization eligibility for federal funds; 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. Sections 31-9-10, 31-9-60, 31-9-61, and 31-9-62, Code of Alabama 1975, are amended to read as follows:

"§31-9-10

(a) Each political subdivision of this state **is hereby authorized and directed to** ~~shall~~ establish a local organization for emergency management in accordance with the state emergency management plan and program and may confer or



SB22 Engrossed

29 authorize the conferring~~r~~ upon members of the auxiliary
30 police~~r~~ the powers of peace officers, subject to such
31 restrictions as shall be imposed. The governing body of the
32 political subdivision is authorized to appoint a director, who
33 shall have direct responsibility for the organization,
34 administration, and operation of ~~such~~ the local organization
35 for emergency management, subject to the direction and control
36 of ~~such~~ the governing body. Each local organization for
37 emergency management shall perform emergency management
38 functions within the territorial limits of the political
39 subdivision within which it is organized, and, in addition,
40 shall conduct such functions outside of ~~such~~ its territorial
41 limits as ~~may be required pursuant to the provisions of~~
42 authorized by this article.

43 (b) The governing body of each political subdivision
44 ~~shall have the power and authority~~ may do all of the
45 following:

46 (1) ~~To appropriate~~ Appropriate and expend funds, make
47 contracts, obtain and distribute equipment, materials, and
48 supplies for emergency management purposes; to provide for the
49 health and safety of persons and property, including emergency
50 assistance to the victims of any disaster; and to direct and
51 coordinate the development of emergency management plans and
52 programs in accordance with the policies and plans set by the
53 federal and state emergency management agencies.

54 (2) ~~To appoint, employ, remove, or provide, with or~~
55 ~~without compensation, air raid wardens, rescue teams,~~
56 ~~auxiliary fire and police personnel, and other emergency~~



SB22 Engrossed

57 ~~management workers; provided, that compensated employees shall~~
58 ~~be subject to any existing civil service or Merit System laws~~
59 Appoint or employ the personnel necessary to accomplish the
60 goals of this chapter.

61 (3) ~~To establish~~ Establish a primary and one or more
62 secondary control centers to serve as command posts during an
63 emergency, and to coordinate with other political subdivisions
64 to establish the same.

65 (4) ~~To assign~~ Assign and make available for duty the
66 employees, property, or equipment of the subdivision relating
67 to fire fighting, engineering, rescue, health, medical and
68 related service, police, transportation, construction, and
69 similar items or services for emergency management purposes,
70 within or outside of the physical limits of the subdivision.

71 (5) In the event the governing body of the political
72 subdivision determines that any of the conditions described in
73 Section 31-9-2(a) has occurred or is imminently likely to
74 occur, the governing body ~~shall have the power~~ may do any of
75 the following:

76 a. ~~To waive procedure and formalities otherwise~~
77 ~~required by law pertaining to the performance of public work,~~
78 ~~entering into contracts, the incurring of obligations, the~~
79 ~~employment of temporary workers, the utilization of volunteer~~
80 ~~workers, the rental of equipment, the purchase and~~
81 ~~distribution with or without compensation of supplies,~~
82 ~~materials, and facilities, and the appropriation and~~
83 ~~expenditure of public funds.~~ Notwithstanding Article 3 of
84 Chapter 16 of Title 41, let contracts to the extent necessary



SB22 Engrossed

85 to address the conditions described in Section 31-9-2(a),
86 provided that the governing body does the following:

87 1. Documents at least two price quotes or estimates
88 before letting the contract.

89 2. Adopts a resolution or ordinance declaring the
90 conditions, the action taken, and the reasons for taking the
91 action.

92 b. ~~To impose~~ Impose a public safety curfew for its
93 inhabitants. If a public safety curfew is imposed ~~as~~
94 ~~authorized herein~~, it shall be enforced by the appropriate law
95 enforcement agency within the political subdivision. A public
96 safety curfew imposed under this ~~subsection~~ subdivision shall
97 not apply to employees of utilities, cable, and
98 telecommunications companies and their contractors engaged in
99 activities necessary to maintain or restore utility, cable,
100 ~~and or~~ telecommunications services or to official emergency
101 management personnel engaged in emergency management
102 activities.

103 (6) ~~To close~~ Close, notwithstanding Section 11-1-8, any
104 and all public buildings owned or leased by and under the
105 control of the political subdivision where emergency
106 conditions warrant, whether or not a local state of emergency
107 has been declared by the governing body of the political
108 subdivision. In the event that any documents required to be
109 filed by a time certain deadline cannot be filed ~~in a timely~~
110 ~~manner~~ due to the closing of an office under this subdivision,
111 the deadline for filing shall be extended to the date that the
112 office is reopened as provided in Section 1-1-4.



SB22 Engrossed

113 (c) (1) In the event the Governor or the Legislature
114 proclaims a state of emergency affecting a political
115 subdivision as set forth in Section 31-9-8, the chair or
116 president of the governing body of the political subdivision
117 may execute a resolution on behalf of the governing body
118 declaring that any of the conditions described in Section
119 31-9-2(a) has occurred or is imminently likely to occur.

120 (2) Execution of the resolution by the chair or
121 president of the governing body shall authorize the governing
122 body to exercise the powers enumerated in subdivision (b) (5).

123 (d) No local governing body of a political subdivision
124 shall have the authority to provide for and compel evacuation
125 of the area except by the direction and under the supervision
126 of the Governor or the State Emergency Management Agency, or
127 both. Any action taken by the governing body of the political
128 subdivision shall remain in full force and effect unless
129 revoked by proclamation of the Governor, issued as provided in
130 Section 31-9-8.

131 (e) (1) Nothing in this section shall authorize the
132 seizure or confiscation of any firearm or ammunition from any
133 individual who is lawfully carrying or possessing the firearm
134 or ammunition except as provided in subdivision (2).

135 (2) A law enforcement officer who is acting ~~in the~~
136 ~~lawful discharge of~~ pursuant to the officer's official duties
137 may disarm an individual if the officer reasonably believes
138 that it is immediately necessary for the protection of the
139 officer or another individual. The officer shall return the
140 firearm to the individual before ~~discharging~~ releasing that



SB22 Engrossed

141 individual unless the officer arrests that individual for
142 engaging in criminal activity or seizes the firearm as
143 evidence pursuant to an investigation ~~for the commission~~ of a
144 crime or, at the discretion of the officer, the individual
145 poses a threat to himself or herself or to others."

146 "§31-9-60

147 (a) There is established a Local Emergency Management
148 Agency Assistance Fund to provide supplemental funding for
149 local emergency management ~~agencies~~ organizations created and
150 operating under Section 31-9-10, for the purposes and under
151 the conditions set out in this article. The local emergency
152 management ~~agency~~ organization supplement shall be funded by
153 an annual allocation from the budget of the State of Alabama
154 Emergency Management Agency sufficient to make annual
155 disbursements up to ~~twelve thousand dollars (\$12,000)~~
156 seventeen thousand dollars (\$17,000), or up to the amount as
157 adjusted by the Consumer Price Index pursuant to Section
158 31-9-62(f), for each local emergency management ~~agency~~
159 organization in the state certified as meeting the criteria
160 and procedures for payment as set out in this article.

161 (b) All necessary and appropriate disbursements shall
162 be made by the Comptroller as provided in this article."

163 "§31-9-61

164 (a) (1) The following requirements are hereby
165 established for the position of certified local emergency
166 management director created herein:

167 ~~(1)~~ a. Satisfactory completion of two years of college
168 level education.



SB22 Engrossed

169 ~~(2)~~ b. At least three years of work experience in the
170 area of emergency response, emergency management, or qualified
171 military service.

172 ~~(3)~~ c. Two hundred hours of course work in emergency
173 management as recommended by the Alabama Association of
174 Emergency Managers and approved ~~established~~ by the Director of
175 the Alabama Emergency Management Agency.

176 (2) Any person who is serving as a local emergency
177 management director on June 14, 2007, shall be deemed to
178 satisfy the requirement for two years of college level
179 education if he or she has a minimum five years' work
180 experience as a local emergency management director ~~provided~~
181 and he or she meets ~~all other the requirements for~~
182 certification requirement of paragraph (a) (1) c.

183 (b) Any local emergency management director meeting the
184 standards set out in subsection (a) shall be granted the
185 designation of local emergency management director without the
186 completion of any further requirements unless the requirements
187 are approved by the governing board of the Alabama Local
188 Government Training Institute established in Section 11-3-44."

189 "§31-9-62

190 (a) For the purposes of this section, a certified local
191 emergency management director is a local emergency management
192 director who completes the requirements to be a certified
193 local emergency management director and is so designated by
194 the Director of the Alabama Emergency Management Agency.

195 ~~(a)~~ (b) (1) Each state-recognized local emergency
196 management ~~agency~~ organization that employs and retains a

SB22 Engrossed



197 ~~local emergency management director who completes the~~
198 ~~requirements to be a certified local emergency management~~
199 ~~director and is so designated by the Director of the Alabama~~
200 ~~Emergency Management Agency~~ certified local emergency
201 management director shall receive an annual salary supplement
202 from the Alabama Emergency Management Agency ~~in an amount~~
203 ~~necessary to provide the local director with a total salary of~~
204 ~~forty thousand dollars (\$40,000) per year.~~ to constitute 35
205 percent of the certified local emergency management director's
206 total salary. ~~The amount of the salary supplement shall be the~~
207 ~~difference between the salary paid to the local director on~~
208 ~~the date of his or her certification and forty thousand~~
209 ~~dollars (\$40,000) per year.~~ In no case shall the salary
210 supplement paid as provided herein be more than ~~twelve~~
211 ~~thousand dollars (\$12,000)~~ seventeen thousand dollars
212 (\$17,000) per county ~~and such supplement shall not be paid to~~
213 ~~any local agency that does not increase the salary of such~~
214 ~~certified local emergency management director to at least~~
215 ~~forty thousand dollars (\$40,000) per year.~~

216 (2) The ~~subsidy~~ salary supplement shall be paid
217 quarterly as a reimbursement for the salary paid to the local
218 director in the prior three months, under rules and procedures
219 established by the Director of the Alabama Emergency
220 Management Agency. ~~There is annually appropriated from the~~
221 ~~State General Fund to the Alabama Emergency Management Agency~~
222 ~~such funds as are necessary to meet the requirements of this~~
223 ~~subsection.~~

224 ~~(b) If the amount of the supplement provided in~~



SB22 Engrossed

225 ~~subsection (a) is less than twelve thousand dollars (\$12,000),~~
226 ~~the local agency shall be eligible for the additional~~
227 ~~allocation of federal funds as provided in subsection (c).~~
228 ~~However, the total supplement received by any local agency~~
229 ~~from the provisions of subsection (a) and the additional~~
230 ~~allocation of federal funds provided in subsection (c) shall~~
231 ~~not exceed a total of twelve thousand dollars (\$12,000) per~~
232 ~~year.~~

233 (c) ~~Each state-recognized local emergency management~~
234 ~~agency that employs and retains a local emergency management~~
235 ~~director who completes the requirements to be a certified~~
236 ~~local emergency management director, is so designated by the~~
237 ~~Director of the Alabama Emergency Management Agency and is~~
238 ~~receiving total salary of forty thousand dollars (\$40,000) or~~
239 ~~more on the date of his or her certification shall not be~~
240 ~~eligible for the supplement provided in subsection (a).~~
241 ~~However, such local emergency management agencies employing~~
242 ~~such certified directors shall be entitled to an additional~~
243 ~~allocation of federal funds made available to the department~~
244 ~~for local mitigation, planning, and program purposes as~~
245 ~~provided herein.~~ Beginning on October 1, 2007, and each year
246 thereafter, the department shall set aside additional federal
247 funds in an amount equal to 25 percent of the total increase
248 in such funds above those amounts received in the fiscal year
249 ending September 30, 2007. These funds shall be divided
250 equally among ~~those~~ the state-recognized local emergency
251 management ~~agencies~~ organizations ~~qualifying as provided~~
252 ~~herein~~ that employ and retain a certified local emergency



SB22 Engrossed

253 management director. ~~However, the total supplement received by~~
254 ~~any local agency from the provisions of subsection (a) and the~~
255 ~~additional allocation of federal funds provided in this~~
256 ~~subsection shall not exceed a total of twelve thousand dollars~~
257 ~~(\$12,000) per year.~~

258 (d) There is annually appropriated from the state
259 General Fund to the Alabama Emergency Management agency such
260 funds as are necessary to meet the requirements of this
261 section.

262 ~~(d)~~ (e) No monies provided for in this article may be
263 expended for any purpose unless they have been appropriated by
264 the Legislature and allocated pursuant to this article. Any
265 funds appropriated shall be budgeted and allotted pursuant to
266 the Budget Management Act in accordance with Article 4
267 (commencing with Section 41-4-80) of Chapter 4 of Title 41,
268 and only in the amounts provided by the Legislature in the
269 general appropriations act or other appropriations act.

270 (f) The dollar values in this section shall be adjusted
271 every five years based on the Consumer Price Index for all
272 urban consumers as published by the U.S. Department of Labor,
273 Bureau of Labor Statistics."

274 Section 2. This act shall become effective on the first
275 day of the third month following its passage and approval by
276 the Governor, or its otherwise becoming law.



SB22 Engrossed

277
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279 Senate

280 Read for the first time and referred07-Mar-23
281 to the Senate committee on Finance
282 and Taxation General Fund

283
284 Read for the second time and placed21-Mar-23
285 on the calendar:
286 1 amendment

287
288 Read for the third time and passed04-Apr-23
289 as amended
290 Yeas 29
291 Nays 0
292 Abstains 0

293
294
295 Patrick Harris,
296 Secretary.
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