

SB22 ENROLLED



1 6YTL3Z-3
2 By Senator Jones
3 RFD: Finance and Taxation General Fund
4 First Read: 07-Mar-23
5 PFD: 23-Feb-23
6 2023 Regular Session



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1 Enrolled, An Act,

2

3 Relating to Emergency Management; to amend Section
4 31-9-10, Code of Alabama 1975, to provide contract letting
5 requirements for local emergency management organizations; to
6 amend Section 31-9-60, Code of Alabama 1975, to increase
7 supplemental funding for assistance to local emergency
8 management organizations; to amend 31-9-61, Code of Alabama
9 1975, to establish standards for course work for local
10 emergency management director certification; to amend Section
11 31-9-62, Code of Alabama 1975, to change salary supplements
12 for local emergency management directors and revise local
13 emergency management organization eligibility for federal
14 funds; and to make nonsubstantive, technical revisions to
15 update the existing code language to current style.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 31-9-10, 31-9-60, 31-9-61, and
18 31-9-62, Code of Alabama 1975, are amended to read as follows:

19 "§31-9-10

20 (a) Each political subdivision of this state **is hereby**
21 **authorized and directed to** ~~shall~~ establish a local
22 organization for emergency management in accordance with the
23 state emergency management plan and program and may confer or
24 authorize the conferring~~r~~ upon members of the auxiliary
25 police~~r~~ the powers of peace officers, subject to such
26 restrictions as shall be imposed. The governing body of the
27 political subdivision is authorized to appoint a director, who
28 shall have direct responsibility for the organization,



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29 administration, and operation of ~~such~~ the local organization
30 for emergency management, subject to the direction and control
31 of ~~such~~ the governing body. Each local organization for
32 emergency management shall perform emergency management
33 functions within the territorial limits of the political
34 subdivision within which it is organized, and, in addition,
35 shall conduct such functions outside of ~~such~~ its territorial
36 limits as ~~may be required pursuant to the provisions of~~
37 authorized by this article.

38 (b) The governing body of each political subdivision
39 ~~shall have the power and authority~~ may do all of the
40 following:

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

49 (2) ~~To appoint, employ, remove, or provide, with or~~
50 ~~without compensation, air raid wardens, rescue teams,~~
51 ~~auxiliary fire and police personnel, and other emergency~~
52 ~~management workers; provided, that compensated employees shall~~
53 ~~be subject to any existing civil service or Merit System laws~~
54 Appoint or employ the personnel necessary to accomplish the
55 goals of this chapter.

56 (3) ~~To establish~~ Establish a primary and one or more



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57 secondary control centers to serve as command posts during an
58 emergency, and to coordinate with other political subdivisions
59 to establish the same.

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

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

71 a. ~~To waive procedure and formalities otherwise~~
72 ~~required by law pertaining to the performance of public work,~~
73 ~~entering into contracts, the incurring of obligations, the~~
74 ~~employment of temporary workers, the utilization of volunteer~~
75 ~~workers, the rental of equipment, the purchase and~~
76 ~~distribution with or without compensation of supplies,~~
77 ~~materials, and facilities, and the appropriation and~~
78 ~~expenditure of public funds.~~ Notwithstanding Article 3 of
79 Chapter 16 of Title 41, let contracts to the extent necessary
80 to address the conditions described in Section 31-9-2(a),
81 provided that the governing body does the following:

82 1. Documents at least two price quotes or estimates
83 before letting the contract.

84 2. Adopts a resolution or ordinance declaring the



85 conditions, the action taken, and the reasons for taking the
86 action.

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

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

108 (c) (1) In the event the Governor or the Legislature
109 proclaims a state of emergency affecting a political
110 subdivision as set forth in Section 31-9-8, the chair or
111 president of the governing body of the political subdivision
112 may execute a resolution on behalf of the governing body



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113 declaring that any of the conditions described in Section
114 31-9-2(a) has occurred or is imminently likely to occur.

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

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

126 (e)(1) Nothing in this section shall authorize the
127 seizure or confiscation of any firearm or ammunition from any
128 individual who is lawfully carrying or possessing the firearm
129 or ammunition except as provided in subdivision (2).

130 (2) A law enforcement officer who is acting ~~in the~~
131 ~~lawful discharge of~~ pursuant to the officer's official duties
132 may disarm an individual if the officer reasonably believes
133 that it is immediately necessary for the protection of the
134 officer or another individual. The officer shall return the
135 firearm to the individual before ~~discharging~~ releasing that
136 individual unless the officer arrests that individual for
137 engaging in criminal activity or seizes the firearm as
138 evidence pursuant to an investigation ~~for the commission~~ of a
139 crime or, at the discretion of the officer, the individual
140 poses a threat to himself or herself or to others."



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141 "§31-9-60

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

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

158 "§31-9-61

159 (a) (1) The following requirements are hereby
160 established for the position of certified local emergency
161 management director created herein:

162 ~~(1)~~ a. Satisfactory completion of two years of college
163 level education.

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

167 ~~(3)~~ c. Two hundred hours of course work in emergency
168 management as recommended by the Alabama Association of



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169 Emergency Managers and approved ~~established~~ by the Director of
170 the Alabama Emergency Management Agency.

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

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

184 "§31-9-62

185 (a) For the purposes of this section, a certified local
186 emergency management director is a local emergency management
187 director who completes the requirements to be a certified
188 local emergency management director and is so designated by
189 the Director of the Alabama Emergency Management Agency.

190 ~~(a) (b) (1)~~ Each state-recognized local emergency
191 management ~~agency~~ organization that employs and retains a
192 ~~local emergency management director who completes the~~
193 ~~requirements to be a certified local emergency management~~
194 ~~director and is so designated by the Director of the Alabama~~
195 ~~Emergency Management Agency~~ certified local emergency
196 management director shall receive an annual salary supplement

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

211 (2) The ~~subsidy~~ salary supplement shall be paid
212 quarterly as a reimbursement for the salary paid to the local
213 director in the prior three months, under rules and procedures
214 established by the Director of the Alabama Emergency
215 Management Agency. ~~There is annually appropriated from the~~
216 ~~State General Fund to the Alabama Emergency Management Agency~~
217 ~~such funds as are necessary to meet the requirements of this~~
218 ~~subsection.~~ A salary supplement shall not be paid to certified
219 local emergency management directors who receive that status
220 on or after October 1, 2023, until the beginning of the fiscal
221 year following the completion of the requirements and
222 designation by the Director of the Alabama Emergency
223 Management Agency.

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



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



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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
271 adjusted every five years based on the Consumer Price Index
272 for all urban consumers as published by the U.S. Department of
273 Labor, Bureau of Labor Statistics.

274 Section 2. This act shall become effective on ~~the first~~
275 ~~day of the third month~~ October 1, 2023, following its passage
276 and approval by the Governor, or its otherwise becoming law.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 04-Apr-23

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

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 27-Apr-23

Senate concurred in House amendment 02-May-23

By: Senator Jones