

SB22 INTRODUCED



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



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SYNOPSIS:

Under existing law, each county and municipality must establish a local emergency management organization to maintain public safety within its territorial limits in the event of a natural or manmade disaster or public health emergency pursuant to the state emergency management plan. The local emergency management organization is administered by a director who operates under the control of the governing body of the county or municipality. The director receives an annual salary supplement from the Alabama Emergency Management Agency in an amount necessary to provide the director an annual salary of \$40,000, provided the supplement is capped at \$12,000.

This bill would revise the authority of local emergency management organizations relating to entering into contracts for supplies and services for disaster relief to authorize the letting of contracts outside of the parameters of the competitive bid law if certain conditions are met.

This bill would increase the annual supplemental allocation to local organizations from the state Local Emergency Management Assistance Fund from \$12,000 to \$17,000, to be subsequently adjusted every five years by the Consumer Price Index.



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29 This bill would provide that course work
30 required for certification as a local emergency
31 management director must be recommended by the Alabama
32 Association of Emergency Managers and approved by the
33 Director of the Alabama Emergency Management Agency.

34 This bill would revise the supplement to fund
35 the director's salary from the Alabama Emergency
36 Management Fund by removing any reference to the
37 \$40,000 target and instead provide a supplement in an
38 amount necessary to constitute 35% of the director's
39 salary, provided the supplement is capped at \$17,000.

40 This bill would tie any dollar values referenced
41 in these provisions to be adjusted to reflect the
42 Consumer Price Index.

43 This bill would make nonsubstantive, technical
44 revisions to update the existing code language to
45 current style.

46 A BILL

47 TO BE ENTITLED

48 AN ACT

49
50 Relating to Emergency Management; to amend Section
51 31-9-10, Code of Alabama 1975, to provide contract letting
52 requirements for local emergency management organizations; to
53 amend Section 31-9-60, Code of Alabama 1975, to increase
54 supplemental funding for assistance to local emergency
55 management organizations; to amend 31-9-61, Code of Alabama
56 1975, to establish standards for course work for local



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57 emergency management director certification; to amend Section
58 31-9-62, Code of Alabama 1975, to change salary supplements
59 for local emergency management directors and revise local
60 emergency management organization eligibility for federal
61 funds; and to make nonsubstantive, technical revisions to
62 update the existing code language to current style.

63 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

64 Section 1. Sections 31-9-10, 31-9-60, 31-9-61, and
65 31-9-62, Code of Alabama 1975, are amended to read as follows:

66 "§31-9-10

67 (a) Each political subdivision of this state ~~is hereby~~
68 ~~authorized and directed to~~ shall establish a local
69 organization for emergency management in accordance with the
70 state emergency management plan and program and may confer or
71 authorize the conferring~~r~~ upon members of the auxiliary
72 police~~r~~ the powers of peace officers, subject to such
73 restrictions as shall be imposed. The governing body of the
74 political subdivision is authorized to appoint a director, who
75 shall have direct responsibility for the organization,
76 administration, and operation of ~~such~~ the local organization
77 for emergency management, subject to the direction and control
78 of ~~such~~ the governing body. Each local organization for
79 emergency management shall perform emergency management
80 functions within the territorial limits of the political
81 subdivision within which it is organized, and, in addition,
82 shall conduct such functions outside of ~~such~~ its territorial
83 limits as ~~may be required pursuant to the provisions of~~
84 authorized by this article.



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85 (b) The governing body of each political subdivision
86 ~~shall have the power and authority~~ may do all of the
87 following:

88 (1) ~~To appropriate~~ Appropriate and expend funds, make
89 contracts, obtain and distribute equipment, materials, and
90 supplies for emergency management purposes; to provide for the
91 health and safety of persons and property, including emergency
92 assistance to the victims of any disaster; and to direct and
93 coordinate the development of emergency management plans and
94 programs in accordance with the policies and plans set by the
95 federal and state emergency management agencies.

96 (2) ~~To appoint, employ, remove, or provide, with or~~
97 ~~without compensation, air raid wardens, rescue teams,~~
98 ~~auxiliary fire and police personnel, and other emergency~~
99 ~~management workers; provided, that compensated employees shall~~
100 ~~be subject to any existing civil service or Merit System laws~~
101 Appoint or employ the personnel necessary to accomplish the
102 goals of this chapter.

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

107 (4) ~~To assign~~ Assign and make available for duty the
108 employees, property, or equipment of the subdivision relating
109 to fire fighting, engineering, rescue, health, medical and
110 related service, police, transportation, construction, and
111 similar items or services for emergency management purposes,
112 within or outside of the physical limits of the subdivision.



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

118 a. ~~To waive procedure and formalities otherwise~~
119 ~~required by law pertaining to the performance of public work,~~
120 ~~entering into contracts, the incurring of obligations, the~~
121 ~~employment of temporary workers, the utilization of volunteer~~
122 ~~workers, the rental of equipment, the purchase and~~
123 ~~distribution with or without compensation of supplies,~~
124 ~~materials, and facilities, and the appropriation and~~
125 ~~expenditure of public funds.~~ Notwithstanding Article 3 of
126 Chapter 16 of Title 41, let contracts to the extent necessary
127 to address the conditions described in Section 31-9-2(a),
128 provided that the governing body does the following:

129 1. Documents at least two price quotes or estimates
130 before letting the contract.

131 2. Adopts a resolution or ordinance declaring the
132 conditions, the action taken, and the reasons for taking the
133 action.

134 b. ~~To impose~~ Impose a public safety curfew for its
135 inhabitants. If a public safety curfew is imposed ~~as~~
136 ~~authorized herein~~, it shall be enforced by the appropriate law
137 enforcement agency within the political subdivision. A public
138 safety curfew imposed under this ~~subsection~~ subdivision shall
139 not apply to employees of utilities, cable, and
140 telecommunications companies and their contractors engaged in



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141 activities necessary to maintain or restore utility, cable,
142 ~~and or~~ telecommunications services or to official emergency
143 management personnel engaged in emergency management
144 activities.

145 (6) ~~To close~~Close, notwithstanding Section 11-1-8, any
146 and all public buildings owned or leased by and under the
147 control of the political subdivision where emergency
148 conditions warrant, whether or not a local state of emergency
149 has been declared by the governing body of the political
150 subdivision. In the event that any documents required to be
151 filed by a time certain deadline cannot be filed ~~in a timely~~
152 ~~manner~~ due to the closing of an office under this subdivision,
153 the deadline for filing shall be extended to the date that the
154 office is reopened as provided in Section 1-1-4.

155 (c) (1) In the event the Governor or the Legislature
156 proclaims a state of emergency affecting a political
157 subdivision as set forth in Section 31-9-8, the chair or
158 president of the governing body of the political subdivision
159 may execute a resolution on behalf of the governing body
160 declaring that any of the conditions described in Section
161 31-9-2(a) has occurred or is imminently likely to occur.

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

165 (d) No local governing body of a political subdivision
166 shall have the authority to provide for and compel evacuation
167 of the area except by the direction and under the supervision
168 of the Governor or the State Emergency Management Agency, or



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169 both. Any action taken by the governing body of the political
170 subdivision shall remain in full force and effect unless
171 revoked by proclamation of the Governor, issued as provided in
172 Section 31-9-8.

173 (e) (1) Nothing in this section shall authorize the
174 seizure or confiscation of any firearm or ammunition from any
175 individual who is lawfully carrying or possessing the firearm
176 or ammunition except as provided in subdivision (2).

177 (2) A law enforcement officer who is acting ~~in the~~
178 ~~lawful discharge of~~ pursuant to the officer's official duties
179 may disarm an individual if the officer reasonably believes
180 that it is immediately necessary for the protection of the
181 officer or another individual. The officer shall return the
182 firearm to the individual before ~~discharging~~ releasing that
183 individual unless the officer arrests that individual for
184 engaging in criminal activity or seizes the firearm as
185 evidence pursuant to an investigation ~~for the commission~~ of a
186 crime or, at the discretion of the officer, the individual
187 poses a threat to himself or herself or to others."

188 "§31-9-60

189 (a) There is established a Local Emergency Management
190 Agency Assistance Fund to provide supplemental funding for
191 local emergency management ~~agencies~~ organizations created and
192 operating under Section 31-9-10, for the purposes and under
193 the conditions set out in this article. The local emergency
194 management ~~agency~~ organization supplement shall be funded by
195 an annual allocation from the budget of the State of Alabama
196 Emergency Management Agency sufficient to make annual



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197 disbursements up to ~~twelve thousand dollars (\$12,000)~~
198 seventeen thousand dollars (\$17,000), or up to the amount as
199 adjusted by the Consumer Price Index pursuant to Section
200 31-9-62(e), for each local emergency management ~~agency~~
201 organization in the state certified as meeting the criteria
202 and procedures for payment as set out in this article.

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

205 "§31-9-61

206 (a) (1) The following requirements are hereby
207 established for the position of certified local emergency
208 management director created herein:

209 ~~(1)~~ a. Satisfactory completion of two years of college
210 level education.

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

214 ~~(3)~~ c. Two hundred hours of course work in emergency
215 management as recommended by the Alabama Association of
216 Emergency Managers and approved ~~established~~ by the Director of
217 the Alabama Emergency Management Agency.

218 (2) Any person who is serving as a local emergency
219 management director on June 14, 2007, shall be deemed to
220 satisfy the requirement for two years of college level
221 education if he or she has a minimum five years' work
222 experience as a local emergency management director ~~provided~~
223 and he or she meets ~~all other the requirements for~~
224 ~~certification~~ requirement of paragraph (a) (1) c.



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225 (b) Any local emergency management director meeting the
226 standards set out in subsection (a) shall be granted the
227 designation of local emergency management director without the
228 completion of any further requirements unless the requirements
229 are approved by the governing board of the Alabama Local
230 Government Training Institute established in Section 11-3-44."

231 "§31-9-62

232 (a) For the purposes of this section, a certified local
233 emergency management director is a local emergency management
234 director who completes the requirements to be a certified
235 local emergency management director and is so designated by
236 the Director of the Alabama Emergency Management Agency.

237 ~~(a) (b) (1) Each state-recognized local emergency~~
238 ~~management agency organization that employs and retains a~~
239 ~~local emergency management director who completes the~~
240 ~~requirements to be a certified local emergency management~~
241 ~~director and is so designated by the Director of the Alabama~~
242 ~~Emergency Management Agency certified local emergency~~
243 ~~management director shall receive an annual salary supplement~~
244 ~~from the Alabama Emergency Management Agency in an amount~~
245 ~~necessary to provide the local director with a total salary of~~
246 ~~forty thousand dollars (\$40,000) per year. to constitute 35~~
247 ~~percent of the certified local emergency management director's~~
248 ~~total salary. The amount of the salary supplement shall be the~~
249 ~~difference between the salary paid to the local director on~~
250 ~~the date of his or her certification and forty thousand~~
251 ~~dollars (\$40,000) per year. In no case shall the salary~~
252 ~~supplement paid as provided herein be more than twelve~~



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253 ~~thousand dollars (\$12,000)~~ seventeen thousand dollars
254 (\$17,000) per county ~~and such supplement shall not be paid to~~
255 ~~any local agency that does not increase the salary of such~~
256 ~~certified local emergency management director to at least~~
257 ~~forty thousand dollars (\$40,000) per year.~~

258 (2) The ~~subsidy~~ salary supplement shall be paid
259 quarterly as a reimbursement for the salary paid to the local
260 director in the prior three months, under rules and procedures
261 established by the Director of the Alabama Emergency
262 Management Agency. ~~There is annually appropriated from the~~
263 ~~State General Fund to the Alabama Emergency Management Agency~~
264 ~~such funds as are necessary to meet the requirements of this~~
265 ~~subsection.~~

266 ~~(b) If the amount of the supplement provided in~~
267 ~~subsection (a) is less than twelve thousand dollars (\$12,000),~~
268 ~~the local agency shall be eligible for the additional~~
269 ~~allocation of federal funds as provided in subsection (c).~~
270 ~~However, the total supplement received by any local agency~~
271 ~~from the provisions of subsection (a) and the additional~~
272 ~~allocation of federal funds provided in subsection (c) shall~~
273 ~~not exceed a total of twelve thousand dollars (\$12,000) per~~
274 ~~year.~~

275 ~~(c) Each state-recognized local emergency management~~
276 ~~agency that employs and retains a local emergency management~~
277 ~~director who completes the requirements to be a certified~~
278 ~~local emergency management director, is so designated by the~~
279 ~~Director of the Alabama Emergency Management Agency and is~~
280 ~~receiving total salary of forty thousand dollars (\$40,000) or~~



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281 ~~more on the date of his or her certification shall not be~~
282 ~~eligible for the supplement provided in subsection (a).~~
283 ~~However, such local emergency management agencies employing~~
284 ~~such certified directors shall be entitled to an additional~~
285 ~~allocation of federal funds made available to the department~~
286 ~~for local mitigation, planning, and program purposes as~~
287 ~~provided herein.~~ Beginning on October 1, 2007, and each year
288 thereafter, the department shall set aside additional federal
289 funds in an amount equal to 25 percent of the total increase
290 in such funds above those amounts received in the fiscal year
291 ending September 30, 2007. These funds shall be divided
292 equally among ~~those~~ the state-recognized local emergency
293 management ~~agencies~~ organizations ~~qualifying as provided~~
294 ~~herein~~ that employ and retain a certified local emergency
295 management director. ~~However, the total supplement received by~~
296 ~~any local agency from the provisions of subsection (a) and the~~
297 ~~additional allocation of federal funds provided in this~~
298 ~~subsection shall not exceed a total of twelve thousand dollars~~
299 ~~(\$12,000) per year.~~

300 (d) There is annually appropriated from the state
301 General Fund to the Alabama Emergency Management agency such
302 funds as are necessary to meet the requirements of this
303 section.

304 ~~(d)~~ (e) No monies provided for in this article may be
305 expended for any purpose unless they have been appropriated by
306 the Legislature and allocated pursuant to this article. Any
307 funds appropriated shall be budgeted and allotted pursuant to
308 the Budget Management Act in accordance with Article 4



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309 (commencing with Section 41-4-80) of Chapter 4 of Title 41,
310 and only in the amounts provided by the Legislature in the
311 general appropriations act or other appropriations act.

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

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