



**Senate Ways and Means General Fund Engrossed  
Substitute for SB22**

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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



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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~~



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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



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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.



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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



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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.



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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



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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.~~ A salary supplement shall not be paid to certified  
224 local emergency management directors who receive that status



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225 on or after October 1, 2023, until the beginning of the fiscal  
226 year following the completion of the requirements and  
227 designation by the Director of the Alabama Emergency  
228 Management Agency.

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

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



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253 in such funds above those amounts received in the fiscal year  
254 ending September 30, 2007. These funds shall be divided  
255 equally among ~~those~~ the state-recognized local emergency  
256 management ~~agencies~~ organizations ~~qualifying as provided~~  
257 ~~herein~~ that employ and retain a certified local emergency  
258 management director. ~~However, the total supplement received by~~  
259 ~~any local agency from the provisions of subsection (a) and the~~  
260 ~~additional allocation of federal funds provided in this~~  
261 ~~subsection shall not exceed a total of twelve thousand dollars~~  
262 ~~(\$12,000) per year.~~

263 (d) There is annually appropriated from the state  
264 General Fund to the Alabama Emergency Management agency such  
265 funds as are necessary to meet the requirements of this  
266 section.

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

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

279 Section 2. This act shall become effective on the first  
280 day of the third month October 1, 2023, following its passage



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281 and approval by the Governor, or its otherwise becoming law.



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282  
283  
284 Senate

285 Read for the first time and referred .....07-Mar-23  
286 to the Senate committee on Finance  
287 and Taxation General Fund  
288  
289 Read for the second time and placed .....21-Mar-23  
290 on the calendar:  
291 1 amendment  
292  
293 Read for the third time and passed .....04-Apr-23  
294 as amended  
295 Yeas 29  
296 Nays 0  
297 Abstains 0  
298  
299

300 Patrick Harris,  
301 Secretary.  
302