

1 HB228
2 204065-1
3 By Representative Ellis (Constitutional Amendment)
4 RFD: Shelby County Legislation
5 First Read: 13-FEB-20

SYNOPSIS: This bill would propose a local amendment to the Constitution of Alabama of 1901, relating to Shelby County, to authorize Shelby County and any cities and utilities in the county to enter into contracts to provide mutual aid to each other to restore utility service in the event of natural disasters or other emergencies.

A BILL
TO BE ENTITLED
AN ACT

To propose a local amendment to the Constitution of Alabama of 1901, relating to Shelby County, to authorize Shelby County and any cities and utilities in the county to enter into contracts to provide mutual aid to each other to restore utility service in the event of natural disasters or other emergencies.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. The following amendment to the
2 Constitution of Alabama of 1901, is proposed and shall become
3 valid as a part of the Constitution when all requirements of
4 this act are fulfilled:

5 PROPOSED AMENDMENT

6 (a) This amendment shall apply only in Shelby
7 County.

8 (b) Shelby County and any city, water and sewer
9 authority or board, sewage district, sewer authority,
10 governmental utility service corporation, or private utility
11 company in the county, or any two or more of any of the
12 foregoing, may enter into contracts with each other to provide
13 mutual aid and assistance in restoring electric, water, sewer,
14 or gas services in the event of natural disasters or other
15 emergencies under such terms and conditions as may be agreed
16 upon. Mutual aid contracts may include provisions for
17 furnishing personnel, equipment, apparatus, supplies, and
18 materials; for reimbursement or indemnification of the aiding
19 party for loss or damage incurred by giving aid; for
20 delegating authority to a designated official or employee to
21 send aid upon request; and for any other purposes consistent
22 with this amendment.

23 (c) Officials and employees furnished by one party
24 in aid of another party pursuant to a mutual aid contract
25 entered into under authority of this amendment shall be
26 conclusively deemed for all purposes to remain officials and
27 employees of the aiding party. While providing aid to another

1 and while traveling to and from another city or county
2 pursuant to giving aid, they shall retain all rights,
3 privileges, and immunities, including coverage under the
4 Alabama Workers' Compensation Act, as they enjoy while
5 performing their normal duties.

6 (d) Notwithstanding any other provisions of law to
7 the contrary, any party to a mutual aid contract entered into
8 under authority of this section, may sell or otherwise convey
9 or deliver to another party to the contract personal property
10 to be used in restoring utility services pursuant to the
11 contract without following procedures for the sale or
12 disposition of property prescribed by any general law or local
13 act.

14 (e) Nothing in this amendment shall be construed to
15 deprive any party to a mutual aid contract of its discretion
16 to send or decline to send its personnel, equipment, and
17 apparatus in aid of another party to the contract under any
18 circumstances, whether or not obligated by the contract to do
19 so. In no case shall a party to a mutual aid contract or any
20 of its officials or employees be held to answer in any civil
21 or criminal action for declining to send personnel, equipment,
22 or apparatus to another party to the contract, whether or not
23 obligated by contract to do so.

24 Section 2. An election upon the proposed amendment
25 shall be held in accordance with Sections 284.01 of the
26 Constitution of Alabama of 1901, now appearing as Sections
27 284.01 of the Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this
2 state.

3 Section 3. The appropriate election official shall
4 assign a ballot number for the proposed constitutional
5 amendment on the election ballot and shall set forth the
6 following description of the substance or subject matter of
7 the proposed constitutional amendment:

8 "Proposing an amendment to the Constitution of
9 Alabama of 1901, relating to Shelby County, to authorize
10 Shelby County and cities and utilities in the county to enter
11 into contracts to provide mutual aid to each other to restore
12 utility service in the event of natural disasters or other
13 emergencies.

14 "Proposed by Act _____."

15 This description shall be followed by the following
16 language:

17 "Yes () No ()."