

**SB179 INTRODUCED**



1 A20JSS-1  
2 By Senator Coleman-Madison  
3 RFD: County and Municipal Government  
4 First Read: 05-Apr-23  
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SYNOPSIS:

This bill would require certain municipal water works boards to provide customer data at the request of a county commission that provides sewer service for certain purposes, and would provide mechanisms to determine the fees a board could charge in exchange for that data.

This bill would require certain municipal water works boards to provide billing and collection services for sewer service at the request of a county commission that provides sewer service, and would provide mechanisms to determine the fees a board could charge in exchange for the billing and collection service.

This bill would require certain municipal water works boards to shut off water service for nonpayment of sewer service at the request of a county commission that provides the sewer service, and would provide mechanisms to determine the fees a board could charge in exchange for that shut off service.

This bill would also provide legal mechanisms for a county commission to pursue in the event that a municipal water works board fails to abide by the requirements of this act.



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29 A BILL  
30 TO BE ENTITLED  
31 AN ACT

32  
33 Relating to municipal water works boards; to require  
34 certain municipal water works boards to provide customer data  
35 regarding sewer service at the request of a county commission  
36 that provides sewer service in certain circumstances and  
37 provide mechanisms to determine the fees a board could charge  
38 in exchange for the data; to require certain municipal water  
39 works boards to provide billing and collection services for  
40 sewer service at the request of a county commission that  
41 provides the sewer service and provide mechanisms to determine  
42 the fees a board could charge in exchange for billing and  
43 collection services; to require certain municipal water works  
44 boards to shut off water service for nonpayment of sewer  
45 service at the request of a county commission providing the  
46 sewer service and provide mechanisms to determine the fees a  
47 board could charge for the shut off service; and to provide  
48 legal mechanisms for a county commission to pursue in the  
49 event that a municipal water works board fails to abide by the  
50 requirements of this act.

51 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

52 Section 1. (a) For the purposes of this act, the term  
53 "board" means any municipal water works board that, on January  
54 1, 2015, served water customers or had assets in four or more  
55 counties other than the county where the authorizing  
56 municipality is principally located, or which after January 1,



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57 2015, served water customers or had assets in four or more  
58 counties other than the county where the authorizing  
59 municipality is principally located. Notwithstanding any other  
60 provisions of law, this act shall apply to any such board and  
61 the organization and operation of the board.

62 (b) For the purposes of this act, the term "commission"  
63 means the governing body of a county where residents of the  
64 county receive water service from a board and sanitary sewer  
65 service from the county, or any other entity authorized by  
66 that governing body to act on behalf of the county regarding  
67 the county's sanitary sewer services.

68 (c) This act shall not apply to a municipal utilities  
69 board that operates both a water works system and an electric  
70 distribution system.

71 (d) This act shall not apply to an entity that only  
72 serves wholesale water customers.

73 Section 2. (a) In order to identify unbilled sanitary  
74 sewer service accounts, within 30 calendar days of receipt of  
75 a written request by a county commission, a board shall  
76 provide the commission with customer account information for  
77 every customer of the board.

78 (b) At a minimum, the customer account information  
79 shall include, but not be limited to, all of the following  
80 with regard to each account:

- 81 (1) The customer's name.
- 82 (2) Any service or billing address.
- 83 (3) The account number.
- 84 (4) The meter size.



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85 (5) The meter number.

86 (6) The payment history.

87 (7) The consumption history.

88 (c) A commission may not make more than two requests  
89 pursuant to this section to any single board in a calendar  
90 year.

91 Section 3. (a) In order to facilitate the proper  
92 administration of a county's sanitary sewer service customer  
93 accounts, within 60 calendar days of receipt of a written  
94 request by a county commission, a board shall provide the  
95 commission with continuous online electronic access to data  
96 fields necessary for the administration of the sanitary sewer  
97 service customer account of each board customer connected to  
98 that county's sanitary sewer system.

99 (b) In addition to the information required under  
100 Section 2, the online electronic access shall include, but not  
101 be limited to, all of the following:

102 (1) The customer's identifying information, to include  
103 a copy of the customer's driver license or other non-driver  
104 identification card, telephone number, date of birth, and  
105 Social Security number or tax identification number.

106 (2) A copy of the lease or deed provided by the  
107 customer showing evidence of occupancy or ownership of the  
108 property receiving sanitary sewer services.

109 (3) The account's completed application for service.

110 (c) A board shall ensure that the continuous online  
111 electronic access required by this section enables a county to  
112 download the requisite data and electronically generate



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113 reports using the data.

114 Section 4. (a) A board shall perform billing and  
115 collection services for a commission's sanitary sewer service  
116 customers upon written request from a commission.

117 (b) Following a request from a commission for a board  
118 to perform billing and collection services for the  
119 commission's sanitary sewer service customers, the board shall  
120 begin providing the billing and collection services at the  
121 start of the next billing cycle after the board receives a  
122 report generated pursuant to Section 7. Any provision of any  
123 prior general or local law in direct conflict or inconsistent  
124 with this subsection is preempted to the extent of such  
125 conflict or inconsistency.

126 Section 5. (a) This section shall only apply to a board  
127 that performs billing and collection services for a specific  
128 county, whether the billing and collection services are  
129 provided pursuant to a request under Section 4 or the billing  
130 and collection services are provided pursuant to a contract or  
131 other agreement entered into after the effective date of this  
132 act and the parties are unable to agree on a fee for the  
133 billing and collection services provided.

134 (b) A board shall bill customers who receive water  
135 service from the board and sanitary sewer service from the  
136 commission for both water and sanitary sewer services in a  
137 single bill. The sanitary sewer charges shall be calculated  
138 using the commission's adopted rate schedule or structure. A  
139 bill shall reflect the total charges for water consumption and  
140 sewer usage for the same billing period.



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141 (c) A board shall apply equal effort and resources to  
142 the collection of water and sewer service charges. Any partial  
143 payment received shall be applied to the joint bill in  
144 proportion to the outstanding balances of the board's charges  
145 and the commission's charges. No customer who receives a joint  
146 bill pursuant to this section may be permitted to pay one  
147 service charge without paying the other.

148 (d) (1) A board shall be paid a fee for its billing and  
149 collection services in the amount of 110 percent of the actual  
150 direct incremental cost to the board for providing the billing  
151 and collection services.

152 (2) The fee paid to a board pursuant to this section  
153 may not be based on a percentage of the sewer charges  
154 collected by the board on behalf of the commission. Any  
155 provision of any prior general or local law in direct conflict  
156 with or inconsistent with this subsection is preempted to the  
157 extent to such conflict or inconsistency.

158 (e) A board's actual direct incremental cost for  
159 services rendered pursuant to this section shall be determined  
160 pursuant to Section 7.

161 Section 6. (a) This section shall only apply to a board  
162 that does not perform billing or collection services on behalf  
163 of a county for sanitary sewer services pursuant to an  
164 existing contract or agreement, or to a board that does  
165 provide billing and collection services pursuant to an  
166 existing billing and collection agreement but has provided  
167 notice of termination of the existing agreement.

168 (b) (1) Upon written request by a county commission, a



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169 board shall provide the commission the water consumption data  
170 and water meter data collected by the board for each of the  
171 county's sewer customers who receive water service from the  
172 board.

173 (2) The data shall be provided in a format agreed upon  
174 by the commission and the board, and shall be accompanied by  
175 information sufficient to allow the commission to identify and  
176 bill each customer.

177 (3) Except as provided by mutual agreement between the  
178 board and the commission, the data shall be based on the  
179 board's established billing cycle and shall be provided  
180 monthly for each customer.

181 (c) (1) The commission shall reimburse the board for any  
182 costs incurred by the board when formatting and providing the  
183 data to the commission.

184 (2) A board may not realize, receive, or otherwise earn  
185 a profit from the transmission of data to the commission.

186 (3) A board's actual direct incremental cost for costs  
187 incurred pursuant to this section shall be determined pursuant  
188 to Section 7.

189 Section 7. (a) The cost of any billing and collection  
190 services rendered or any other costs incurred pursuant to this  
191 act shall be determined through the following process:

192 (1) By mutual agreement, the board and the commission  
193 shall select an independent certified public accounting firm  
194 practicing in the county where the board's authorizing  
195 municipality is principally located.

196 (2) The firm shall conduct an examination of the





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197 board's operating costs and prepare a report providing the  
198 details and conclusions of the examination.

199 (3) The board and the commission shall each be  
200 responsible for one-half of the cost of the independent  
201 examination.

202 (4) The board shall fully cooperate with the firm and  
203 shall provide the firm with any data the firm deems necessary  
204 to complete the examination.

205 (5) The firm shall review the costs incurred and issue  
206 an updated report every other year, unless the board and the  
207 commission mutually agree otherwise.

208 (6)a. The board and the commission shall engage the  
209 firm within 30 calendar days of any written request from a  
210 commission to a board sent pursuant to Section 5 or 6.

211 b. The examination to determine the initial actual cost  
212 incurred in the delivery of the data or for providing billing  
213 and collection services shall be commenced within 60 calendar  
214 days of the commission's written request and shall be  
215 completed within 60 calendar days of commencement.

216 (b) (1) If a board or a commission moves to terminate a  
217 billing and collection services contract or other agreement  
218 that predates the effective date of this act, the parties  
219 shall select a firm according to the procedures of subsection  
220 (a) at least 180 days prior to the effective termination date  
221 of the contract or other agreement.

222 (2) The examination shall commence at least 150 days  
223 prior to the effective termination date and shall be completed  
224 at least 90 days prior to the effective termination date.







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281           Section 10. A commission may commence the appropriate  
282 action in a court of competent jurisdiction to address any  
283 failure by a board to comply with this act, and the board  
284 shall be responsible for the commission's attorney fees,  
285 costs, and other expenses incurred as a result of the  
286 commission's efforts to enforce this act.

287           Section 11. This act shall become effective on the  
288 first day of the first month following its passage and  
289 approval by the Governor, or its otherwise becoming law.