SB22 ENROLLED



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



1 Enrolled, An Act,

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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 amend Section 31-9-60, Code of Alabama 1975, to increase 6 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 emergency management director certification; to amend Section 10 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:

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:

19 "\$31-9-10

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



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

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

- (1) To appropriate Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes; to provide for the health and safety of persons and property, including emergency assistance to the victims of any disaster; and to direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies.
- (2) To appoint, employ, remove, or provide, with or without compensation, air raid wardens, rescue teams, auxiliary fire and police personnel, and other emergency management workers; provided, that compensated employees shall be subject to any existing civil service or Merit System laws Appoint or employ the personnel necessary to accomplish the goals of this chapter.
 - (3) To establish Establish a primary and one or more



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

- (4) To assign Assign and make available for duty the employees, property, or equipment of the subdivision relating to fire fighting, engineering, rescue, health, medical and related service, police, transportation, construction, and similar items or services for emergency management purposes, within or outside of the physical limits of the subdivision.
- (5) In the event the governing body of the political subdivision determines that any of the conditions described in Section 31-9-2(a) has occurred or is imminently likely to occur, the governing body—shall have the power may do any of the following:
- a. To waive procedure and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds. Notwithstanding Article 3 of Chapter 16 of Title 41, let contracts to the extent necessary to address the conditions described in Section 31-9-2(a), provided that the governing body does the following:
- 1. Documents at least two price quotes or estimates before letting the contract.
 - 2. Adopts a resolution or ordinance declaring the



85 <u>conditions</u>, the action taken, and the reasons for taking the action.

- b. To impose Impose a public safety curfew for its inhabitants. If a public safety curfew is imposed as authorized herein, it shall be enforced by the appropriate law enforcement agency within the political subdivision. A public safety curfew imposed under this subsection subdivision shall not apply to employees of utilities, cable, and telecommunications companies and their contractors engaged in activities necessary to maintain or restore utility, cable, and or telecommunications services or to official emergency management personnel engaged in emergency management activities.
- and all public buildings owned or leased by and under the control of the political subdivision where emergency conditions warrant, whether or not a local state of emergency has been declared by the governing body of the political subdivision. In the event that any documents required to be filed by a time certain deadline cannot be filed in a timely manner due to the closing of an office under this subdivision, the deadline for filing shall be extended to the date that the office is reopened as provided in Section 1-1-4.
- (c) (1) In the event the Governor or the Legislature proclaims a state of emergency affecting a political subdivision as set forth in Section 31-9-8, the chair or president of the governing body of the political subdivision may execute a resolution on behalf of the governing body



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

- (2) Execution of the resolution by the chair or president of the governing body shall authorize the governing body to exercise the powers enumerated in subdivision (b)(5).
- (d) No local governing body of a political subdivision shall have the authority to provide for and compel evacuation of the area except by the direction and under the supervision of the Governor or the State Emergency Management Agency, or both. Any action taken by the governing body of the political subdivision shall remain in full force and effect unless revoked by proclamation of the Governor, issued as provided in Section 31-9-8.
- (e) (1) Nothing in this section shall authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition except as provided in subdivision (2).
- lawful discharge of pursuant to the officer's official duties may disarm an individual if the officer reasonably believes that it is immediately necessary for the protection of the officer or another individual. The officer shall return the firearm to the individual before discharging releasing that individual unless the officer arrests that individual for engaging in criminal activity or seizes the firearm as evidence pursuant to an investigation for the commission of a crime or, at the discretion of the officer, the individual poses a threat to himself or herself or to others."



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) for each local emergency
152	management agency organization in the state certified as
153	meeting the criteria and procedures for payment as set out in
154	this article.
155	(b) All necessary and appropriate disbursements shall
156	be made by the Comptroller as provided in this article."
157	" §31-9-61
158	(a) $\underline{\text{(1)}}$ The following requirements are hereby
159	established for the position of certified local emergency
160	management director created herein:
161	(1) a. Satisfactory completion of two years of college
162	level education.
163	(2) b. At least three years of work experience in the
164	area of emergency response, emergency management, or qualified
165	military service.
166	(3) c. Two hundred hours of course work in emergency
167	management as recommended by the Alabama Association of
168	Emergency Managers and approved established by the Director of



169 the Alabama Emergency Management Agency.

- (2) Any person who is serving as a local emergency management director on June 14, 2007, shall be deemed to satisfy the requirement for two years of college level education if he or she has a minimum five years' work experience as a local emergency management director provided and he or she meets all other the requirements for certification requirement of paragraph(a)(1)c.
- (b) Any local emergency management director meeting the standards set out in subsection (a) shall be granted the designation of local emergency management director without the completion of any further requirements unless the requirements are approved by the governing board of the Alabama Local Government Training Institute established in Section 11-3-44."

183 "\$31-9-62

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

(a) (b) (1) Each state-recognized local emergency management agency organization that employs and retains a local emergency management director who completes the requirements to be a certified local emergency management director and is so designated by the Director of the Alabama Emergency Management Agency certified local emergency management director shall receive an annual salary supplement from the Alabama Emergency Management Agency in an amount



197 necessary to provide the local director with a total salary of 198 forty thousand dollars (\$40,000) per year. to constitute 35 percent of the certified local emergency management director's 199 total salary. The amount of the salary supplement shall be the 200 201 difference between the salary paid to the local director on 202 the date of his or her certification and forty thousand 203 dollars (\$40,000) per year. In no case shall the salary 204 supplement paid as provided herein be more than twelve thousand dollars (\$12,000) seventeen thousand dollars 205 (\$17,000) per county and such supplement shall not be paid to 206 any local agency that does not increase the salary of such 207 certified local emergency management director to at least 208 209 forty thousand dollars (\$40,000) per year. (2) The subsidy salary supplement shall be paid 210 211 quarterly as a reimbursement for the salary paid to the local director in the prior three months, under rules and procedures 212 established by the Director of the Alabama Emergency 213 214 Management Agency. There is annually appropriated from the 215 State General Fund to the Alabama Emergency Management Agency 216 such funds as are necessary to meet the requirements of this 217 subsection. A salary supplement shall not be paid to certified 218 local emergency management directors who receive that status 219 on or after October 1, 2023, until the beginning of the fiscal 220 year following the completion of the requirements and 221 designation by the Director of the Alabama Emergency 222 Management Agency. (b) If the amount of the supplement provided in 223 224 subsection (a) is less than twelve thousand dollars (\$12,000),



the local agency shall be eligible for the additional allocation of federal funds as provided in subsection (c). However, the total supplement received by any local agency from the provisions of subsection (a) and the additional allocation of federal funds provided in subsection (c) shall not exceed a total of twelve thousand dollars (\$12,000) per year.

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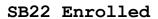
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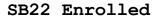
(c) Each state-recognized local emergency management agency that employs and retains a local emergency management director who completes the requirements to be a certified local emergency management director, is so designated by the Director of the Alabama Emergency Management Agency and is receiving total salary of forty thousand dollars (\$40,000) or more on the date of his or her certification shall not be eligible for the supplement provided in subsection (a). However, such local emergency management agencies employing such certified directors shall be entitled to an additional allocation of federal funds made available to the department for local mitigation, planning, and program purposes as provided herein. Beginning on October 1, 2007, and each year thereafter, the department shall set aside additional federal funds in an amount equal to 25 percent of the total increase in such funds above those amounts received in the fiscal year ending September 30, 2007. These funds shall be divided equally among those the state-recognized local emergency management agencies organizations qualifying as provided herein that employ and retain a certified local emergency management director. However, the total supplement received by





253	any local agency from the provisions of subsection (a) and the
254	additional allocation of federal funds provided in this
255	subsection shall not exceed a total of twelve thousand dollars
256	(\$12,000) per year.
257	(d) There is annually appropriated from the state
258	General Fund to the Alabama Emergency Management agency such
259	funds as are necessary to meet the requirements of this
260	section.
261	(d)(e) No monies provided for in this article may be
262	expended for any purpose unless they have been appropriated by
263	the Legislature and allocated pursuant to this article. Any
264	funds appropriated shall be budgeted and allotted pursuant to
265	the Budget Management Act in accordance with Article 4
266	(commencing with Section 41-4-80) of Chapter 4 of Title 41,
267	and only in the amounts provided by the Legislature in the
268	general appropriations act or other appropriations act."
269	Section 2. This act shall become effective on the first
270	day of the third month October 1, 2023, following its passage

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





President and Presiding Officer of the Senate Speaker of the House of Representatives SB22 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