

1 HB3  
2 214103-1  
3 By Representative Treadaway  
4 RFD: Public Safety and Homeland Security  
5 First Read: 11-JAN-22  
6 PFD: 06/28/2021

SYNOPSIS: Existing law has established the Alabama Emergency Management Agency and provides for emergency management in this state.

This bill would clarify that emergency management personnel provide public safety services.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to emergency management; to amend Section 31-9-3, Code of Alabama 1975; to clarify that emergency management personnel provide public safety services.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 31-9-3, Code of Alabama 1975, is amended to read as follows:

"§31-9-3.

"As used in this article, these terms shall have the following meanings:

1           "(1) EMERGENCY MANAGEMENT. The preparation for and  
2 the carrying out of all emergency functions, other than  
3 functions for which military forces or other federal agencies  
4 are primarily responsible, to prevent, minimize, and repair  
5 injury and damage resulting from disasters caused by enemy  
6 attack, sabotage, or other hostile action, or by fire, flood,  
7 earthquake, or other natural cause. These functions include,  
8 without limitation, public safety services including,  
9 fire-fighting services; police services; medical and health  
10 services; rescue, engineering, air raid warning services;  
11 communications; radiological, chemical, and other special  
12 weapons of defense; evacuation of persons from stricken areas;  
13 emergency welfare services (civilian war aid); emergency  
14 transportation; plant protection; temporary restoration of  
15 public utility services; and other functions related to  
16 civilian protection, together with all other activities  
17 necessary or incidental to the preparation for and carrying  
18 out of the foregoing functions.

19           "(2) LOCAL ORGANIZATION. The organization of local  
20 emergency management forces designed principally for operation  
21 within their own community but capable of moving to other  
22 areas.

23           "(3) POLITICAL SUBDIVISION. Any county or  
24 municipality created pursuant to law.

25           "~~(4)~~ (5) STATE PUBLIC HEALTH EMERGENCY. An occurrence  
26 or imminent threat of an illness or health condition that does  
27 all of the following:

1            "a. Is believed to be caused by any of the  
2 following:

3            "1. Bioterrorism.

4            "2. The appearance of a novel or previously  
5 controlled or eradicated infectious agent or biological toxin.

6            "3. A natural disaster.

7            "4. A chemical attack or accidental release.

8            "5. A nuclear or radiological attack or accident.

9            "b. Poses a high probability of any of the following  
10 harms:

11           "1. A large number of deaths in the affected  
12 population.

13           "2. A large number of serious or long-term  
14 disabilities in the affected population.

15           "3. Widespread exposure to an infectious or toxic  
16 agent that poses a significant risk of substantial future harm  
17 to a large number of people in the affected population.

18           "~~(5)~~(4) STATE OF EMERGENCY. When the Governor duly  
19 proclaims the existence of conditions of disaster or of  
20 extreme peril to the safety of persons and property within the  
21 state caused by fire, flood, storm, epidemic, technological  
22 failure or accident, riot, drought, sudden and severe energy  
23 shortage, plant or animal infestation or disease, earthquake,  
24 explosion, terrorism, or man-made disaster, or other  
25 conditions, other than conditions resulting from a labor  
26 controversy or conditions causing a state of war emergency,  
27 which, by reason of their magnitude, are or are likely to be

1 beyond the control of the services, personnel, equipment, and  
2 facilities of any single county, city and county, or city, and  
3 require the combined forces of a mutual aid region or regions  
4 to combat, or energy shortage requires extraordinary measures  
5 beyond the authority vested in the Alabama Public Service  
6 Commission.

7 "(6) STATE TECHNOLOGICAL EMERGENCY. An emergency  
8 caused by a technological failure or accident, including, but  
9 not limited to, an explosion, transportation accident,  
10 radiological accident, or chemical or other hazardous material  
11 incident."

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