

1 HB377  
2 190715-1  
3 By Representatives Mooney, Drake, Ellis, Farley, Fridy, Weaver  
4 and Carns (Constitutional Amendment)  
5 RFD: Shelby County Legislation  
6 First Read: 06-FEB-18

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8 SYNOPSIS: Under existing law, privately owned sewer  
9 systems, with certain exceptions, are regulated by  
10 the Alabama Department of Environmental Management  
11 with regard to sewage treatment, but are not  
12 regulated by the Public Service Commission with  
13 regard to rates and consumer protection.

14 This bill proposes a local constitutional  
15 amendment for Shelby County, to bring certain  
16 privately owned sewer systems that use public  
17 rights-of-way of public roads under the  
18 jurisdiction of the Public Service Commission.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT  
23

24 To propose a local constitutional amendment to the  
25 Constitution of Alabama of 1901, for Shelby County, relating  
26 to privately owned sewer systems; to bring certain privately

1 owned sewer systems that use public rights-of-way of public  
2 roads under the jurisdiction of the Public Service Commission.  
3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

8 PROPOSED AMENDMENT

9 (a) This amendment shall apply only in Shelby  
10 County.

11 (b) Any privately owned plant, property, or facility  
12 for the collection, treatment, or disposal of sewage that  
13 uses, directly or through a lease or contract, public  
14 rights-of-way of public roads for any part of its collection  
15 or disposal system and that has residential or commercial  
16 customers that are billed a flat service fee or fee based on  
17 water usage shall be certified and regulated by the Public  
18 Service Commission.

19 Section 2. An election upon the proposed amendment  
20 shall be held in accordance with Sections 284 and 284.01 of  
21 the Constitution of Alabama of 1901, now appearing as Sections  
22 284 and 284.01 of the Official Recompilation of the  
23 Constitution of Alabama of 1901, as amended, and the election  
24 laws of this state.

25 Section 3. The appropriate election official shall  
26 assign a ballot number for the proposed constitutional  
27 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of  
2 the proposed constitutional amendment:

3 "Relating to Shelby County, proposing an amendment  
4 to the Constitution of Alabama of 1901, to bring certain  
5 privately owned sewer systems that use public rights-of-way of  
6 public roads under the jurisdiction of the Public Service  
7 Commission.

8 "Proposed by Act \_\_\_\_\_"

9 This description shall be followed by the following  
10 language:

11 "Yes ( ) No ( )."