

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

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ENROLLED, 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:

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

PROPOSED AMENDMENT

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

(b) Shelby County and any city, water and sewer authority or board, sewage district, sewer authority, governmental utility service corporation, or private utility company in the county, or any two or more of any of the foregoing, may enter into contracts with each other to provide mutual aid and assistance in restoring electric, water, sewer, or gas services in the event of natural disasters or other emergencies under such terms and conditions as may be agreed upon. Mutual aid contracts may include provisions for

1 furnishing personnel, equipment, apparatus, supplies, and
2 materials; for reimbursement or indemnification of the aiding
3 party for loss or damage incurred by giving aid; for
4 delegating authority to a designated official or employee to
5 send aid upon request; and for any other purposes consistent
6 with this amendment.

7 (c) Officials and employees furnished by one party
8 in aid of another party pursuant to a mutual aid contract
9 entered into under authority of this amendment shall be
10 conclusively deemed for all purposes to remain officials and
11 employees of the aiding party. While providing aid to another
12 and while traveling to and from another city or county
13 pursuant to giving aid, they shall retain all rights,
14 privileges, and immunities, including coverage under the
15 Alabama Workers' Compensation Act, as they enjoy while
16 performing their normal duties.

17 (d) Notwithstanding any other provisions of law to
18 the contrary, any party to a mutual aid contract entered into
19 under authority of this section, may sell or otherwise convey
20 or deliver to another party to the contract personal property
21 to be used in restoring utility services pursuant to the
22 contract without following procedures for the sale or
23 disposition of property prescribed by any general law or local
24 act.

1 (e) Nothing in this amendment shall be construed to
2 deprive any party to a mutual aid contract of its discretion
3 to send or decline to send its personnel, equipment, and
4 apparatus in aid of another party to the contract under any
5 circumstances, whether or not obligated by the contract to do
6 so. In no case shall a party to a mutual aid contract or any
7 of its officials or employees be held to answer in any civil
8 or criminal action for declining to send personnel, equipment,
9 or apparatus to another party to the contract, whether or not
10 obligated by contract to do so.

11 Section 2. An election upon the proposed amendment
12 shall be held in accordance with Sections 284.01 of the
13 Constitution of Alabama of 1901, now appearing as Sections
14 284.01 of the Official Recompilation of the Constitution of
15 Alabama of 1901, as amended, and the election laws of this
16 state.

17 Section 3. The appropriate election official shall
18 assign a ballot number for the proposed constitutional
19 amendment on the election ballot and shall set forth the
20 following description of the substance or subject matter of
21 the proposed constitutional amendment:

22 "Proposing an amendment to the Constitution of
23 Alabama of 1901, relating to Shelby County, to authorize
24 Shelby County and cities and utilities in the county to enter
25 into contracts to provide mutual aid to each other to restore

1 utility service in the event of natural disasters or other
2 emergencies.

3 "Proposed by Act _____."

4 This description shall be followed by the following
5 language:

6 "Yes () No ()."

