1   HB148

2   216374-1

3   By Representative Wingo (Constitutional Amendment)

4   RFD: Economic Development and Tourism

5   First Read: 13-JAN-22

1   216374-1:n:01/13/2022:FC/ma LSA2022-178

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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 Tuscaloosa County, to bring certain

16   privately owned sewer systems that use public

17   rights-of-way of public roads in the city limits of

18   Lake View under the jurisdiction of the Public

19   Service Commission.

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21   A BILL

22   TO BE ENTITLED

23   AN ACT

24

25   To propose a local constitutional amendment to the

26   Constitution of Alabama of 1901, for Tuscaloosa County,

27   relating to privately owned sewer systems; to bring certain

1　privately owned sewer systems that use public rights-of-way of

2　public roads in the city limits of Lake View under the

3　jurisdiction of the Public Service Commission.

4　BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5　　　　Section 1. The following amendment to the

6　Constitution of Alabama of 1901, is proposed and shall become

7　valid as a part of the Constitution when all requirements of

8　this act are fulfilled:

9　　　　　　　　PROPOSED AMENDMENT

10　　　　(a) This amendment shall apply only in Tuscaloosa

11　County.

12　　　　(b) Any privately owned plant, property, or facility

13　used for the collection, treatment, or disposal of sewage that

14　uses, directly or through a lease or contract, public

15　rights-of-way of public roads for any part of its collection

16　or disposal system and that has residential or commercial

17　customers located in the city limits of Lake View in

18　Tuscaloosa County that are billed a flat service fee or fee

19　based on water usage shall be certified and regulated by the

20　Public Service Commission in relation to all of the customers

21　of the entity located in the city limits of Lake View and in

22　the unincorporated areas of Tuscaloosa County.

23　　　　Upon ratification of this constitutional amendment

24　and contingent upon the ratification of the Constitution of

25　Alabama of 2022, the Code Commissioner shall number and place

26　this amendment as appropriate in the constitution based upon a

27　logical sequence and the particular subject or topic of the

1   amendment. In this amendment, the Code Commissioner may change

2   capitalization, spelling, and punctuation for the purpose of

3   style and uniformity; correct manifest grammatical, clerical,

4   and typographical errors; and correct incorrect

5   cross-references. When publishing the Constitution of Alabama

6   of 2022, as amended, the Code Commissioner may omit this

7   instructional paragraph.

8   Section 2. An election upon the proposed amendment

9   shall be held in accordance with Section 284.01 of the

10   Constitution of Alabama of 1901, now appearing as Section

11   284.01 of the Official Recompilation of the Constitution of

12   Alabama of 1901, as amended, and the election laws of this

13   state.

14   Section 3. The appropriate election official shall

15   assign a ballot number for the proposed constitutional

16   amendment on the election ballot and shall set forth the

17   following description of the substance or subject matter of

18   the proposed constitutional amendment:

19   "Relating to Tuscaloosa County, proposing an

20   amendment to the Constitution of Alabama of 1901, to bring

21   certain privately owned sewer systems that use public

22   rights-of-way of public roads in the city limits of Lake View

23   under the jurisdiction of the Public Service Commission.

24   "Proposed by Act _____"

25   This description shall be followed by the following

26   language:

27   "Yes ( ) No ( )."