SB355

158969-4

By Senator Ward

RFD: Energy and Natural Resources

First Read: 13-FEB-14
SB355

ENROLLED, An Act,

To amend Sections 11-89C-1, 11-89C-2, 11-89C-4,
11-89C-9, and 11-89C-10 of the Code of Alabama 1975, to
provide the governing bodies of all counties or municipalities
in the state which are now or may hereafter be subject to
regulation pursuant to the Environmental Protection Agency
(EPA) municipal separate storm sewer system program the
authority to carry out the requirements of the municipal
separate storm sewer system program and to provide such
governing bodies with the option to establish intercooperative
public corporations for efficient compliance with applicable
federal and state laws, rules, and regulations relating to
discharges into and from municipal separate storm sewers; to
codify the Legislature's express intent in enacting Chapter
89C of Title 11 of the Code of Alabama 1975; to limit the
jurisdictional scope of local storm water management programs
created pursuant to Chapter 89C of Title 11 to include only
those sites discharging into municipal separate storm sewer
systems; to acknowledge EPA's "maximum extent practicable"
standard applicable to its municipal separate storm sewer
system program; to adhere to the tenets of Section 111.05 of
Article IV of the Constitution of Alabama of 1901, and the
limited authorities of self-governance conferred upon counties pursuant to Chapters 3 and 3A of Title 11 of the Code of Alabama 1975; to enact as enforceable law the proclamations of the Legislature enumerated in House Joint Resolution 144 (1997), Act 97-931, by expressly limiting the substantive scope of local storm water management programs created and carried out pursuant to Chapter 89C of Title 11 to include only those rules, regulations, and/or aspects that are absolutely required to satisfy the Clean Water Act, as specifically set out in the Code of Federal Regulations, because the federal initiative upon which this regulatory scheme is based is an unfunded mandate; to clarify that the Alabama Department of Environmental Management (ADEM) shall maintain primary permitting and enforcement responsibility for all ADEM NPDES sites and that local storm water management programs shall primarily rely upon ADEM for these functions, to the fullest extent allowed by applicable state and federal laws, rather than subjecting such sites to double regulation; to establish the type of fees, charges, or assessments a governing body and/or a public corporation established pursuant to Chapter 89C shall levy and from whom such fees, charges, or assessments shall be levied; and to exempt discharges originating from any lands and/or facilities owned and/or operated by commission non-jurisdictional electric suppliers, as defined by Section 37-4-140, Code of Alabama
1975, by one or more entities under the jurisdiction and
supervision of the Alabama Public Service Commission, or such
entities' affiliates, from regulation under any local storm
water management program and declare that such discharges
shall be regulated exclusively by ADEM.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 11-89C-1, 11-89C-2, 11-89C-4,
11-89C-9, and 11-89C-10 of the Code of Alabama 1975, are
amended to read as follows:

"§11-89C-1.

"(a) The Legislature finds and declares that it is
in the public interest and the health, safety, and welfare of
the citizens of this state and within the police power of the
state, county, and municipal governments to promote effective
and efficient compliance with federal and state laws, rules,
regulations, and municipal permits relating to storm water
discharges into and from municipal separate storm sewers, and
to promote and authorize the discovery, control, and
elimination, wherever practicable, of that discharge at the
local government level.

"(b) It is the intention of the Legislature by
passage of this chapter to assist the state in its
implementation of the storm water laws, and to supplement the
authority of the governing bodies of all counties and
municipalities in the state to enable them to implement the
storm water laws.

"(c) It is further the intention of the Legislature
to authorize and promote the intercooperation of the governing
bodies in implementing the storm water laws and the purposes
of this chapter.

"(d) It is further the intention of the Legislature
to authorize governing bodies to determine the methods and
procedures they shall use to carry out the storm water laws
and this chapter, to make their respective participation in a
public corporation intercooperation program optional, and to
adopt policies and procedures pertaining to their
responsibilities in the program and the procedure for entry
into and exit from the program. It is the intention of the
Legislature to grant the governing bodies, whether in the
program or acting individually, the enforcement authority
needed in order to satisfy the requirements of storm water
laws, further, to act by resolution or ordinance enforceable
in their respective municipal courts or the district courts
and by civil procedures in district and circuit courts,
including fines, penalties, damages, and injunction as
authorized and appropriate. It is the intention of the
Legislature to grant governing bodies the authority to
determine their financial needs to fund the administration,
operations, and projects of the program, their individual
needs, and the methods to generate and collect the necessary revenue and to authorize the use of the assessment, billing, and collection capabilities and authority of the respective county tax assessors and tax collectors for that purpose. It is the intention of the Legislature that any public corporations created pursuant to this chapter implement an efficient and effective storm water program that promotes the fullest public participation feasible.

"(e) It is further the intention of the Legislature to limit the jurisdictional scope of local storm water management programs to include only those sites discharging into the municipal separate storm sewer system and, because this federal initiative is an unfunded mandate, to limit the substantive scope of such local programs to include only those rules, regulations, and/or aspects that are absolutely required to satisfy the Clean Water Act, as specifically set out in the Code of Federal Regulations. It is the intention of the Legislature to provide a funding mechanism to aid local storm water management programs in meeting the financial obligations imposed by this unfunded federal mandate provided that the expenses of such programs are restrained by the strict limitations on the scope of the programs to include only those rules, regulations, and/or aspects that are absolutely required to satisfy the Clean Water Act, as specifically set out in the Code of Federal Regulations.
"(f) It is further the intention of the Legislature for an individual governing body or public corporation to primarily rely upon ADEM, to the fullest extent allowed by applicable state and federal laws, for the permitting and enforcement of all ADEM NPDES sites rather than subjecting such sites to double regulation.

"§11-89C-2.

"As used in this chapter, the following words and phrases shall have the following meanings:

"(1) GOVERNING BODY. The governing bodies of all Class I municipalities within the state and the county governing bodies in which the Class I municipalities are located and the governing bodies of all municipalities located within those counties, and where any such municipality is also located partially within an adjoining county, then the governing body of such adjoining county, and which governing bodies are specifically designated in 40 C.F.R. Part 122, Appendices F, G, H, or I or by ADEM pursuant to the authority delegated to it under the Clean Water Act, 33 U.S.C. Section 1251 et seq., as of August 9, 1995.

"(1) AGRICULTURAL LAND. Any real property classified or assessed as agricultural or forest land for property tax purposes.

"(2) COMMERCIAL PROPERTY. Any real property that is not residential property, as defined in this section, or has
not specifically been exempted from the fee provisions set out
in Section 11-89C-9(d)(1).

"(3) GOVERNING BODY. The governing body of a county
or municipality in the state which is now or may hereafter be
specifically designated in 40 C.F.R. Part 122, including, but
not limited to, any appendices or revisions promulgated by EPA
in conjunction with any expansion of the agency's municipal
separate storm sewer system program (e.g. Phase III, Phase IV,
and/or equivalent expansions), or by ADEM pursuant to the
authority delegated to it under the Clean Water Act, 33 U.S.C.
§1251 et seq.

"(4) GREENFIELD. Any real property not previously
developed.

"(5) ILLICIT DISCHARGE. Any discharge to a
municipal separate storm sewer that is not composed entirely
of storm water, except discharges pursuant to an NPDES permit
(other than the NPDES permit for discharges from the municipal
separate storm sewer) and discharges resulting from fire
fighting and emergency management activities.

"(6) MEMBER GOVERNING BODY. A governing body
that joins a public corporation established pursuant to this
chapter.

"(7) MUNICIPAL SEPARATE STORM SEWER. A
conveyance or system of conveyances, including roads with
drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains:

"(i) Owned or operated by a city, town, county, association, or other public body;

"(ii) Designed or used for collecting or conveying storm water;

"(iii) Which is not a combined sewer; and

"(iv) Which is not part of a publicly owned treatment works as defined in 40 C.F.R. §122.2.

"5 (8) PUBLIC CORPORATION. Any public corporation created pursuant to this chapter.

"9 (9) RESIDENTIAL PROPERTY. Any single-family owner-occupied residential property, historic buildings, or sites classified or assessed as Class III property, pursuant to Section 217 of Article XI of the Constitution of Alabama of 1901.

"6 (10) RULE. Any public corporation regulation or standard of general applicability that prescribes or recommends law, procedure or policy for its member governing bodies specifically including all pro forma ordinances, regulations, resolutions, rules, procedures or remedies adopted and recommended by a public corporation.

"7 (11) STORM WATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY. The discharge from any conveyance which is used for collecting and conveying storm water and which is
directly related to manufacturing, processing, or raw
materials storage areas at an industrial plant. The term does
not include discharges from facilities or activities excluded
from the NPDES program under 40 C.F.R. Part 122, but shall
include discharges from facilities which are included in the
categories of industries listed in 40 C.F.R. §122.26(b)(14)(i)
through (xi), inclusive, together with all subsequent
categories of industries which may be so designated in 40
C.F.R. §122.26(b)(14) by the Environmental Protection Agency
(EPA).

"(0) (12) STORM WATER LAWS. Those provisions of the
Clean Water Act, 33 U.S.C. §1251 et seq., together with all
other and subsequent applicable federal and state laws, rules,
and regulations, as set out in applicable permits, and
municipal permits relating specifically to the control of the
pollution of storm water discharges to into and from municipal
separate storm sewers, but specifically excluding any EPA
guidance and/or interpretations of said laws, rules, and/or
regulations not promulgated in accordance with the Alabama
Administrative Procedure Act or Administrative Procedure Act,
5 U.S.C. §500 et seq.

"§11-89C-4.

"(a) Any When expressly required to comply with
storm water laws, any public corporation created pursuant to
this chapter shall have the following powers:
"(1) To establish, maintain, and operate an organizational structure pursuant to this chapter, its original or amended certification, and its bylaws or other rules of procedure, that will enable it to implement the storm water laws for and on behalf of any governing body that exercises the option to participate in or with a public corporation, however, except provided that no new or greater authorities or powers other than those specifically granted to the governing bodies are conferred upon any public corporation formed pursuant to this chapter. Except for the authority provided in subdivision (20), authority to enforce the storm water laws is retained wholly and exclusively to the governing bodies and may not be further delegated to or assumed by the public corporation, its agents or employees.

"(2) To establish the procedure by which a member governing body may elect to join the public corporation and by which a member governing body may elect to withdraw from the public corporation.

"(3) To establish a board of directors to serve as the governing body of the corporation to establish policy and procedure for the corporation. The board shall consist of one representative from each member governing body. The representative shall be the mayor, if the member governing body is a governing body of a municipality, or a county commissioner, if the member governing body is a governing body
of a county. The board shall designate at least three members, and no more than five members, to serve as an executive committee to perform the executive and administrative functions of the corporation. The executive committee shall include one county commissioner from the largest county member governing body, if there is one, and at least two mayors. If there is no county member governing body, there shall be at least three mayors; or if there are no participating municipalities, there shall be at least three county commissioners, representing different counties. The board shall elect one executive committee member as chair, one as co-chair, and one as secretary. Individual board and executive committee members shall serve without compensation, but shall be entitled to reasonable actual expenses that are properly documented and authorized. All other needed organizational matters, bylaws, rules of procedure, and officers shall be determined by the board of directors.

"(4) To employ individuals directly or indirectly through loaned, detailed, or assigned employees from the member governing bodies or other entities. Employees directly employed by the public corporation shall be eligible to participate in the employee benefit programs of any member governing body, including insurance and pension programs, upon approval of the executive committee and the subject member governing body."
"(5) To enter into contracts with individuals, governing bodies, member governing bodies, governmental agencies, professional associations, corporations, partnerships, and other legal entities to implement the functions of this chapter.

"(6) To purchase, lease, license, own, or otherwise acquire real and personal property, including easements, rights of way, and all other interests in land, including municipal separate storm sewers, buildings, and other facilities and equipment.

"(7) To construct, operate, maintain, repair, and replace facilities for storm water functions.

"(8) To contract with member governing bodies for the construction, improvement, renovation, management, or operation of their municipal separate storm sewer systems.

"(9) To purchase or obtain insurance and other appropriate tangibles and intangibles.

"(10) To apply for, solicit, and otherwise obtain and receive from any governmental, public, or private source, grants, contributions, and donations, of money, all forms of property, equipment, supplies, services, and labor.

"(11) To hold and invest its moneys in all legal forms of investment for fiduciaries.
"(12) To salvage, lend, lease, or sell by cash or installments, with or without interest, its lands, interest in
land, facilities, equipment, and other property.

"(13) To undertake or participate in studies,
surveys, analyses, or investigations of storm water runoff and
other functions of the storm water laws and this chapter.

"(14) To adopt necessary and appropriate policies,
procedures, rules, and regulations applicable to the member
governing bodies in accordance with EPA and/or ADEM permits
and rules and regulations to implement the storm water laws
and the functions of in accordance with this chapter.

"(15) To develop and hold public hearings on pro
forma resolutions or ordinances, or both, which may be adopted
by any member governing body to implement this chapter.

"(16) To develop pro forma remedies and procedures
for the enforcement of resolutions or ordinances, or both,
adopted to implement this chapter.

"(17) To sue and be sued, except as immunized
hereby, in its own name and to appear in all administrative
forums.

"(18) To establish the cost, charges, fees, or
assessments as required of the member governing bodies for
participation in the public corporation, necessary to fund the
operation, activities, projects, and facilities of the
corporation.
"(19) To In accordance with the provisions of Section 11-89C-10, to establish the procedure for the assessment and collection by the tax assessor and tax collector of the respective counties or other public official performing those functions, of any fees, charges, or assessments levied by a member governing body.

"(20) To authorize any officer, employee, or other agent of the public corporation to enter upon private or public property under the regulatory jurisdiction of one or more of its member governing bodies during normal business hours and upon the presentation of appropriate credentials for the purpose of performing investigations regarding the existence and source of contamination, and determining from the owner or other appropriate individual the methods they will employ to stop, neutralize, remove, or otherwise remedy the contamination. Any officer, employee, or other authorized agent who performs the duties authorized under this section in accordance with provisions hereof shall be immune from arrest and prosecution for trespass in performing any legal duty pursuant to this chapter by presenting identification issued or authorized by the public corporation.

"(21) To do any and all things necessary or convenient to implement and administer this chapter.
"(b) In the development of any rule or procedures for the enforcement of such, any public corporation created pursuant to this chapter shall do all of the following:

'(1) Set a date and time for a public hearing and afford the public and interested parties an opportunity to offer written comments, and to present testimony and evidence in support of their respective positions as to the proposed resolutions, ordinances, remedies, or procedures and may have counsel to represent them at their own expense. The board of the corporation shall consider fully all written and oral submissions presented. At the conclusion of this hearing and any continuation thereof, the board of the corporation may modify or withdraw such proposals or may adopt such pro forma resolutions, ordinances, remedies, or procedures which are reasonable and supported by evidence from the proposal itself, the public comments submitted thereupon and the public hearing record and which shall be thereafter presented to the member municipal or county governing bodies, or both, for their consideration. Adoption of any rule shall require an affirmative vote of at least two-thirds (2/3) of the members of the board of the corporation. Upon no later than 30 days following the adoption of a rule, the public corporation shall issue a statement reflecting the reasoning and evidence supporting adoption of the rule and an explanation for
rejecting the evidence or assertions made urging modification
or withdrawal of the rule.

"(2) Give notice of the hearing by publishing in a
newspaper of general circulation published within the county
in which the corporation members exist at least 30 45 days
prior to the date of the hearing stating the date, time, and
location of the hearing, and including either the terms or the
substance of the proposals to be considered or a description
of the subjects and issues involved, the address of the
location where copies of the proposed resolution, ordinances,
remedies and procedures may be inspected or copies thereof
obtained, and the manner in which interested persons may
present their views thereon. Every proposed rule shall be
accompanied by a thorough statement identifying and explaining
the purpose and support for its adoption. The notice shall
also be timely delivered by electronic means (i.e., email
notification) to all persons who have made timely request of
the corporation in advance for advance electronic notice of
any such hearings and timely mailed to all persons who pay the
cost of the mailing and who have made timely request of the
corporation in advance for advance notice by mail of any such
hearings.

"(3) Make available for public inspection and
copying, at cost, any such proposed resolutions, ordinances,
remedies, and procedures at least thirty (30) days prior to
the hearing.

"(c) The governing bodies shall satisfy all
statutory requirements applicable to the respective governing
bodies for adoption of ordinances, including notice and public
hearing, before adopting any such pro forma resolutions,
ordinances, remedies, and procedure, however, adoption by a
member governing body of any ordinance or resolution
recommended by the board of the public corporation or
authorized by this statute shall require an affirmative vote
of at least a majority of the members of the council or
commission authorized to adopt such ordinances or resolutions
in the governing body.

"§11-89C-9.

"(a) A governing body may shall proceed under this
chapter as a participant in the public corporation or
individually, to adopt upon reasonable public notice and
following public hearing all necessary rules and regulations
by resolution or ordinance to implement this chapter and to
specifically regulate and control storm water discharges and
eliminate the discharge of pollutants to its municipal
separate storm sewers. Provided, however, that all discharges
originating from any lands and/or facilities owned and/or
operated by one or more entities under the jurisdiction and
supervision of the Alabama Public Service Commission are
exempted from regulation under any local storm water
management program and shall be regulated exclusively by ADEM.
Further, any commission non-jurisdictional electric supplier,
as defined by Section 37-4-140, whose service area extends
beyond the boundaries of a single municipal or county
jurisdiction shall be exempted from the regulation of
electrical transmission-related construction activities under
any local storm water management program and shall be
regulated exclusively by ADEM. The rules and regulations
adopted pursuant to this chapter shall be in accordance with
those contained in the EPA NPDES program; however, the rules
and regulations shall not impose any additional requirements
than those mandated by the EPA. In limited to include only
those rules, regulations, and/or aspects that are absolutely
required to satisfy the storm water laws. In establishing
these rules and regulations, an individual governing body or
public corporation shall, to the fullest extent allowed by
applicable storm water laws, primarily rely upon ADEM for the
enforcement and permitting of discharges to its municipal
separate storm sewers from sites required to have an ADEM
NPDES permit, rather than subjecting these sites to double
enforcement or permitting. Consistent with and in furtherance
of these objectives, the governing bodies may do all of the
following:
"(1) Control by resolution, ordinance, contract, order, or similar means the discharge of pollutants to its municipal separate storm sewers by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity.

"(2) Prohibit by resolution, ordinance, order, or similar means illicit discharges to its municipal separate storm sewers.

"(3) Control by resolution, ordinance, order, or similar means the discharge to its municipal separate storm sewers of spills, dumping, or disposal of materials other than storm water.

"(4) Control by interagency or intercooperation agreements among the governing bodies and other entities the discharge of pollutants from one portion of its municipal storm water system to another portion.

"(5) Require compliance with conditions in resolutions, ordinances, contracts, or orders.

"(6) Enter upon private property under its regulatory jurisdiction upon reasonable notice to the owner and the person in possession thereof and during normal business hours and upon the presentation of appropriate credentials for the purpose of performing investigations regarding the existence and source of contamination and determining from the owner or other appropriate individual the
methods which they will employ to stop, neutralize, remove, or
otherwise remedy the contamination, and as needed to determine
compliance or non-compliance with permit conditions, including
any prohibition of illicit discharges to its municipal
separate storm sewers. Any officer, employee, or other
authorized agent who performs the duties authorized under this
section in accordance with provisions hereof shall be immune
from arrest and prosecution for trespass while performing any
legal duty pursuant to this chapter by presenting
identification issued from the county or municipality
authorized by the governing bodies.

"(b) The governing bodies may develop and adopt
common and uniform or partly common and partly uniform
resolutions, ordinances, contracts, orders, or similar means
in their respective actions and procedures to implement this
chapter.

"(c) Any governing body may join with any other
governing body to establish or participate in or with a public
corporation, or with any other public corporation, authority,
or district authorized by the Legislature to implement this
chapter. In furtherance of this objective, any governing body
may perform any of the functions and powers provided in
Section 11-89C-4 for public corporations, and any function or
eligibility requirement provided or required for joining and
participating, and to transfer and convey to the public
corporation, with or without consideration, any facilities, real or personal property, money, or thing of value, including the services of employees through loan, detail, or assignment. "(d) Any governing body may establish, levy, and impose by resolution or ordinance, any revenue-raising measure within its jurisdiction, including, but not limited to, fees, charges, or assessments, without any referendum unless required by the Constitution of Alabama of 1901, deemed necessary to implement this chapter or to comply with all provisions of storm water laws, subject to the following: "(1) A governing body shall not establish, levy, or impose fees, charges, or assessments from or against owners and/or operators of lands and/or facilities exempted from regulation under any local storm water management program, as set out in Section 11-89C-9(a), owners of greenfields, and/or owners of agricultural land, pursuant to this subpart; "(2) A governing body may only establish, levy, or impose an annual flat fee, charge, or assessment of no more than ten dollars ($10) from or against owners of residential property, pursuant to this subpart; and "(3) A governing body may only establish, levy, or impose an annual fee, charge, or assessment from or against owners of commercial property of no more than one-half of one cent ($0.005) per square foot of commercial space on or within the property, pursuant to this subpart, provided that,
regardless of actual square footage of commercial space on or within the property, no such annual fee, charge, or assessment shall exceed three thousand dollars ($3,000). Any such fee, charge, or assessment may be levied and collected in any manner permissible by law. In addition, any such measure may include incentive provisions including reductions of waiver of all or part of such fee, charge, or assessment where the responsible entity constructs, installs, or otherwise employs or utilizes any structure, service, equipment, or system to reduce or eliminate storm water pollution. Any governing body may call upon and enter into agreements with the respective tax assessor and tax collector or other public official performing the function of the tax assessor and tax collector to assess and collect any such fees, charges, or assessments.

"(e) Any governing body may establish by resolution or ordinance necessary enforcement measures and procedures for the enforcement of rules, regulations, resolutions, ordinances, or orders through actions before a municipal, district or circuit court of competent jurisdiction, including penalties for violations in accordance with Section 11-45-9.

"(f) Any governing body may institute a civil suit for damages or injunctive relief, except as limited by Section 11-89C-11 and Section 11-89C-12, in any district or circuit court having jurisdiction for a violation of this chapter. Damages may include all costs, expenses, or other losses
resulting directly or indirectly from a violation of any rule, regulation, resolution, ordinance, order, or other provision authorized by this chapter, and may include attorney's fees, court costs, and trial expenses.

"(g) A governing body may do any and all things, whether or not specifically or expressly authorized in this section or chapter, not otherwise prohibited by law, that are necessary and convenient to do individually, and to aid and cooperate with the public corporation or other entity in carrying out the storm water laws and the purposes and intent of this chapter.

"§11-89C-10.

"(a) The tax assessor and the tax collector, or other public official performing the functions of the tax assessor and tax collector, of every county in this state shall, upon request, implement procedures necessary and appropriate in order to assess and collect the fees, charges, or assessments levied in accordance with Section 11-89C-9(d) by any governing body or member governing body, whether or not related to the value of any land.

"(b) The fees, charges, or assessments shall be a lien upon any land to which it may be levied, and shall be assessed, collected, and enforced as are other ad valorem taxes. Each county collecting such fee, charge, or assessment shall receive a two percent commission on all amounts
levied and collected which shall be deposited to the county
general fund.

"(c) On a quarterly basis not later than the 20th
day of January, April, July, and October, every governing body
shall remit five percent (5%) of all fees collected pursuant
to Section 11-89C-9(d) to the Department of Revenue. The
Department of Revenue shall timely transfer ninety-five
percent (95%) of the fees it receives to the State Treasury to
the credit of ADEM to be used exclusively to pay the costs of
performing its duties to carry out applicable programs
pursuant to the storm water laws. The Department of Revenue
shall retain the remaining five percent (5%) of the fees it
receives as an administrative collection allowance."

Section 2. Section 11-89C-15 is added to the Code of
Alabama 1975, to read as follows:

§11-89C-15.

(a) No later than 365 days after the effective date
of the 2014 amendments to this chapter, ADEM shall initiate
all actions necessary to revise its applicable regulations to
comply with and/or adhere to the 2014 amendments. As soon as
practicable following the promulgation of any necessary
revisions to its applicable regulations, ADEM shall bring its
NPDES permits into conformity with the revised regulatory
provisions. ADEM shall timely notify the governing bodies and
any existing public corporations formed pursuant to this
chapter of the date upon which the agency completed its 
obligations pursuant to this subpart.

(b) All governing bodies and any existing public 
corporations formed pursuant to the provisions of this chapter 
shall complete all actions necessary to comply with and/or 
adhere to the 2014 amendments no later than 90 days after the 
date upon which ADEM fulfilled its obligations pursuant to 
subpart (a), regardless of when the notice required by subpart 
(a) is actually received by any governing body or existing 
public corporation.

Section 3. The provisions of this act are declared 
to be severable and if any chapter, part, section, paragraph, 
subparagraph, subdivision, clause, or phrase of this act shall 
be adjudged to be invalid or unconstitutional by any court of 
competent jurisdiction, the judgement shall not affect, 
impair, or invalidate the remainder of this act, but shall be 
confined in its operation to the chapter, part, section, 
paragraph, subparagraph, subdivision, clause or phrase of this 
act that shall be directly involved in the controversy in 
which such judgment shall have been rendered.

Section 4. This act shall become effective 
immediately following its passage and approval by the 
Governor, or its otherwise becoming law.
SB355

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB355
Senate 19-MAR-14
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 03-APR-14

By: Senator Ward

APPROVED April 10, 2014

TIME 1:00 p.m.

Robert Bentley
GOVERNOR

Alabama Secretary Of State
Act Num....: 2014-439
Bill Num....: S-355
Recv'd 04/10/14  03:24pmSLF
SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill SB 355.

yeas ☒ nays ☐ abstain ☐

PATRICK HARRIS,
Secretary

HOUSE ACTION

DATE: 3-19 2014
RD 1 RFD

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Commerce & Small Business was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed w/amend(s) w/sub. This 20th day of March 2014.

Chairperson

CONFERENCE COMMITTEE

Senate Conferees ____________________________
__________________________
__________________________

RE-REFERRED RE-COMMITTED

Committee ____________________________

DATE: 3-20 2014
RD 2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 355.

YEAS 78 NAYS 17

JEFF WOODARD,
Clerk