

# HB436 INTRODUCED



1 HB436  
2 HCP4333-1  
3 By Representatives Harrison, Pettus (Constitutional Amendment)  
4  
5 RFD: Local Legislation  
6 First Read: 09-Apr-24



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SYNOPSIS:

This bill would propose an amendment to the Constitution of Alabama of 2022, to provide for the creation of the Lauderdale County Electric Board to operate the distribution system for electricity in Lauderdale County. The amendment would provide for the members of the board to be appointed by the City Council of the City of Florence and by the Lauderdale County Commission.

A BILL  
TO BE ENTITLED  
AN ACT

To propose an amendment to the Constitution of Alabama of 2022, relating to Lauderdale County, to create the Lauderdale County Electric Board; to provide for the members of the board; to transfer all duties, assets, and employees of the City of Florence Electricity Department to the board; and to provide for the operation of the distribution system for electricity in Lauderdale County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:



## HB436 INTRODUCED

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### PROPOSED AMENDMENT

30           (a) The Lauderdale County Electric Board is created to  
31 commence operation on July 1, 2025, to operate the  
32 distribution system for electricity in Lauderdale County, as  
33 formerly operated solely by the City of Florence Electricity  
34 Department.

35           (b) The Lauderdale County Electric Board shall be  
36 composed of five members. Two members of the board shall be  
37 appointed by the City Council of the City of Florence and two  
38 members of the board shall be appointed by the Lauderdale  
39 County Commission. The fifth member of the board shall be  
40 appointed for terms on a rotating basis by the Lauderdale  
41 County Commission and the City Council of the City of Florence  
42 with the person appointed to the first term to this position  
43 on the board appointed by the Lauderdale County Commission.

44           (c) In order to stagger the terms of the board, two  
45 members of the board, one appointed by the City Florence and  
46 one appointed by the Lauderdale County Commission, shall serve  
47 an initial term of two years. Thereafter, these members shall  
48 serve a term of four years. The remaining initial members  
49 shall be appointed for a term of four years. Thereafter, all  
50 members shall serve a four-year term. The term of all members  
51 shall commence on March 1, 2025. All board members shall serve  
52 at the pleasure of the appointing governing body.

53           (d) Vacancies on the board shall be appointed by the  
54 same appointing authority that appointed the member serving in  
55 the vacant seat. A new member appointed to fill a vacancy  
56 during the term of membership shall serve the remainder of the



## HB436 INTRODUCED

57 term of the vacant seat.

58 (e) Each member of the board shall be a qualified  
59 elector of Lauderdale County. No person shall serve on the  
60 board who is a member of the Lauderdale County Commission or a  
61 member of the municipal governing body of any municipality in  
62 the county or an employee or former employee of the City of  
63 Florence Electricity Department or the board.

64 (f) The board shall adopt bylaws to provide for the  
65 selection of officers of the board, the meeting days of the  
66 board, and to otherwise provide for the operation of the  
67 board. A majority of the members shall constitute a quorum of  
68 the board. The first meeting of the board shall be called by  
69 the Chair of the Lauderdale County Commission who shall  
70 preside for the election of the initial chair of the board.

71 (g) Effective July 1, 2025, the operation and  
72 management of the electric distribution system serving  
73 Lauderdale County operated by the City of Florence Electricity  
74 Department shall be transferred to the Lauderdale County  
75 Electric Board. All employees on that date of the City of  
76 Florence Electricity Department shall be transferred to the  
77 board at the same salary and with the same benefits and  
78 seniority as the employee is receiving on that date.

79 (h) Effective July 1, 2025, all books, records,  
80 supplies, funds, equipment, and any other assets of the City  
81 of Florence Electricity Department shall be transferred to the  
82 board.

83 (i) The Lauderdale County Electric Board shall succeed  
84 to any powers formerly exercised or otherwise available to the



## HB436 INTRODUCED

85 City of Florence Electricity Department to operate the  
86 electric distribution system in Lauderdale County, including,  
87 but not limited to, the exercise of the power of eminent  
88 domain as needed to provide for the operation of the electric  
89 distribution system.

90 (j) This amendment is self-executing, but the  
91 Legislature may enact additional local acts as deemed  
92 necessary to modify specific provisions of this amendment to  
93 carry out the purpose and intent of this amendment.

94 (k) Employees of the board shall continue to  
95 participate in the retirement plan of the City of Florence  
96 under the same terms and conditions as other members of the  
97 plan unless otherwise authorized by law. The board shall pay  
98 the employer's share as a contribution to the plan for each  
99 employee as determined by the actuary for the plan. Employees  
100 of the board shall contribute the employees' share to the plan  
101 in the same percentage of salary as employees of the city.

102 (l) The employees of the board shall participate in the  
103 health insurance plan for county employees on the same  
104 conditions as other county employees.

105 (m) The board shall appoint a chief executive officer  
106 who shall be responsible for the operation of the electric  
107 distribution system in accordance with the policies and  
108 directives of the board. Other employees of the board shall be  
109 appointed by the chief executive officer in accordance with  
110 personnel policies of the board.

111 (n) Any debt of the City of Florence Electricity  
112 Department shall be transferred to board as a debt of the



## HB436 INTRODUCED

113 board. This amendment shall not be construed to affect any  
114 other debt of the City of Florence.

115           Upon ratification of this constitutional amendment, the  
116 Code Commissioner shall number and place this amendment as  
117 appropriate in the constitution omitting this instructional  
118 paragraph and may make the following nonsubstantive revisions:  
119 change capitalization, hierarchy, spelling, and punctuation  
120 for purposes of style and uniformity; correct manifest  
121 grammatical, clerical, and typographical errors; revise  
122 internal or external citations and cross-references; and  
123 translate effective dates.

### 124                               END PROPOSED AMENDMENT

125           Section 2. An election upon the proposed amendment  
126 shall be held in accordance with Sections 284, 284.01, and 285  
127 of the Constitution of Alabama of 2022, and the election laws  
128 of this state. The appropriate election official shall assign  
129 a ballot number for the proposed constitutional amendment on  
130 the election ballot and shall set forth the following  
131 description of the substance or subject matter of the proposed  
132 constitutional amendment:

133           "Relating to Lauderdale County, proposing an amendment  
134 to the Constitution of Alabama of 2022, to create the  
135 Lauderdale County Electric Board to operate the distribution  
136 system for electricity in Lauderdale County; to transfer all  
137 duties, assets, and employees of the City of Florence  
138 Electricity Department to the board; to provide for the  
139 appointment of the members of the board by the City Council of  
140 the City of Florence and the Lauderdale County Commission; and



## HB436 INTRODUCED

141 to provide for the operation of the distribution system for  
142 electricity in the county.

143 Proposed by Act \_\_\_\_."

144 This description shall be followed by the following  
145 language:

146 "Yes( ) No( )."

147 Section 3. The proposed amendment shall become valid as  
148 part of the Constitution of Alabama of 2022, when approved by  
149 a majority of the qualified electors voting thereon.