

1 HB467
2 192371-1
3 By Representatives Mooney, Drake, Ellis, Weaver, Fridy and
4 Carns (Constitutional Amendment)
5 RFD: Shelby County Legislation
6 First Read: 27-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, that discharges to a Grade III or higher
16 wastewater treatment facility as classified by the Alabama
17 Department of Environmental Management, and that has
18 residential or commercial customers that are billed a flat
19 service fee or fee based on water usage shall be certified and
20 regulated by the Public Service Commission. Implementation of
21 this amendment, whether gradual or at one time, shall be
22 determined by the commission.

23 Section 2. An election upon the proposed amendment
24 shall be held in accordance with Sections 284 and 284.01 of
25 the Constitution of Alabama of 1901, now appearing as Sections
26 284 and 284.01 of the Official ReCompilation of the

1 Constitution of Alabama of 1901, as amended, and the election
2 laws of this state.

3 Section 3. The appropriate election official shall
4 assign a ballot number for the proposed constitutional
5 amendment on the election ballot and shall set forth the
6 following description of the substance or subject matter of
7 the proposed constitutional amendment:

8 "Relating to Shelby County, proposing an amendment
9 to the Constitution of Alabama of 1901, to bring certain
10 privately owned sewer systems that use public rights-of-way of
11 public roads under the jurisdiction of the Public Service
12 Commission.

13 "Proposed by Act _____"

14 This description shall be followed by the following
15 language:

16 "Yes () No ()."