

1 HB143
2 208591-1
3 By Representative Lovvorn
4 RFD: Public Safety and Homeland Security
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SYNOPSIS: This bill would require the state Emergency Management Agency to adopt guidelines for individuals and entities throughout the state to volunteer to have property designated as safer place facilities during severe weather events.

A BILL
TO BE ENTITLED
AN ACT

Relating to the state Emergency Management Agency; to require the agency to develop guidelines for the volunteer designation of safer place facilities throughout the state to protect individuals during severe weather events.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Before December 31, 2021, the state Emergency Management Agency, in cooperation with the Alabama Association of Emergency Managers and the Association of County Commissions of Alabama, shall develop uniform guidelines for use in identifying and volunteering safer place

1 facilities throughout the state. At a minimum, the guidelines
2 shall do all of the following:

3 (1) Provide local emergency management agencies with
4 methods for notifying the community about safer places.

5 (2) Provide an application process, through the
6 local emergency management agency, for those individuals and
7 entities that own or control a structure for offering all or
8 part of the structure for designation as a safer place
9 facility. At a minimum, the application shall require the
10 applicant to make a good faith determination that the
11 structure meets all criteria identified by the guidelines and
12 that the applicant will not discriminate when making the
13 structure available to the public. The application may be
14 provided through the website of the local emergency management
15 agency.

16 (3) Describe the circumstances and conditions of
17 appropriate use and length of availability of a safer place
18 facility.

19 (4) Require that the availability of a safer place
20 will be nondiscriminatory on the basis of race, color,
21 national origin, age, disability, sex, or religion.

22 (5) Provide that a designated safer place facility
23 is not required to be available to the public at all times or
24 to provide staff, food, water, medicine, electricity, air
25 conditioning, first aid, telecommunication services, or any
26 other life or health preserving goods or services before,
27 during, or after a severe weather event.

1 (6) Provide a procedure for the withdrawal of a
2 safer place designation.

3 (7) Require safer place facilities to satisfy
4 applicable building codes at the time of construction, provide
5 participants with improved protection from the elements, and
6 not pose a direct threat to the health and safety of those
7 participating including, but not limited to, the following:

8 a. A second means of exiting the facility in the
9 event of fire or other emergency.

10 b. Smoke detectors which comply with applicable
11 building codes.

12 c. Sufficient sanitary facilities that are in proper
13 operating condition, are private, and are adequate for
14 personal cleanliness and the disposal of human waste.

15 (8) Establish other procedures, criteria, and
16 guidelines as necessary to further the purposes of this
17 section.

18 (b) No state or local governmental entity shall
19 provide, or offer to provide, compensation or financial
20 support of any kind to any individual or entity relating to
21 the designation or operation of a safer place facility.

22 (c) Due to the patent and obvious dangers associated
23 with severe weather events, an individual who uses a safer
24 place facility does not acquire the status of an invitee or
25 licensee, and the individual who uses a designated safer place
26 facility does so at his or her own risk, with full knowledge
27 and appreciation of the associated risks.

1 (d) A local emergency management agency, pursuant to
2 its emergency management functions may perform any task
3 provided in the guidelines. Any individual who volunteers a
4 structure as a safer place facility pursuant to this section
5 is a volunteer for purposes of the Volunteer Service Act,
6 Section 6-5-336, Code of Alabama 1975, during the time the
7 structure is designated as a safer place. Any entity making a
8 facility available as a safer place shall be afforded the same
9 protections granted to an emergency management worker,
10 individual, partnership, association, or corporation by
11 Section 31-9-16, Code of Alabama 1975.

12 Section 2. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.