

1 SB305
2 218220-1
3 By Senator Elliott
4 RFD: Transportation and Energy
5 First Read: 09-MAR-22

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8 SYNOPSIS: This bill would require any portable
9 electrical generator to be connected in such a
10 manner as to prevent back-feeding electricity onto
11 the electrical distribution system and would
12 provide criminal penalties for a violation.

13 Amendment 621 of the Constitution of Alabama
14 of 1901, as amended by Amendment 890, now appearing
15 as Section 111.05 of the Official ReCompilation of
16 the Constitution of Alabama of 1901, as amended,
17 prohibits a general law whose purpose or effect
18 would be to require a new or increased expenditure
19 of local funds from becoming effective with regard
20 to a local governmental entity without enactment by
21 a 2/3 vote unless: it comes within one of a number
22 of specified exceptions; it is approved by the
23 affected entity; or the Legislature appropriates
24 funds, or provides a local source of revenue, to
25 the entity for the purpose.

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to utilities; to provide certain
12 requirements on the use of portable electrical generators; to
13 provide criminal penalties for a violation; and in connection
14 therewith would have as its purpose or effect the requirement
15 of a new or increased expenditure of local funds within the
16 meaning of Amendment 621 of the Constitution of Alabama of
17 1901, as amended by Amendment 890, now appearing as Section
18 111.05 of the Official Recompilation of the Constitution of
19 Alabama of 1901, as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) The Legislature finds and declares
22 the following:

23 (1) It is the intent of the Legislature in enacting
24 this section to prevent electricity generated by permanent or
25 portable electric generators used by persons from back-feeding
26 into an electrical distribution system causing possible bodily
27 injury and harm, including death, and property damage.

1 (2) The Legislature finds that every year in the
2 State of Alabama the use of permanent or portable electric
3 generators to supply power, unless appropriate safeguards are
4 used, creates extremely hazardous conditions from back-feeding
5 electric current onto electrical distribution systems of the
6 electric supplier, as defined under Section 37-14-31, Code of
7 Alabama 1975, to which the homes or businesses are connecting,
8 causing death, bodily injury, and property damage.

9 (3) The Legislature further finds that the dangers
10 created by such portable or permanent generators may be
11 mitigated for the benefit of all, including the owner of the
12 electric generator, by enacting certain safety standards to
13 mitigate the possible bodily injury, death, or property
14 damage.

15 (b) In order to prevent back-feeding electricity
16 onto the electric distribution system of the electric
17 supplier, a portable electric generator that is capable of
18 being connected directly into the electrical system of a
19 commercial, industrial, or residential structure may only be
20 connected and used if the structure's electrical system and
21 the electricity generated by the generator are isolated, at
22 the main breaker panel of the structure, from the electrical
23 distribution system.

24 (c) (1) This section does not apply to any electric
25 generator that is capable of being permanently connected to
26 the electrical system of a commercial, industrial, or
27 residential structure by way of a transfer switch or other

1 mechanism, as approved by the applicable electric supplier, so
2 that the electricity generated by the generator is prevented
3 from back-feeding onto the electric distribution system of the
4 electric supplier, except as authorized by the applicable
5 electric supplier.

6 (2) This section does not apply to a permanently
7 connected generator that runs in parallel with the electric
8 distribution system of an electric supplier or the electrical
9 system of a structure and is approved by the applicable
10 electric supplier.

11 (3) This section does not apply to a permanently
12 connected energy storage system that receives energy from a
13 generator or the applicable electric supplier, is capable of
14 running in parallel with the electric distribution system of
15 the electric supplier or the electrical system of a structure,
16 and is approved by the applicable electric supplier.

17 (d) A person who violates this section shall be
18 guilty of a Class C misdemeanor.

19 (e) (1) As used in this section, the term "electric
20 supplier" has the same meaning as provided under Section
21 37-14-31, Code of Alabama 1975.

22 (2) As used in this section, the term "generator"
23 means a facility owned and operated by a customer of an
24 electric supplier for the production of electrical energy,
25 that is capable of transmitting electrical energy to the
26 electric distribution system of the electric supplier at any

1 time, and that is intended primarily to offset part or all of
2 the customer's requirements for electricity.

3 (f) Nothing in this act affects or modifies the
4 jurisdiction of the Alabama Public Service Commission or any
5 rates or service regulations filed with the commission.

6 Section 2. Although this bill would have as its
7 purpose or effect the requirement of a new or increased
8 expenditure of local funds, the bill is excluded from further
9 requirements and application under Amendment 621, as amended
10 by Amendment 890, now appearing as Section 111.05 of the
11 Official Recompilation of the Constitution of Alabama of 1901,
12 as amended, because the bill defines a new crime or amends the
13 definition of an existing crime.

14 Section 3. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.