

1 SB216
2 95707-2
3 By Senator Sanders
4 RFD: Governmental Affairs
5 First Read: 12-JAN-10

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8 SYNOPSIS: This bill would revise certain portions of
9 Title 11 related to the operation of county
10 government and would repeal certain other sections
11 of the law related to county government which are
12 no longer applicable.

13 This bill would amend the law related to
14 bonding of county officials and employees by
15 increasing the amount of bonds, providing for
16 monies paid upon forfeiture to be paid to the
17 county, authorizing the county commission to
18 require bonds for persons appointed to public
19 boards by the county commission, authorizing the
20 boards to require bonds for employees of those
21 boards, clarifying when bonds are to be made, and
22 repealing obsolete sections related to bonds.

23 This bill would also revise the process for
24 the review and payment of claims against the
25 county, the filling of vacancies on the county
26 commission, for preparation of county assessment
27 maps, for relocation of county seats and

1 courthouses, for creation and maintenance of county
2 law libraries, and for acquisition of lands.

3 Additionally, this bill would repeal code
4 sections relating to appointing county land
5 surveyors, dipping cattle, contracting for
6 government survey field notes, and providing for
7 publication and codification of public laws.

8
9 A BILL

10 TO BE ENTITLED

11 AN ACT

12
13 Relating to county government; to revise and update
14 parts of Title 11, Code of Alabama 1975, and for this purpose
15 to amend Sections 11-1-6 and 11-1-12, relating to certain
16 general provisions; to amend Sections 11-2-1, 11-2-4, 11-2-5,
17 11-2-6, 11-2-7, 11-2-20, and 11-2-21, relating to bonds of
18 county officials; to amend Section 11-3-1, relating to county
19 commissions; to amend Sections 11-12-4, 11-12-10, 11-12-11,
20 11-12-12, 11-12-15, and 11-12-16, relating to claims and
21 demands against counties; Section 11-13-6, relating to
22 codification and publication of laws; Sections 11-16-1,
23 11-16-2, 11-16-9, 11-16-10, and 11-16-19, relating to the
24 relocation of county seats and courthouses; Section 11-18-1,
25 relating to the acquisition of lands for public purposes; and
26 Section 11-25-1, relating to county law libraries, Code of
27 Alabama 1975; and to repeal Sections 11-1-13 to 11-1-14,

1 inclusive; 11-2-22 to 11-2-27, inclusive; 11-2-30 to 11-2-34,
2 inclusive; 11-3-3; 11-5-3; 11-3-10; 11-3-15; 11-3-25; 11-7-1
3 to 11-7-12, inclusive; 11-12-1 to 11-12-3, inclusive; 11-12-9;
4 11-12-13; 11-12-15; 11-13-1 to 11-13-5, inclusive; 11-16-3 to
5 11-16-8, inclusive; 11-16-11 to 11-16-18, inclusive; 11-16-20
6 to 11-16-26, inclusive; 11-16-33 to 11-16-38, inclusive;
7 11-18-3; 11-25-2 to 11-25-3, inclusive; and 36-22-1, Code of
8 Alabama 1975.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 11-1-6, 11-1-12, 11-2-1, 11-2-4,
11 11-2-5, 11-2-6, 11-2-7, 11-2-20, 11-2-21, 11-3-1, 11-12-4,
12 11-12-10, 11-12-11, 11-12-12, 11-12-15, 11-12-16, 11-13-6,
13 11-16-1, 11-16-2, 11-16-9, 11-16-10, 11-16-19, 11-18-1, and
14 11-25-1, Code of Alabama 1975, are amended to read as follows:

15 "§11-1-6.

16 "Whenever it is determined that any money ~~to which~~
17 ~~due~~ the state is entitled and which should be paid into the
18 ~~state treasury~~ is erroneously or wrongfully paid into the
19 county treasury, ~~to the credit of any fund therein or whenever~~
20 ~~any money from any source is in the county treasury and~~
21 ~~belongs to the state, the county commission in such county~~
22 shall draw a warrant shall be drawn from the county treasury
23 made payable to the state Comptroller who shall be responsible
24 for proper distribution of the money in favor of the person
25 ~~whose duty it is to collect and pay said money into the state~~
26 ~~treasury, and it shall be the duty of the person in whose~~

1 ~~favor the warrant is drawn to collect said money and pay it~~
2 ~~into the state treasury as in other cases.~~

3 "§11-1-12.

4 "The county ~~commissions~~ commission shall have
5 ~~prepared~~ pay for the periodic preparation of county assessment
6 maps or plats showing the county boundary lines, main creeks,
7 rivers, railroads, exempt lands, public roads, subdivision of
8 lands, schoolhouses, ~~and~~ churches, ~~and~~ all lands in the county
9 which have escaped state and county taxation for the next
10 preceding five years ~~in their respective counties,~~ and which
11 ~~shall also show all subdivisions of lands made for the~~
12 ~~assessment of taxes or other purposes and shall pay for the~~
13 ~~same out of the county treasury~~ upon a request from the tax
14 assessor or other taxing official responsible for assessment
15 evidencing the need for the maps or plats.

16 "§11-2-1.

17 "(a) For the purposes of this chapter, the following
18 words have the following meanings:

19 "(1) COUNTY EMPLOYEE. An employee or clerk, deputy,
20 or employee in any county office, but shall not mean an
21 employee of the county board of education.

22 "(2) COUNTY OFFICIAL or COUNTY OFFICER. A county
23 commissioner, county taxing official, judge of probate,
24 sheriff, coroner, or a constable.

25 "(3) COUNTY TAXING OFFICIAL. A tax assessor, tax
26 collector, revenue commissioner, license commissioner, or

1 other person charged by law in a county with the assessing or
2 collecting of taxes.

3 "(b) All county officials of all counties in this
4 state and any county employee designated by law or the county
5 commission shall be required to execute official bonds payable
6 to the state of Alabama for the faithful performance of their
7 duties and such additional official bonds as from time to time
8 the public interest may demand and as may be required by the
9 provisions of law. Except for a local taxing official
10 executing bond pursuant to Section 40-4-1 or 40-5-3, any
11 official bond executed on behalf of a county official or
12 county employee on and after the effective date of this
13 amendatory act shall be made payable to the county treasury.

14 "(c) (1) In addition to the foregoing, the county
15 commission may require any person appointed by the county
16 commission to serve as director or member of any public board
17 or commission to execute an official bond for the faithful
18 performance of his or her duties on the public board or
19 commission, which bond shall be in an amount set by the county
20 commission and made payable to the board or commission upon
21 which the person will serve.

22 "(2) The governing body of any public board or
23 commission created by the county commission may require an
24 official bond for the faithful performance of his or her
25 duties from any person employed by the public board or
26 commission, which bond shall be set by the governing body of

1 the board or commission and payable to the board or commission
2 employing the person.

3 "(d) Any official bond executed under this section
4 shall be obligatory on the principal and sureties for any of
5 the grounds set out in Section 36-5-18, and in the event of
6 forfeiture, the proceeds shall be distributed to the state or
7 county fund or funds entitled to payment or reimbursement as a
8 result of the breach of office. Payment shall be made to each
9 eligible entity in proportion to the loss of or reduction in
10 public funds caused by the breach of office resulting in the
11 forfeiture.

12 "§11-2-4.

13 "~~The~~ Except as otherwise provided by law or in this
14 section, the premiums on all bonds of all county ~~officers~~
15 officials and county employees required by ~~the provisions of~~
16 this ~~Code~~ chapter, when made by surety companies shall be paid
17 by the respective counties out of the general funds of ~~said~~
18 the county; ~~except, that the~~ . The premiums on the bonds of
19 county taxing officials shall be paid on a pro rata basis by
20 each fund or agency receiving ad valorem taxes paid in the
21 county determined by computing the percentage that the total
22 collections for each fund or agency bears to the total
23 collections of ad valorem taxes. The premiums on the bonds of
24 the superintendent of education and of the ~~custodian of county~~
25 public school funds ~~chief school financial officer of the~~
26 county shall be paid by the board of education of ~~said the~~
27 county out of the three mill school tax, ~~and the premiums on~~

1 all bonds of \$1,000.00 or less shall be paid by the officer
2 making said bond.

3 "§11-2-5.

4 "Whenever, in the judgment of the county commission
5 of any county, the amount of the bond of any county official
6 or employee or clerk, deputy or employee in any county office
7 which is required to be approved by such county commission is
8 greater than is necessary, said county commission is hereby
9 authorized and empowered to reduce the amount of said bond,
10 but not below the minimum fixed by this Code. A resolution to
11 that effect shall be adopted by said county commission and
12 spread upon its minutes and a certified copy thereof served
13 upon all of the obligors in said bond. The liability of said
14 obligors under said bond so reduced for any breach occurring
15 after said reduction shall not exceed the amount of said bond
16 as so reduced. In event of such reduction the obligors shall
17 refund to said county commission the pro rata unearned premium
18 on the amount of said reduction.

19 "Whenever, in the judgment of the board of education
20 of any county the amount of the bond of the superintendent of
21 education or of the ~~custodian of county public school funds~~
22 chief school financial officer is greater than is necessary,
23 said the board of education is hereby authorized and empowered
24 to may reduce the amount of said the bond, but not below the
25 minimum fixed by this ~~Code~~ chapter. A resolution to that
26 effect shall be adopted by said the board and spread upon its
27 minutes and a certified copy thereof served upon all of the

1 obligors in ~~said~~ the bond. The liability of ~~said~~ the obligors
2 under ~~said~~ the bond ~~so~~ reduced for any breach occurring after
3 ~~said~~ the reduction shall not exceed the amount of ~~said~~ the
4 bond as ~~so~~ reduced. In event of ~~such~~ the reduction, the
5 obligors shall refund to ~~said~~ the board of education the pro
6 rata net unearned premium on the amount of ~~said~~ the reduction.

7 "§11-2-6.

8 "Official bonds required of all county
9 ~~officers~~ officials or county employees of the various county
10 commissions, boards, agencies, and commissions or any
11 additional bond that may be required ~~must~~ shall be made by a
12 surety company or surety companies or a guaranty company or
13 guaranty companies authorized by the laws of this state to
14 make ~~such~~ bonds and qualified to do business in this state.
15 Section 36-5-2 notwithstanding, the bond for a county official
16 shall be filed no later than the date that the official takes
17 office or, in the case of appointment to an office, within
18 five working days of the date the appointment is made. County
19 officials and county employees required to post bond shall be
20 required to renew or execute a new official bond at any time
21 that the original bond expires as a result of the end of a
22 term of office or otherwise.

23 "§11-2-7.

24 "Any person or corporation who is surety upon the
25 official bond of any county ~~officer~~ official or county
26 employee, ~~by whomsoever approved,~~ may discharge himself or
27 itself of ~~such~~ the suretyship upon making sworn application in

1 writing addressed to the official, county commission, board,
2 or commission required to approve such the bonds, setting
3 forth ~~such facts~~ the reason for requesting discharge. Upon the
4 filing of such the application, ~~said the~~ official, board, or
5 commission to whom such the application is addressed shall
6 forthwith cause personal written notice to be served upon ~~said~~
7 the county official or county employee as principal fixing a
8 day not less than 15 nor more than 30 days after the date of
9 the filing of such the application requiring ~~such principal~~
10 the county official or county employee to appear before him or
11 ~~it on and at a certain date and place and give~~ provide a new
12 bond. Upon the failure of ~~such principal~~ the county official
13 or county employee to give such provide the bond within the
14 time specified in such the notice, he or she vacates his or
15 her office or employment, and the official, county commission,
16 board, or commission giving such the notice ~~must~~ shall at once
17 certify such the vacation to the appointing power ~~who must~~
18 required by law to fill the vacancy. If a new bond is filed,
19 ~~the same it must shall~~ be in such the amount and filed and
20 approved as provided in this ~~Code~~ chapter. On the execution,
21 approval, and filing of such the new bond, such the original
22 surety ~~will stand is~~ discharged from all liability for any
23 breach of ~~said the~~ bond occurring thereafter, but ~~said the~~
24 discharge shall not affect the ~~previous~~ liability of any of
25 the obligors for any actions or inactions occurring prior to
26 the execution, approval, and filing of the new bond. ~~and in In~~
27 case of the discharge of any one or more obligors under this

1 section, the ~~same~~ discharge shall operate as a discharge of
2 all other obligors on ~~said~~ the bond. When the sureties on
3 either bond have made any payments thereon on account of the
4 principal obligor therein, they are entitled to the same
5 remedies and recoveries against the sureties in the remaining
6 bonds as ~~was~~ provided by ~~section~~ in Section 11-2-29. Every
7 such new or additional bond approved and filed as provided in
8 this section is binding upon the obligors from the time of its
9 approval and subjects them to the same liabilities,
10 proceedings, and remedy as are provided in relation to the
11 first official bond of ~~such officer~~ the county official or
12 county employee.

13 "§11-2-20.

14 "(a) Except where otherwise specifically provided by
15 general law in effect on the effective date of this act, the
16 bond for each county official shall be one-half of one percent
17 of the amount budgeted in the then current county budget for
18 activities conducted by or under the direction of the
19 individual county official, but the bond amount for any county
20 official shall not exceed fifty thousand dollars (\$50,000).
21 The bond for any county employee required to post bond shall
22 be set in an amount determined proper by the county
23 commission. In the alternative, the county commission may
24 execute a blanket bond covering the performance of duties of
25 all county employees in an amount determined by the county
26 commission to adequately protect all county funds and revenue.

1 "(b) When in the judgment of the county commission
2 ~~of any county any, the~~ bond provided for in this ~~Code~~ chapter
3 ~~for a county official or county employee~~ is insufficient
4 ~~either as to the penalty or the surety~~ to fully protect the
5 public interests and safeguard the public funds, ~~such the~~
6 county commission may require ~~such officer~~ the county official
7 or county employee or ~~deputy, clerk or employee in any county~~
8 ~~office~~ to make an additional bond in ~~such the~~ amount and with
9 ~~such the~~ sureties as may be approved by ~~said resolution of the~~
10 county commission, ~~provided, that the foregoing shall not~~
11 ~~apply to the county superintendent of education or the~~
12 ~~custodian of county public school funds, but, when,~~

13 "(c) When in the judgment of the county school
14 board, the bond of the superintendent of education or the
15 ~~custodian of county public school funds~~ chief school financial
16 officer of ~~said the~~ county is insufficient either in penalty
17 or surety to fully safeguard the public school funds, ~~such the~~
18 county school board shall require ~~such the~~ officer to make
19 additional bonds in ~~such the~~ amounts and with ~~such the~~
20 sureties as may be approved by ~~said the~~ board.

21 "§11-2-21.

22 "Whenever any county commission or county board of
23 education ~~of any county shall, pursuant to the provisions of~~
24 this article, ~~require~~ requires any additional bond from any
25 county official, county employee, ~~deputy, clerk~~ or employee in
26 any county office, ~~such requisition must be in writing and of~~
27 the board of education, the requirement shall be adopted by

1 resolution of the county commission or board of education
2 signed by the chair and personally served on the county
3 official, county employee, or employee of the board of
4 education required to give additional bond. The resolution
5 shall state the amount of additional bond required proper
6 ~~officer making the same and must state the date and place when~~
7 ~~and where the person cited must appear and to give such bond.~~
8 ~~and the amount thereof, and a copy of such requisition must be~~
9 ~~personally served on such person before the date specified~~
10 ~~therein. Such person must~~ The official or employee shall give
11 ~~such~~ additional bond within 15 days after the date specified
12 in ~~such requisition~~ the resolution, or and failing to do so he
13 vacates his or her office or employment if he or she fails to
14 comply., and the officer making the requisition must at once
15 certify the same to the appointing power by whom the vacancy
16 must be filled.

17 "§11-3-1.

18 "(a) Any person who is a qualified elector of the
19 county and has resided in the county for at least one year
20 prior to the date upon which he or she would take office is
21 eligible to seek office as county commissioner. In counties
22 where the county commissioners represent a certain district,
23 any person seeking office as county commissioner shall be a
24 qualified elector of and reside within the district which he
25 or she seeks to represent upon election or appointment for at
26 least one year prior to the date that he or she would take
27 office. Notwithstanding the foregoing, the one-year residency

1 requirement provided above shall not apply to the first
2 election following any redistricting of county commission
3 districts in a county. Any person serving as county
4 commissioner, at all times while in office, shall meet the
5 qualified elector and residency requirements set out herein,
6 and in the case of a district commissioner shall reside in the
7 district as it existed at the time of his or her election.

8 "(b) Unless a local law authorizes a special
9 election, any vacancy on the county commission shall be filled
10 by appointment by the Governor, and the person so appointed
11 shall hold office for the remainder of the term of the
12 commissioner in whose place he or she is appointed. ~~If the~~
13 ~~appointment occurs at least 30 days before the closing of~~
14 ~~party qualifying as provided in Section 17-13-5, the person~~
15 ~~appointed to the vacated office shall only serve until seven~~
16 ~~days after the next general election following the appointment~~
17 ~~as provided herein. The person so appointed to fill the~~
18 ~~vacancy shall meet the residency requirements in subsection~~
19 ~~(a), and shall hold office from the date of appointment until~~
20 ~~the eighth day following the next general election. If the~~
21 ~~original term in which the vacancy occurred would not have~~
22 ~~expired on the eighth day following the next general election~~
23 ~~after the appointment, the person elected at the election~~
24 ~~required by operation of this subsection shall serve for a~~
25 ~~period of time equal to the remainder of the term in which the~~
26 ~~vacancy was created. Thereafter, election for the county~~
27 ~~commission seat shall be as otherwise provided by law.~~

1 "(c) Unless otherwise provided by local law, by
2 court order, or governed by Section 11-80-12, and as otherwise
3 provided in subsection (d), there shall be in every county a
4 county commission, composed of the judge of probate, who shall
5 serve as chairman, and four commissioners, who shall be
6 elected at the time prescribed by law and shall hold office
7 for four years until their successors are elected and
8 qualified.

9 "(d) Notwithstanding any other provision of law
10 related to election canvassing, certification, or contest, the
11 term of office for county commissioner shall commence at 12:00
12 a.m. on the second Wednesday following the general election at
13 which he or she is elected and shall expire at 11:59 p.m. on
14 the first Tuesday following the day of the general election at
15 which the successor to that office is elected.

16 "(e) Each county commission shall meet on the
17 Wednesday following the election and tabulation of provisional
18 ballots pursuant to Section 17-10-2 of any one of its members
19 whose term commences on that day pursuant to subsection (d),
20 and at this meeting, shall establish the regular meeting days
21 for the county commission as provided in Section 11-3-8. The
22 meeting shall be in lieu of any meeting of the county
23 commission required by law to be held within the same calendar
24 week and shall be in all respects and for all purposes a
25 regular meeting of the county commission. The county
26 commission shall not meet following the election of any one of

1 its members until the meeting provided by this subsection,
2 unless there is a declared emergency.

3 "An emergency may be declared for the purposes of
4 this subsection upon a unanimous vote of the entire membership
5 of the county commission.

6 "(f) Except as specifically provided in subsections
7 (b) and (c), this section applies in all counties and may not
8 be altered or amended by local law. Any existing local law or
9 portion thereof in conflict with this section is specifically
10 repealed to the extent of the conflict effective with the next
11 election following September 1, 2007. It is the intent of the
12 foregoing that a portion of a local law in direct conflict
13 with this section shall be repealed, and any remaining
14 portions of the local law not in conflict shall remain in full
15 force and effect.

16 "§11-12-4.

17 "The county commission ~~must audit~~ shall investigate
18 all claims against the county, and every claim or ~~such~~ part
19 thereof ~~as~~ that is allowed ~~must~~ shall be registered in a book
20 kept for that purpose, ~~and the chairman of~~ Any claim
21 authorized shall be paid pursuant to procedures established by
22 the county commission. ~~must give the claimant a warrant on the~~
23 ~~treasury for the amount so allowed, but bonds~~ Bonds and
24 interest coupons evidencing interest on such bonds lawfully
25 issued by the county shall not be required to be registered or
26 to be proved nor shall warrants be required to issue therefor,
27 but, in addition to all other privileges, shall be held to

1 enjoy all the privileges of registered warrants from the date
2 of their lawful issue and shall be held to be allowed claims
3 from the date of their lawful issue.

4 "§11-12-10.

5 "It shall be the duty of the ~~chairman of chief~~
6 administrative officer or other person designated by the
7 county commission or such other officer as is authorized by
8 law to draw county warrants upon the county treasurer or
9 county depository to inspect and review each new or renewed
10 claim presented for payment from the public funds of the
11 county, ~~irrespective of whether such claim has previously been~~
12 ~~audited and allowed by the county commission, and such officer~~
13 ~~shall to~~ examine and determine independently with reference to
14 each of such claims whether or not the ~~expenditure of public~~
15 ~~money of the county in payment of such~~ the claim is authorized
16 by law and whether or not public funds of the county may be
17 expended for the purpose or purposes ~~shown in such~~ itemized in
18 the claim; provided, that the, and to recommend to the county
19 commission whether or not the claim should be paid pursuant to
20 procedures established by the county commission. The
21 provisions of this section and ~~sections~~ Sections 11-12-11 and
22 11-12-12 shall not apply to those claims ~~by law~~ excepted by
23 law from the requirement of audit and allowance by the
24 governing body of the county.

25 "§11-12-11.

26 "In making such The determination with reference to
27 the ~~authorized expenditure of public funds of the county in~~

1 ~~payment of the whether~~ claims so presented ~~and filed for~~
2 ~~payment with to~~ the county commissioner pursuant to Section
3 11-12-10 are valid and subject to payment, ~~such officer shall~~
4 ~~make such include~~ investigation and inquiry, ~~both as to fact~~
5 ~~and legal sufficiency,~~ as he shall deem reasonably necessary
6 to correctly ascertain the legal liability of the county ~~with~~
7 ~~reference to regarding~~ each of the claims presented for
8 payment.

9 ~~In the event it should be~~ If it is determined by
10 ~~such officer, as a result of such investigation and inquiry,~~
11 that payment of ~~such a~~ claim or claims may not lawfully be
12 made from the public funds of the county, ~~he~~ payment shall be
13 refused by the county commission ~~refuse to affix his signature~~
14 ~~to or draw warrant upon the county treasurer or county~~
15 ~~depository authorizing payment of such claim or claims from~~
16 ~~the public funds of the county.~~

17 "§11-12-12.

18 ~~Should such officer draw a warrant upon the county~~
19 ~~treasurer or county depository in~~ If the county commission
20 authorizes payment of a claim or claims not legally chargeable
21 to or payable from the public funds of the county ~~such~~
22 ~~officer, each member of the county commission, including the~~
23 chair, who votes in favor of payment shall be held jointly
24 liable with the other members of the county commission ~~of the~~
25 ~~county~~ for ~~such the~~ unauthorized or unlawful expenditure of
26 the public funds of the county and shall bear the same
27 responsibilities and suffer the same penalties as do the other

1 members of the county commission ~~of the county~~ with reference
2 to the unauthorized or unlawful expenditure of public funds of
3 the county; ~~provided, that sections.~~ Sections 11-12-10 through
4 ~~11-12-12 and 11-12-11, and this section~~ shall in no way affect
5 or repeal the protection to such official or officials as
6 provided for under written opinion of the ~~attorney general~~
7 Attorney General, section Section 36-15-19 and/or, or under
8 written opinion of the county attorney, or any combination
9 thereof.

10 "§11-12-15.

11 "~~(a)~~ The following claims are declared to be
12 preferred claims against the county, and they shall be given
13 priority in the order named:

14 "(1) Costs of ~~heating~~ maintaining the county jail,
15 ~~of supplying it with wholesome water for drinking and bathing,~~
16 ~~of keeping it in a cleanly condition and free from offensive~~
17 ~~odors and of providing it with necessary water closets and dry~~
18 ~~earth, beds, bedding and clothing; fuel; water; light;~~
19 ~~janitor's services of the courthouse and jail; premiums for~~
20 ~~fire insurance on the public buildings of the county; and~~
21 premiums on surety bonds of ~~public officers~~ county officials
22 or county employees where authorized or required by law to be
23 paid by the county.

24 "(2) Compensation of the members of the county
25 commission; compensation of deputy sheriffs, the probate
26 judge, the sheriff, the tax assessor, the county treasurer,
27 and jailers ~~for services performed by them and authorized to~~

1 ~~be paid to them by law;~~ claims for the removal of prisoners;
2 and, claims for conveying insane persons to state
3 institutions.

4 "(3) Claims for necessary ~~stationery and office~~
5 ~~supplies, including typewriters and supplies and telephones~~
6 ~~and telephone services,~~ for offices of the judge of probate
7 ~~judge,~~ tax assessor, and tax collector; and claims for the use
8 of a building or buildings for a courthouse and a jail where
9 the county does not have a suitable building or buildings for
10 a courthouse and jail; ~~and, claims of the secretary of state~~
11 ~~for certified copies of field notes.~~

12 "(4) All claims authorized to be paid from funds
13 appropriated by the county commission ~~of the county~~ to assist
14 in financing a program of agriculture and farm home life in
15 cooperation with the extension service created under an act of
16 the congress of the United States approved May 8, 1914, and
17 generally known as the Smith-Lever Act for extension work in
18 agriculture and home economics.

19 "(5) Interest on bonds ~~heretofore and hereafter~~
20 lawfully issued by the county, in the order of their issuance,
21 as evidenced by the interest coupons attached to such bonds or
22 by the bonds themselves.

23 "~~(b) For the payment of the above recited claims, in~~
24 ~~the order named, it shall be the duty of the county treasurer~~
25 ~~or custodian of the county funds to set apart a sufficient~~
26 ~~fund from the moneys of the county, and he and his official~~

1 ~~bond shall be held liable for a failure to do so, insofar as~~
2 ~~the funds of the county make it possible for him to do so.~~

3 "§11-12-16.

4 "The county commission may appropriate from the
5 general or special funds of the county such sums of money as
6 ~~such county commission~~ it shall determine from time to time
7 for the following purposes:

8 "(1) To reimburse any person, firm, or corporation
9 who in good faith has performed services, advanced money or
10 property for the use of the county, or who has in good faith
11 bought county warrants issued under invalid acts of the
12 ~~legislature for tick eradication or for building public roads~~
13 Legislature.

14 "(2) To refund to any person, firm, or corporation
15 money or ~~compensate him or it~~ compensation for services
16 rendered or money or property advanced and devoted to the use
17 of the county in procuring funds for carrying on ~~road~~
18 ~~improvement, tick eradication or any lawful public work where,~~
19 ~~after the advancement of such~~ advancing the money or property
20 or rendering the ~~rendition of such~~ service, it was declared by
21 decision of ~~the supreme~~ a court of competent jurisdiction or
22 ~~by the decision of the attorney general~~ Attorney General that
23 the county was without legal authority to pay such claims ~~on~~
24 ~~account of a defect in any law or any other reason.~~

25 "§11-13-6.

26 "(a) ~~The~~ Except as otherwise provided herein, the
27 county commission shall pay from the county treasury, at the

1 regular legal rate, the cost of the advertising of notice and
2 substance of all local bills which may be introduced in the
3 Legislature by any member of the Legislature from the county,
4 if the notice is signed by the member, whether the bill is
5 passed by the Legislature or not. If the bill is for the
6 benefit of or in reference to subjects or matters ~~exclusively~~
7 relating to one or more municipalities in the county, the
8 municipality or municipalities shall ~~reimburse the county~~ pay
9 for the cost of the advertising. If two or more municipalities
10 are liable ~~to reimburse the county~~ for payment of the cost of
11 advertising the same bill, each municipality shall pay ~~to the~~
12 ~~county~~ an amount which bears the same ratio to the total cost
13 of advertising as such municipality's population bears to the
14 total population of all the municipalities affected by the
15 bill.

16 " (b) ~~After August 1, 1998, except~~ Except in the case
17 of a bill for the benefit of or on subjects or matters
18 ~~exclusively~~ relating to one or more municipalities in the
19 county wherein the municipality or municipalities are
20 responsible for payment of the costs as set out in subsection
21 (a), if a proposed local law raising revenue for a public or
22 private local entity other than the county commission becomes
23 law, the public or private local entity receiving the proceeds
24 of the revenue raising measure shall reimburse the county
25 commission for the cost of advertising the local law from the
26 first revenues generated by the local law. If the proposed
27 local law would raise revenue for two or more local public or

1 private entities, including the county commission or a
2 municipality, each entity shall pay from the first revenues
3 generated by the law, a pro rata share of the cost of
4 advertising based upon the proposed percentage of generated
5 revenue to each entity under the local law.

6 "§11-16-1.

7 "A majority of the qualified electors of any county,
8 except those counties that have built new courthouses in the
9 past 20 years, may petition the governor in writing, ~~praying~~
10 ~~that an~~ calling for a referendum election to be held in ~~such~~
11 the county for the purpose of determining whether the county
12 seat ~~or site~~ shall be removed from the city, town, or village
13 where it is then located to another designated city, town, or
14 village in such county. The petition shall state the city,
15 town, or village petitioners request be designated as the new
16 county seat. Upon receipt of the petition, the Governor shall
17 forward the petition to the judge of probate of the county who
18 shall, within 30 days of receipt, verify that the signatures
19 on the petition are, in fact, qualified electors of the
20 county, and report his or her findings to the Governor.

21 "§11-16-2.

22 "The ~~governor~~ Governor shall, within 30 days after
23 ~~the filing of~~ receiving verification from the judge of probate
24 ~~that~~ the petition with him, ~~appoint three commissioners for~~
25 ~~such election who shall be qualified electors of such county~~
26 ~~and shall not hold any state or county office, and, thereupon,~~
27 ~~the governor shall cause them to be notified of their~~

1 ~~appointment.~~ has been signed by a majority of the qualified
2 electors in the county, issue a proclamation that the request
3 for designation of a new county seat has been made by petition
4 and declaring that the referendum shall be included on the
5 ballot at the next regularly scheduled primary or general
6 election to be held in the county. The election shall be
7 governed in all respects under the election laws of the state
8 related to referendums.

9 "§11-16-9.

10 "The ~~order~~ proclamation of the Governor may be
11 substantially as follows:

12 "Order for county seat ~~election~~ referendum. The
13 ~~state~~ State of Alabama, _____ county. A majority of the
14 qualified electors of this county having petitioned the
15 ~~governor praying that an~~ Governor calling for a referendum
16 election to be held in this county on the question of removing
17 the county seat from _____ to _____, in this county, ~~and the~~
18 ~~governor having appointed the undersigned as the board of~~
19 ~~commissioners of county seat election, as provided by law:~~ It
20 is hereby ordered that ~~an~~ the referendum election be included
21 on the ballot at the next regularly scheduled election to be
22 held at the usual voting places in this county, by the
23 qualified electors thereof, on Tuesday, the _____ day of
24 _____, 19__ , between the hours of 9:00 A.M. and 5:00 P.M. 2__ ,
25 on the question of such removal, at which election the elector
26 who desires that the county site shall remain at _____ shall
27 have written or printed on his or her ballot the words:

1 "Against removal"; and the elector who desires that the county
2 seat shall be removed to _____ shall have written or printed
3 on his or her ballot the words: "For removal to _____. "Done
4 this, the _____ day of _____, 19 2_____. (Signed _____, the
5 ~~board of commissioners of county seat election~~ Governor of the
6 State of Alabama.)

7 "§11-16-10.

8 ~~"Said commissioners shall give notice~~ Notice of the
9 date established for holding the referendum election by
10 ~~publishing a copy of said order for four consecutive weeks in~~
11 ~~a newspaper published in the county or, if there be no~~
12 ~~newspaper published in the county, by posting a copy of said~~
13 ~~order at the courthouse and at five other public places in the~~
14 ~~county, such publication to begin or such notices to be posted~~
15 ~~within 15 days from the time of making said order~~ shall be
16 made in the same manner and at the same time as provided by
17 law for notice of the primary or general election.

18 "§11-16-19.

19 ~~"Each qualified elector shall be entitled to cast~~
20 ~~one ballot and no more, which~~ The ballot must be a paper
21 ticket on which must be written or printed the words, "For
22 removal to _____," or the words, "Against removal," as the
23 elector may desire to vote. No official ballot shall be
24 required nor shall any ballot be rejected for the want of form
25 if the inspectors are able to determine therefrom how the
26 elector intended to vote. shall read as follows: Do you favor

1 the removal of the county seat from _____ to _____? ()

2 Yes or () No.

3 "§11-18-1.

4 "The several counties of the state and the county
5 commissions thereof, jointly, separately, and severally, ~~are~~
6 ~~authorized with the approval of the governor but not compelled~~
7 ~~to~~ may acquire lands by donation or purchase, ~~one~~ or both, and
8 make improvements thereon for county, state, national, and
9 public purposes. Any lands acquired shall be maintained in the
10 manner determined by the county commission to be in the best
11 interests of the public.

12 "§11-25-1.

13 "The governing body of each county may by resolution
14 ~~thereof shall have the power to~~ establish and maintain a
15 county law library for each courthouse in their respective
16 counties for the use and benefit of the county and state
17 officials, the court system, and the public; and ~~shall have~~
18 ~~the power to~~ may appropriate and set aside for the
19 establishment, maintenance, and support of ~~said libraries,~~
20 ~~such~~ the library, space and funds as it shall deem necessary
21 and appropriate. ~~All resolutions setting up county law~~
22 ~~libraries shall be filed in the probate office of the county~~
23 ~~where located and with the administrative director of courts.~~
24 Any county law library in effect on the date of the act adding
25 this language shall be deemed to have been established in
26 compliance with this section."

1 Section 2. Sections 11-1-13 to 11-1-14, inclusive;
2 11-2-22 to 11-2-27, inclusive; 11-2-30 to 11-2-34, inclusive;
3 11-3-3; 11-5-3; 11-3-10; 11-3-15; 11-3-25; 11-7-1 to 11-7-12,
4 inclusive; 11-12-1 to 11-12-3, inclusive; 11-12-9; 11-12-13;
5 11-12-15; 11-13-1 to 11-13-5, inclusive; 11-16-3 to 11-16-8,
6 inclusive; 11-16-11 to 11-16-18, inclusive; 11-16-20 to
7 11-16-26, inclusive; 11-16-33 to 11-16-38, inclusive; 11-18-3;
8 11-25-2 to 11-25-3, inclusive; and 36-22-1, Code of Alabama
9 1975, are hereby repealed.

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