

1 SB16  
2 163392-2  
3 By Senator Marsh (Constitutional Amendment)  
4 RFD: County and Municipal Government  
5 First Read: 03-MAR-15  
6 PFD: 02/02/2015

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8 SYNOPSIS: Under existing law, a county commission has  
9 limited powers. Under existing law, the power to  
10 establish new programs that provide for the  
11 administration of the affairs of the county are  
12 required to be expressly authorized by general or  
13 local law.

14 This bill would propose an amendment to the  
15 Constitution of Alabama of 1901, giving county  
16 commissions the authority to establish, subject to  
17 certain limitations, certain programs relating to  
18 the administration of the affairs of the county,  
19 including establishing personnel policies and  
20 procedures for county employees, community  
21 programs, transportation programs, programs  
22 providing for the operation of county offices, and  
23 emergency assistance programs.

24  
25 A BILL  
26 TO BE ENTITLED

1 AN ACT

2  
3 To propose an amendment to the Constitution of  
4 Alabama of 1901, that would permit each county commission in  
5 the state to establish certain programs relating to the  
6 administration of county affairs and with regard to certain  
7 specified county programs or activities.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. The following amendment to the  
10 Constitution of Alabama of 1901, is proposed and shall become  
11 valid as a part of the Constitution when all requirements of  
12 this act are fulfilled:

13 PROPOSED AMENDMENT

14 (a) Except where otherwise provided for or  
15 specifically prohibited by the constitution or by general or  
16 local law and subject to the limitations set forth herein, the  
17 county commission of each county in this state may exercise  
18 those powers necessary to provide for the administration of  
19 the affairs of the county through the programs, policies, and  
20 procedures described in subsection (b), subject to the  
21 limitations set forth in subsection (c).

22 (b) Subject to the limitations of subsections (a)  
23 and (c), each county commission in the state may establish:

24 (1) Programs, policies, and procedures relating to  
25 county personnel, including, but not limited to: Establishment  
26 of a county personnel system; the provision of employee

1 benefits; allowing a deputy to be given his or her badge and  
2 pistol upon retirement; creating employee incentive programs  
3 related to matters such as attendance, performance, and  
4 safety; creating incentive programs related to the retirement  
5 of county employees; and creating employee recognition and  
6 appreciation programs.

7 (2) Community programs to provide for clean roadways  
8 and public facilities and public property and to protect  
9 citizens from dangerous animals running loose or otherwise  
10 creating an imminent threat to persons other than the owner  
11 thereof, provided no such programs shall relate to or restrict  
12 the use of animals for hunting purposes or the use of animals  
13 being raised for sale or kept for breeding, food or fiber  
14 production purposes, or otherwise used in connection with  
15 farming, poultry and egg, dairy, livestock, and other  
16 agricultural or farming operations.

17 (3) Programs related to local transportation,  
18 including, but not limited to, public transportation programs  
19 and programs to encourage safety on public roads and  
20 rights-of-way.

21 (4) Programs related to county offices, including,  
22 but not limited to, one-stop tag programs; commissaries for  
23 inmates at the county jail; disposal of unclaimed personal  
24 property in the custody of the county; management of the  
25 county highway department; automation of county activities;  
26 and establishment of unit or district systems for the

1 maintenance of county roads and bridges. Programs involving  
2 the operation of the office of an elected county official may  
3 only be established pursuant to this subdivision with the  
4 written consent and cooperation of the elected official  
5 charged by law with the responsibility for the administration  
6 of the office.

7 (5) Emergency assistance programs, including, but  
8 not limited to, programs related to ambulance service and  
9 programs to improve county emergency management services.

10 (c) Nothing in this amendment may be construed to  
11 provide a county commission any authority to levy or assess a  
12 tax or fee or to increase the rate of any tax or fee  
13 previously established, or to establish any program that would  
14 infringe on a citizen's rights with respect to the use of his  
15 or her private property or infringe on a right of a business  
16 entity with respect to its private property. Except as  
17 authorized in subdivision (4) of subsection (b), nothing in  
18 this amendment shall authorize the county commission to limit,  
19 alter, or otherwise impact the constitutional, statutory, or  
20 administrative duties, powers, or responsibilities of any  
21 other elected officials or to establish, increase, or decrease  
22 any compensation or expense allowance for any elected  
23 officials of the county.

24 (d) Any programs, policies, or procedures proposed  
25 for adoption by the county commission pursuant to the  
26 authority granted under subsection (a) shall only be voted on

1 at a regular meeting of the county commission. Prior to the  
2 adoption of the programs, policies, and procedures, the county  
3 commission shall provide notice of its intention to consider  
4 the matter by announcing at a regular county commission  
5 meeting that the matter will be on the agenda at the next  
6 regular meeting of the county commission and that any members  
7 of the public desiring to be heard on the matter will be  
8 granted that opportunity at the meeting where the matter will  
9 be considered. Notice of the meeting at which the matter will  
10 be considered by the county commission shall be given in  
11 compliance with the notice requirements for county commissions  
12 provided in the general law.

13 Section 2. An election upon the proposed amendment  
14 shall be held in accordance with Sections 284 and 285 of the  
15 Constitution of Alabama of 1901, now appearing as Sections 284  
16 and 285 of the Official Recompilation of the Constitution of  
17 Alabama of 1901, as amended, and the election laws of this  
18 state.

19 Section 3. The appropriate election official shall  
20 assign a ballot number for the proposed constitutional  
21 amendment on the election ballot and shall set forth the  
22 following description of the substance or subject matter of  
23 the proposed constitutional amendment:

24 "Proposing an amendment to the Constitution of  
25 Alabama of 1901, to authorize each county commission in the  
26 state to establish, subject to certain limitations, certain

1 programs related to the administration of the affairs of the  
2 county.

3 "Proposed by Act \_\_\_\_\_."

4 This description shall be followed by the following  
5 language:

6 "Yes ( ) No ( )."