

1 HB193
2 163392-2
3 By Representative Davis (Constitutional Amendment)
4 RFD: Constitution, Campaigns and Elections
5 First Read: 05-MAR-15

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
27 AN ACT

1
2 To propose an amendment to the Constitution of
3 Alabama of 1901, that would permit each county commission in
4 the state to establish certain programs relating to the
5 administration of county affairs and with regard to certain
6 specified county programs or activities.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 PROPOSED AMENDMENT

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

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

23 (1) Programs, policies, and procedures relating to
24 county personnel, including, but not limited to: Establishment
25 of a county personnel system; the provision of employee
26 benefits; allowing a deputy to be given his or her badge and
27 pistol upon retirement; creating employee incentive programs

1 related to matters such as attendance, performance, and
2 safety; creating incentive programs related to the retirement
3 of county employees; and creating employee recognition and
4 appreciation programs.

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

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

19 (4) Programs related to county offices, including,
20 but not limited to, one-stop tag programs; commissaries for
21 inmates at the county jail; disposal of unclaimed personal
22 property in the custody of the county; management of the
23 county highway department; automation of county activities;
24 and establishment of unit or district systems for the
25 maintenance of county roads and bridges. Programs involving
26 the operation of the office of an elected county official may
27 only be established pursuant to this subdivision with the

1 written consent and cooperation of the elected official
2 charged by law with the responsibility for the administration
3 of the office.

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

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

21 (d) Any programs, policies, or procedures proposed
22 for adoption by the county commission pursuant to the
23 authority granted under subsection (a) shall only be voted on
24 at a regular meeting of the county commission. Prior to the
25 adoption of the programs, policies, and procedures, the county
26 commission shall provide notice of its intention to consider
27 the matter by announcing at a regular county commission

1 meeting that the matter will be on the agenda at the next
2 regular meeting of the county commission and that any members
3 of the public desiring to be heard on the matter will be
4 granted that opportunity at the meeting where the matter will
5 be considered. Notice of the meeting at which the matter will
6 be considered by the county commission shall be given in
7 compliance with the notice requirements for county commissions
8 provided in the general law.

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

15 Section 3. The appropriate election official shall
16 assign a ballot number for the proposed constitutional
17 amendment on the election ballot and shall set forth the
18 following description of the substance or subject matter of
19 the proposed constitutional amendment:

20 "Proposing an amendment to the Constitution of
21 Alabama of 1901, to authorize each county commission in the
22 state to establish, subject to certain limitations, certain
23 programs related to the administration of the affairs of the
24 county.

25 "Proposed by Act _____."

26 This description shall be followed by the following
27 language:

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"Yes () No ()."