

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

1 ENGROSSED

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3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 To propose an amendment to the Constitution of
9 Alabama of 1901, that would permit each county commission in
10 the state to establish certain programs relating to the
11 administration of county affairs and with regard to certain
12 specified county programs or activities.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. The following amendment to the
15 Constitution of Alabama of 1901, is proposed and shall become
16 valid as a part of the Constitution when all requirements of
17 this act are fulfilled:

18 PROPOSED AMENDMENT

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

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

3 (1) Programs, policies, and procedures relating to
4 county personnel, including, ~~but not limited to:~~ Establishment
5 of a county personnel system; the provision of employee
6 benefits; allowing a deputy to be given his or her badge and
7 pistol upon retirement; creating employee incentive programs
8 related to matters such as attendance, performance, and
9 safety; creating incentive programs related to the retirement
10 of county employees; and creating employee recognition and
11 appreciation programs.

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

22 ~~(3) Programs related to local transportation,~~
23 ~~including, but not limited to, public transportation programs~~
24 ~~and programs to encourage safety on public roads and~~
25 ~~rights-of-way.~~

26 (3) Programs related to public transportation and
27 programs to promote and encourage safety when using public

1 roads and rights-of-way, provided the programs do not in any
2 way conflict with general law.

3 (4) Programs related to county offices, including,
4 ~~but not limited to,~~ one-stop tag programs; commissaries for
5 inmates at the county jail; disposal of unclaimed personal
6 property in the custody of the county; management of the
7 county highway department; automation of county activities;
8 and establishment of unit or district systems for the
9 maintenance of county roads and bridges. Programs involving
10 the operation of the office of an elected county official may
11 only be established pursuant to this subdivision with the
12 written consent and cooperation of the elected official
13 charged by law with the responsibility for the administration
14 of the office.

15 (5) Emergency assistance programs, including,~~but~~
16 ~~not limited to,~~ programs related to ambulance service and
17 programs to improve county emergency management services.

18 (c) Nothing in this amendment may be construed to
19 provide a county commission any authority to levy or assess a
20 tax or fee or to increase the rate of any tax or fee
21 previously established, or to establish any program that would
22 infringe on a citizen's rights with respect to the use of his
23 or her private property or infringe on a right of a business
24 entity with respect to its private property. Except as
25 authorized in subdivision (4) of subsection (b), nothing in
26 this amendment shall authorize the county commission to limit,
27 alter, or otherwise impact the constitutional, statutory, or

1 administrative duties, powers, or responsibilities of any
2 other elected officials or to establish, increase, or decrease
3 any compensation, term of office, or expense allowance for any
4 elected officials of the county.

5 (d) Any programs, policies, or procedures proposed
6 for adoption by the county commission pursuant to the
7 authority granted under subsection (a) shall only be voted on
8 at a regular meeting of the county commission. Prior to the
9 adoption of the programs, policies, and procedures, the county
10 commission shall provide notice of its intention to consider
11 the matter by announcing at a regular county commission
12 meeting that the matter will be on the agenda at the next
13 regular meeting of the county commission and that any members
14 of the public desiring to be heard on the matter will be
15 granted that opportunity at the meeting where the matter will
16 be considered. Notice of the meeting at which the matter will
17 be considered by the county commission shall be given in
18 compliance with the notice requirements for county commissions
19 provided in the general law. Nothing herein shall authorize a
20 county commission to supersede, amend, or repeal an existing
21 local law.

22 (e) The provisions of this amendment shall not apply
23 to Jefferson County.

24 Section 2. An election upon the proposed amendment
25 shall be held in accordance with Sections 284 and 285 of the
26 Constitution of Alabama of 1901, now appearing as Sections 284
27 and 285 of the Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this
2 state.

3 Section 3. The appropriate election official shall
4 assign a ballot number for the proposed constitutional
5 amendment on the election ballot and shall set forth the
6 following description of the substance or subject matter of
7 the proposed constitutional amendment:

8 "Proposing an amendment to the Constitution of
9 Alabama of 1901, to authorize each county commission in the
10 state to establish, subject to certain limitations, certain
11 programs related to the administration of the affairs of the
12 county.

13 "Proposed by Act _____."

14 This description shall be followed by the following
15 language:

16 "Yes () No ()."

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Constitution,
Campaigns and Elections..... 05-MAR-15

Read for the second time and placed
on the calendar 1 amendment 11-MAR-15

Read for the third time and passed
as amended..... 07-APR-15
Yeas 76, Nays 17, Abstains 4

Jeff Woodard
Clerk