

HB153 ENROLLED



1 HB153
2 5VGK96M-2
3 By Representative Garrett (N & P)
4 RFD: County and Municipal Government
5 First Read: 13-Jan-26
6 PFD: 12-Jan-26



HB153 Enrolled

1 Enrolled, An Act,

2

3 Relating to county personnel boards; to add Section
4 11-43-5.3 to the Code of Alabama 1975, to authorize certain
5 municipalities to opt out from the jurisdiction of a county
6 personnel board and to require a municipality that opts out
7 from the jurisdiction of a county personnel board to create a
8 civil service system and continue the rights of employees and
9 officials vested or vesting in the county personnel board; to
10 repeal Section 11-43-5.2, Code of Alabama 1975, which
11 authorizes certain Class 8 municipalities to opt out of a
12 county personnel board; and to provide and confirm that the
13 act is retroactive and curative.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 11-43-5.3 is added to the Code of
16 Alabama 1975, to read as follows:

17 §11-43-5.3

18 (a) This section shall apply to any Class 8
19 municipality with a corporate limit lying in two counties,
20 which has a population equal to or greater than 25,000
21 according to the last decennial census and which was subject,
22 on January 1, 2023, to a county personnel board.

23 (b) (1) The governing body of a municipality, by
24 ordinance, may opt out from the jurisdiction of a county
25 personnel board, effective six months after the effective date
26 of the ordinance. A copy of the ordinance shall be transmitted
27 to the county personnel board following its passage by the
28 municipal governing body.



HB153 Enrolled

29 (2) Not less than 10 years after a municipality opts
30 out from the county personnel board's jurisdiction as provided
31 in subdivision (1), the municipality, by ordinance, may opt
32 back in to a county personnel board's jurisdiction, effective
33 six months after the effective date of the ordinance. A copy
34 of the ordinance shall be transmitted to the county personnel
35 board following its passage by the governing body.

36 (c) Any municipality that opts out from the county
37 personnel board's jurisdiction as provided in subdivision
38 (b)(1) shall create its own municipal civil service system
39 which shall ensure that the vested or vesting rights of any
40 existing appointees of the county civil service system are
41 protected and not otherwise altered or diminished, except as
42 otherwise provided for by law.

43 (d)(1) Any municipality exercising its rights under
44 this section may not engage in any type or form of
45 discrimination that is prohibited by federal or state law.

46 (2) Any municipality that elects to opt out as provided
47 in this section shall enact a policy that explicitly prohibits
48 the appointment, promotion, demotion, or dismissal of an
49 employee from any position which in any way favors or
50 discriminates against the employee because of his or her
51 political or religious opinions or affiliations or because of
52 his or her race or gender or for any other reason that is
53 prohibited by state or federal law.

54 Section 2. It is the intent of the Legislature that
55 this act be construed as retroactive and curative, and the
56 actions of any municipality that opted out from the county



HB153 Enrolled

57 personnel board's jurisdiction and created its own municipal
58 civil service system pursuant to Act 2023-460 of the 2023
59 Regular Session are hereby ratified, validated, approved, and
60 confirmed.

61 Section 3. Section 11-43-5.2, Code of Alabama 1975,
62 created by Act 2023-460 of the 2023 Regular Session and which
63 authorizes certain Class 8 municipalities to opt out of a
64 county personnel board and create its own municipal civil
65 service system, is repealed.

66 Section 4. This act shall become effective immediately.

