

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

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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

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

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

(1) Programs, policies, and procedures relating to county personnel, including, ~~but not limited to:~~ Establishment

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

8 (2) Community programs to provide for ~~clean~~
9 litter-free roadways and public facilities and public property
10 ~~and to protect citizens from dangerous animals running loose~~
11 ~~or otherwise creating an imminent threat to persons other than~~
12 ~~the owner thereof, provided no such programs shall relate to~~
13 and subject to any limitations in general law, programs
14 related to control of animals and animal nuisances, provided
15 no programs shall: a. result in the destruction of an animal
16 unless required by the public health laws of the state; or b.
17 relate to or restrict the use of animals for hunting purposes
18 or the use of animals being raised for sale or kept for
19 breeding, food or fiber production purposes, or otherwise used
20 in connection with farming, poultry and egg, dairy, livestock,
21 and other 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.~~

1 (3) Programs related to public transportation and
 2 programs to promote and encourage safety when using public
 3 roads and rights-of-way, provided the programs do not in any
 4 way conflict with general law.

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

17 (5) Emergency assistance programs, including~~7~~ ~~but~~
 18 ~~not limited to,~~ programs related to ambulance service and
 19 programs to improve county emergency management services.

20 (c) Nothing in this amendment may be construed to
 21 provide a county commission any authority to levy or assess a
 22 tax or fee or to increase the rate of any tax or fee
 23 previously established, or to establish any program that would
 24 infringe on a citizen's rights with respect to the use of his
 25 or her private property or infringe on a right of a business

1 entity with respect to its private property. Except as
2 authorized in subdivision (4) of subsection (b), nothing in
3 this amendment shall authorize the county commission to limit,
4 alter, or otherwise impact the constitutional, statutory, or
5 administrative duties, powers, or responsibilities of any
6 other elected officials or to establish, increase, or decrease
7 any compensation, term of office, or expense allowance for any
8 elected officials of the county.

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

1 (e) The provisions of this amendment shall not apply
2 to Jefferson County.

3 Section 2. An election upon the proposed amendment
4 shall be held in accordance with Sections 284 and 285 of the
5 Constitution of Alabama of 1901, now appearing as Sections 284
6 and 285 of the Official Recompilation of the Constitution of
7 Alabama of 1901, as amended, and the election laws of this
8 state.

9 Section 3. The appropriate election official shall
10 assign a ballot number for the proposed constitutional
11 amendment on the election ballot and shall set forth the
12 following description of the substance or subject matter of
13 the proposed constitutional amendment:

14 "Proposing an amendment to the Constitution of
15 Alabama of 1901, to authorize each county commission in the
16 state to establish, subject to certain limitations, certain
17 programs related to the administration of the affairs of the
18 county.

19 "Proposed by Act _____."

20 This description shall be followed by the following
21 language:

22 "Yes () No ()."

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 07-APR-15, as amended.

Jeff Woodard
Clerk

Senate	26-MAY-15	Amended and Passed
House	26-MAY-15	Concurred in Senate Amendment