

1 SB142
2 203897-1
3 By Senators Elliott, Shelnuttt and Stuttts
4 RFD: Governmental Affairs
5 First Read: 06-FEB-20

SYNOPSIS: Under existing law, the police jurisdiction in municipalities having 6,000 or more inhabitants covers all adjoining territory within three miles of the corporate limits, and the police jurisdiction in smaller municipalities extends to all adjoining territory within one and one half miles of the corporate limits.

Also under existing law, any municipality which has a three mile police jurisdiction may reduce its police jurisdiction to a mile and a half by ordinance of the municipality, but may not completely eliminate its police jurisdiction.

Also under existing law, a municipality may enforce police and sanitary regulations within the areas of the police jurisdiction beyond the corporate limits, as well as certain zoning regulations and subdivision planning requirements. The planning jurisdiction of a municipality, including the approval of subdivisions, extends for five miles beyond the corporate limits.

1 Also under existing law, a municipality may
2 fix and collect licenses for businesses within the
3 police jurisdiction, as well as levy sales and use
4 taxes within the police jurisdiction. A
5 municipality is required to prepare an annual
6 report which includes an accounting of all revenues
7 collected in the police jurisdiction and a list of
8 all services provided by the municipality within
9 the police jurisdiction, to demonstrate to the
10 Department of Examiners of Public Accounts that the
11 revenues received by the municipality from the
12 police jurisdiction are being expended within that
13 same area.

14 This bill would eliminate municipal
15 authority beyond the corporate limits of each
16 municipality, and would provide a method for each
17 judge of probate to call for a referendum to decide
18 whether to reinstate police jurisdictions within
19 that county as they currently operate. This bill
20 would also limit the jurisdiction of a municipal
21 planning commission to the corporate limits of a
22 municipality.

23 This bill would also clarify and supplement
24 the reporting requirements of municipalities as
25 they relate to revenues derived from police
26 jurisdictions.

1 This bill would specify that the bill would
2 not affect any existing public or private contracts
3 or mutual aid agreements between certain public
4 agencies.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT

9
10 Relating to police jurisdictions; No Taxation
11 Without Representation Act; to eliminate extraterritorial
12 jurisdiction of municipalities, including police jurisdiction
13 and subdivision planning jurisdiction beyond the corporate
14 limits; to provide a method for each county commission to call
15 a referendum for the reinstatement of police jurisdictions; to
16 clarify and supplement reporting requirements of
17 municipalities as they relate to revenues derived from the
18 police jurisdiction; and to specify that this act shall not
19 affect any existing contracts or mutual aid agreements between
20 certain public agencies.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. This act shall be known and may be cited
23 as the "No Taxation Without Representation Act."

24 Section 2. Notwithstanding any provision of law to
25 the contrary, and unless approved pursuant to Section 2, after
26 January 1, 2023, a municipality may not exercise any authority
27 outside the corporate limits of the municipality.

1 Section 3. (a) In the November 2020 General
2 Election, a referendum shall be held in each county to decide
3 whether the municipalities in that county shall continue to
4 exercise extraterritorial authority beyond the corporate
5 limits as provided by existing general or local law.

6 (b) (1) The judge of probate of each county of the
7 state, no less than 30 days before the date of a referendum
8 under this act, shall publicly announce the date, hours,
9 polling places, and rules for voting in the referendum, the
10 geographic areas covered by the referendum, and an explanation
11 of the possible results of the referendum.

12 (2) The judge of probate of each county of the state
13 shall set the ballot style so that each resident would get the
14 appropriate ballot at the polls. The question shall appear in
15 substantially the following form:

16 "Do you favor municipalities in _____ County
17 enforcing municipal ordinances, including taxing authority and
18 subdivision planning authority, outside of the corporate
19 limits of the municipalities as authorized under existing
20 general and local law?

21 "Yes ____ No ____"

22 (c) (1) If a majority of qualified voters vote no in
23 a referendum under this section, after January 1, 2023, a
24 municipality within the county shall not exercise authority
25 beyond the corporate limits of the municipality, except to
26 enforce ordinances within existing rights-of-way in any public
27 waterway immediately adjacent to territory within its

1 corporate limits, as well as on an uninhabited island which
2 lies directly across a public waterway from territory within
3 the corporate limits and would be contiguous with that
4 territory except for the intervention of that public waterway.
5 For purposes of this section, "uninhabited island" means any
6 land surrounded by water which has no residential or
7 commercial buildings on it.

8 (2) If a majority of qualified voters vote yes in
9 the referendum, then each municipality in that county may
10 exercise authority over a police jurisdiction beyond its
11 corporate limits as provided by Sections 11-40-10, 11-40-80,
12 11-40-81, 11-40-82, 11-40-83, 11-40-84, 11-51-91, and
13 11-51-206, Code of Alabama 1975, and as additionally provided
14 by general or local law.

15 (d) No sooner than two years after the initial
16 referendum under this section, another referendum shall be
17 conducted in the same manner by the judge of probate of any
18 county upon receipt of a written petition executed by 10
19 percent of the number of those who voted in the last county
20 election. A subsequent referendum may be called by the same
21 manner, but may not be called sooner than four years after the
22 prior referendum.

23 Section 4. (a) After the effective date of this act,
24 any taxes or fees levied in the police jurisdiction of a
25 municipality shall be specially audited for compliance to
26 ensure that the funds collected from the taxes or fees were
27 expended in the police jurisdiction of the municipality as

1 required by law. The municipality shall provide a copy of the
2 audit report to the Department of Examiners of Public Accounts
3 within 30 days of receipt of the report. Notwithstanding any
4 other provision of law, the expenditure of the funds from the
5 taxes or fees after the effective date of this act shall
6 include only the direct expenditure of funds in the police
7 jurisdiction and not the expenditure of funds for any indirect
8 or administrative expenses.

9 (b) If an audit completed under subsection (a)
10 includes findings of noncompliance with existing law, the
11 municipality shall have 12 months to correct the issues of
12 noncompliance. If the municipality does not correct the
13 noncompliance within that time, the municipality may not
14 collect any taxes or fees in the police jurisdiction of the
15 municipality until completion of an audit finding the
16 municipality in compliance.

17 Section 5. This act shall not affect any public or
18 private contracts, or any mutual aid agreements between law
19 enforcement, fire service, public safety, or emergency service
20 agencies, in existence on the effective date of this act.

21 Section 6. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.